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Directive

**on the Management of National
Marine Conservation Areas**



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2022


Directive on the Management of
National Marine Conservation Areas

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DIRECTIVE ON THE MANAGEMENT OF NATIONAL MARINE CONSERVATION AREAS

APPROVAL

Approved by:



Ron Hallman
President & Chief Executive Officer
Parks Canada

Approval date: November 9, 2022

EFFECTIVE DATE:

This Directive takes effect on the date that it is signed by the President and Chief Executive Officer, on behalf of the Senior Management Committee.

RESCINDED DOCUMENT(S):

Part II – Activity Policies: National Marine Conservation Areas Policy, Parks Canada Guiding Principles and Operational Policies, 1994

CONTACT:

Conservation Programs Branch, Protected Areas Establishment and Conservation Directorate

PARKS CANADA:

| | |
|---|---|
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| Intranet Site: http://intranet2/tools/prescriptive-documents/instrument-indexes/directives-decap/ | |

REVIEW:

This directive will be reviewed by the functional Vice President every five years, and updated as required.

AMENDMENTS:

| CHANGE | DATE | APPROVAL |
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DIRECTIVE ON THE MANAGEMENT OF NATIONAL MARINE CONSERVATION AREAS

1 EFFECTIVE DATE

This Directive takes effect on November 9, 2022.

2 AUTHORITIES

This Directive is issued pursuant to the *Policy on the Establishment and Management of National Marine Conservation Areas*.

3 CONTEXT

The Government of Canada is committed to protecting Canada's marine¹ environment, and has made international commitments under the Convention on Biological Diversity to establish and effectively manage marine protected areas. The creation of marine protected areas for long-term conservation is globally recognized as a nature-based solution to address the challenges of biodiversity loss and climate change. Marine protected areas also support a sustainable ocean economy by protecting the habitats and species on which resource-dependent and tourism sectors rely, thus contributing to Canada's broader blue economy goals.

Three federal organizations—Parks Canada, Fisheries and Oceans Canada, and Environment and Climate Change Canada—have mandates to establish and manage marine protected areas. The 2002 *Canada National Marine Conservation Areas Act* (CNMCAA) affirms Parks Canada’s role in contributing “to international efforts for the establishment of a worldwide network of representative marine protected areas” (CNMCAA preamble). The Act also provides the legal authority and framework for establishing and managing National Marine Conservation Areas (NMCAs). NMCAs are part of a growing national network of marine protected areas in the Atlantic, Arctic and Pacific oceans. The NMCA system also includes marine protected areas in the Great Lakes. Marine and freshwater NMCAs administered by Parks Canada contribute to the Government of Canada’s conservation targets.

NMCAs are established for the purpose of protecting and conserving representative marine areas for the benefit, education and enjoyment of the people of Canada and the world (CNMCAA s4(1)). They are managed and used in a sustainable manner that meets the needs of present and future generations without compromising the structure and function² of their ecosystems (CNMCAA s4(3)). NMCAs offer an array of ecological, cultural, social and economic benefits, including the provision of ecosystem services and opportunities to pursue cultural practices and sustainable livelihoods. NMCAs contribute to climate change mitigation, by enhancing and conserving blue carbon, and support climate change adaptation by enhancing ecosystem resilience.

While the CNMCAA provides the authority to establish NMCAs, many pieces of legislation apply to their management. Collaborative approaches respect the legislative mandates of other federal departments and the authorities of provinces, territories, and Indigenous governing bodies.

Indigenous peoples have long-standing connections with lands, waters and ice across Canada through generations of use, occupancy and stewardship. Indigenous peoples’ special constitutional relationship with the Crown is recognized and affirmed in section 35 of the *Constitution Act*. Work to establish and manage NMCAs supports Canada’s commitment to advancing reconciliation and the implementation of rights, treaty obligations and related commitments. It also upholds the *United Nations Declaration on the Rights of Indigenous Peoples* and the specific obligations within the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

Parks Canada is responsible for administering public lands in NMCAs following establishment and for administering and managing all aspects of NMCAs not assigned by law to any other Minister of the Crown (CNMCAA s8(1)). Other federal departments maintain their authorities in NMCAs and any changes in fisheries management, aquaculture, marine navigation and marine safety require agreement with the managing authority (CNMCAA s9(4) and s9(4.1)). Provinces and territories may also retain authority for some aspects of marine management, such as fisheries management³, aquaculture and harvesting.

An NMCA Policy was published in 1994 when Parks Canada’s marine program was in its infancy. The Policy on the *Establishment and Management of National Marine Conservation Areas* and this Directive align with the CNMCAA and are based on experience Parks Canada has gained through 30 years of managing NMCAs. They also reflect government priorities, improved knowledge of the marine environment, and increasing national and international recognition of the value of marine protected areas. Together, they set out requirements for managing NMCAs while providing the flexibility required to respond to local circumstances and considerations.

¹ In this Directive, “marine” refers to oceans and Great Lakes.

² In northern environments, this includes sea ice structure and function.

³ Fisheries and Oceans Canada has delegated responsibility for fisheries management in the Great Lakes to the Province of Ontario. The Province of Ontario leads commercial and recreational fisheries management in Great Lakes NMCAs.

4 PURPOSE

This Directive provides instructions on how to achieve the management requirements articulated in section 8.3 of the *Policy on the Establishment and Management of National Marine Conservation Areas* (hereafter referred to as the Policy).

5 APPLICATION

5.1 This Directive applies to all NMCAs and NMCA Reserves.⁴

5.2 This Directive applies to the seabed or lakebed and water column within NMCAs⁵. It also applies to wetlands, estuaries and other coastal lands, sea ice or lake ice and islands located within NMCA boundaries.

5.3 This Directive does not apply to the management of marine components of national historic sites, national parks or national park reserves

5.4 This Directive and its supporting instruments should be read in conjunction with relevant Government of Canada legislation, regulations, policy instruments and formal agreements⁶ (see Appendix of the Policy).

5.5 Nothing in this Directive should be construed to abrogate or derogate from the protection of existing Aboriginal and treaty rights of Indigenous peoples in Canada provided by the recognition and affirmation of those rights in section 35 of the *Constitution Act, 1982*.

6 EXPECTED RESULTS

Parks Canada expects to achieve the following long-term results through the implementation of this Directive:

6.1 Representative examples of Canada's natural and cultural marine heritage are protected and conserved for the benefit, education and enjoyment of the people of Canada and the world.

6.2 NMCA management is supported through sustained collaboration and engagement.

6.3 Reconciliation with Indigenous peoples is advanced, including through co-management of NMCAs.

6.4 NMCAs are managed in a manner that enhances ecosystem resilience to climate change and other stressors and supports the provision of ecosystem services, including carbon uptake and storage in marine habitats, and other socio-economic benefits.

⁴ With respect to Saguenay–St.–Lawrence Marine Park, jointly created and co-managed by the governments of Quebec and Canada, this Directive may, as necessary and by mutual agreement, inspire the collaboration of the co-managers.

⁵ For simplicity, NMCA is used throughout the Directive to refer to NMCAs and NMCA Reