



Government
of Canada

Gouvernement
du Canada

Federal Marine Protected Areas
Protection Standard
2023

Canada

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Purpose and context

The purpose of the Marine Protected Area (MPA) Protection Standard is to provide greater consistency and clarity on prohibited activities in federal MPAs. This Standard will help safeguard areas of our oceans that need protection from the potentially harmful effects of industrial activities.

The MPA Protection Standard is based on a recommendation from the National Advisory Panel on MPA Standards. The Panel recommended:

“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.”

The recommendation was the result of 6 months of extensive engagement across Canada:

Panel members travelled across Canada from March to September 2018, and received in-person presentations from a wide range of partners and stakeholders in 8 cities.

The panel heard from 125 individuals and received 111 submissions. These submissions and the Panel’s Final Report are available here: [National Advisory Panel on Marine Protected Area Standards](#)

“The Government will implement protection standards in our new marine protected areas . . . This includes prohibiting oil and gas exploration and exploitation, mining, dumping, and bottom trawling in all new marine protected areas.”

Jonathan Wilkinson, (former) Minister of Fisheries, Oceans, and the Canadian Coast Guard, in the Government of Canada Response to the National Advisory Panel’s Final Report, April 2019

In 2020, a federal Task Group was established to develop further specificity for each activity subject the standard. As a result of the Task Group’s work, the names of the activities have been updated to reflect the Government’s legal framework for them.

About MPAs

A marine protected area, commonly called an MPA, is a part of the ocean that is legally protected and managed to achieve the long-term conservation of nature.

MPAs may allow some current and future activities depending on their impacts to the ecological features being protected.

MPAs provide many benefits for Canadians, including environmental, economic, social, and cultural contributions.

The Laurentian Channel *Oceans Act* MPA, established in April 2019, was the first to apply the MPA Protection Standard.

Scope of application

The government plans to apply the MPA Protection Standard through legal mechanisms to the following MPAs established by federal departments and agencies after April 25, 2019:

- *Oceans Act* MPAs (Governor-in-Council) established by Fisheries and Oceans Canada
- National Marine Conservation Areas and marine components of National Parks established by the Parks Canada Agency
- Marine National Wildlife Areas, and marine portions of National Wildlife Areas and Migratory Bird Sanctuaries established by Environment and Climate Change Canada

The MPA Protection Standard applies only to activities occurring within MPA boundaries.

For MPAs established before April 25, 2019, please see each activity section.

The MPA Protection Standard will not apply to MPAs :

- using mirror federal and provincial or territorial laws or joint law(s) uniquely developed for a single MPA.
- established in the Great Lakes.
- established by *Oceans Act* Ministerial Order or by *Oceans Act* emergency Order-in-Council.

Where MPAs are established using both a federal law and a separate but complementary provincial or territorial law, the MPA Protection Standard may only apply to the federal MPA.

General exceptions

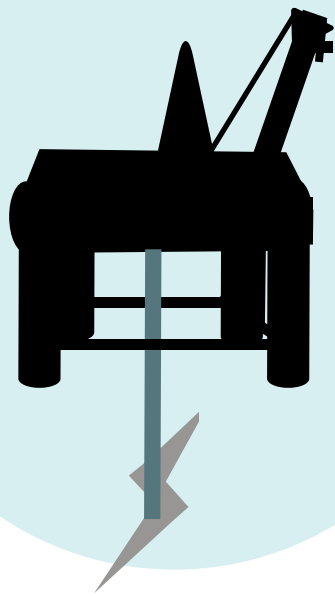
The MPA Protection Standard does not apply to any activity conducted for the following reasons:

1. public and vessel safety (the MPA Protection Standard does not apply to ballast-water exchanges and releases because these are necessary for the safe navigation of a vessel)
2. national defence
3. national security
4. law enforcement
5. responding to an emergency
6. Aboriginal and treaty rights
7. in adherence with international law
8. any other matter the Minister deems necessary for the purpose of implementing the MPA Protection Standard

While activities conducted under these 8 general exceptions are not subject to the MPA Protection Standard, they may be prohibited or further restricted according to individual protected area and other marine laws.

Activities subject to the MPA Protection Standard

Oil and gas exploration, development, and production



For MPAs established after April 25, 2019

New MPAs will prohibit any regulated oil and gas activity conducted for the purpose of oil and gas exploration, development, and production, where that activity would occur inside a newly established MPA.

Examples of prohibited petroleum (i.e. oil and natural gas) activities inside federal MPAs include, but are not limited to:

- geophysical, geotechnical, and geological surveys for petroleum exploration, development, and production purposes
- exploration and/or development drilling
- well testing
- construction and development of subsea petroleum infrastructure
- construction, installation, hook-up, and commissioning of petroleum production facilities
- production drilling and/or petroleum production, processing, separation, storage, transfer and/or re-injection
- petroleum pipeline construction and/or petroleum transmission in pipelines (unless previously approved or pre-existing petroleum pipelines)

Specific exceptions for new MPAs:

Environmental effects monitoring, in alignment with the MPA's (conservation) objectives, determined on a case-by-case basis.

For MPAs established before April 25, 2019

Existing MPAs will be reviewed to seek the voluntary relinquishment of any existing oil and gas licences, where they exist.

Should licences not be relinquished in these areas, the portion of the MPA that overlaps the licence area would no longer contribute to Canada's marine conservation targets.

Note

- Marine transportation vessels that service and/or supply the offshore oil and gas sector are not included in this prohibition.



Mineral exploration and exploitation

For MPAs established after April 25, 2019

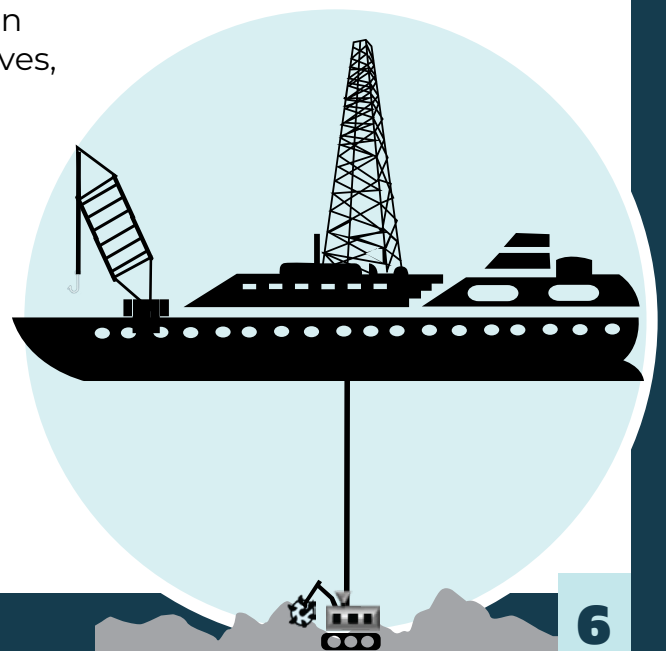
New MPAs will prohibit persons from exploring or exploiting minerals, aggregates, or any other inorganic matter.

Specific exceptions for new MPAs

Restoration, conservation, and/or scientific research activities, as identified by MPA governance and in alignment with the MPA's (conservation) objectives, determined on a case-by-case basis.

For MPAs established before April 25, 2019

Mineral exploration and exploitation does not currently occur in existing MPAs.



Disposal at sea of waste and other matter, dumping of fill, deposit of deleterious drugs and pesticides, and enhanced restrictions on vessel discharges

These activities comprise the “dumping” category of activities in the government’s 2019 response.

Disposal at sea of waste and other matter

For MPAs established after April 25, 2019

Permits will not be issued for the disposal at sea of the following regulated substances in new MPAs:

- dredged material,
- fish waste and other organic matter from industrial fish-processing operations
- ships, aircraft, platforms, or other structures
- inert, inorganic geological matter of natural origin
- bulky substances primarily composed of iron, steel, concrete, or similar matter
- uncontaminated organic matter of natural origin

Specific exceptions for new MPAs

Disposal at sea of dredged material and inert, inorganic geological matter of natural origin used for restoration or conservation purposes, as identified by MPA governance and in alignment with the MPA’s (conservation) objectives, determined on a case-by-case basis.

For MPAs established before April 25, 2019

Permits will not be issued for the disposal at sea of waste and other matter in existing MPAs.

Dumping of fill

For MPAs established after April 25, 2019

Permits will not be issued for the dumping of fill in new MPAs.

Specific exceptions for new MPAs

Restoration or conservation purposes, as identified by MPA governance and in alignment with the MPA’s (conservation) objectives, determined on a case-by-case basis.

For MPAs established before April 25, 2019

Permits will not be issued for the dumping of fill in existing MPAs.



Deposit of deleterious drugs and pesticides

For MPAs established after April 25, 2019

The deposit of deleterious drugs and pesticides will be prohibited in new MPAs.

Specific exceptions for new MPAs

Restoration or conservation purposes, as identified by MPA governance and in alignment with the MPA's (conservation) objectives, determined on a case-by-case basis.

For MPAs established before April 25, 2019

The deposit of deleterious drugs and pesticides will continue to be prohibited in existing MPAs.

Enhanced restrictions on vessel discharges

Additional limitations or prohibitions are proposed for the following vessel discharges up to 12 nautical miles in existing and new MPAs:

- oily engine bilge
- sewage (blackwater)
- greywater
- food waste
- scrubber washwater

Voluntary measures for these substances, with the addition of garbage (including food wastes) and noxious liquid substances, will be pursued in the Exclusive Economic Zone (EEZ), 12-200 nautical miles from shore, where possible.

Specific exceptions for new MPAs

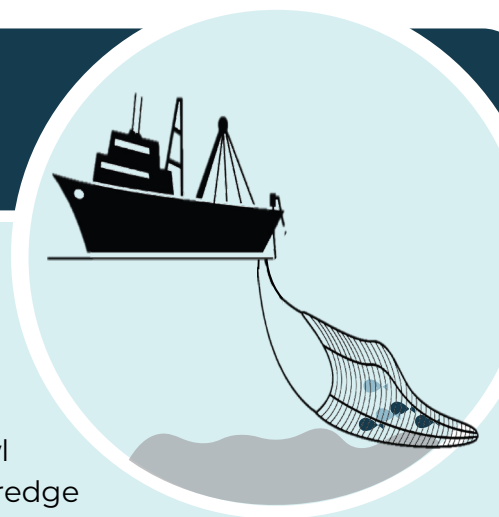
Increased restrictions on vessel discharges will be implemented where possible, noting that standard technical and operational exceptions will vary according to type of discharge.

For MPAs established before April 25, 2019

Any increased restrictions on vessel discharges in the Territorial Sea up to 12 nautical miles may apply to existing MPAs, and voluntary restrictions may be pursued in existing MPAs in the EEZ, where possible.



Bottom-trawl gear



For MPAs established after April 25, 2019

New MPAs will prohibit the following bottom-trawl gear:

- single bottom otter trawl (side or stern)
- twin (double) bottom otter trawl
- beam trawl
- shrimp trawl (also known as modified otter trawl)
- twin (double) shrimp trawl
- triple shrimp trawl
- hydraulic clam dredge
- scallop dredge and scallop drag

Bottom-trawl gear also includes, in cases where they are designed or modified to make contact with the seabed (including partial and/or occasional contact):

- pair bottom trawl,
- demersal or boat seines (Danish seine or Scottish seine)
- pair seine
- midwater (pelagic) trawl (side or stern)
- midwater (pelagic) pair trawl
- semi-pelagic trawl
- any mobile drag, rake, or dredge
- any future technological innovations and new or experimental gear types that are functionally or materially similar to other prohibited gear on this list

For further clarity, midwater gear listed above would be prohibited where modified to make seabed contact.

Specific exceptions for new MPAs

Bottom-trawl gear used in Aboriginal and treaty rights-based fisheries and for scientific research pertaining to MPA management, advancing marine ecological science, or fisheries management, in alignment with the MPA's (conservation) objectives, determined on a case-by-case basis.

For MPAs established before April 25, 2019

Existing MPAs will be reviewed as part of their ongoing management cycles to determine the compatibility of bottom-trawl gear with the MPA's (conservation) objectives, and in consultation with partners and stakeholders. Where this gear is determined to be incompatible, its use would be prohibited.

Mobile, bottom contact, trawl or dredge gear is defined as follows:

Mobile means the gear is towed or hauled by a vessel through the water, either on or off the seabed, to overrun the target species or herd them into a collecting device of some kind (e.g. a bag net). The towing or hauling mechanism must not be human-powered in order for this gear to qualify.

Bottom contact means the gear is designed or modified to make contact with the seabed (including partial and/or occasional contact). For example, a bottom-contact gear may have discs, bobbins or rollers on its footrope, or other attachments designed or modified to make contact with the bottom. Trap-based fisheries are excluded.

Trawl means any fishing gear that uses a large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

Dredge means a fishing gear consisting of a metal frame attached to a collecting device (such as a holding bag constructed of metal rings or mesh, or a rigid cage structure). As the metal frame is dragged upon or above the seabed, fish (shellfish or finfish) are pushed up and over the frame, then into the collecting device. Fish collection may be facilitated in various ways, including suction, hydraulics, or teeth or blades that push into the seabed.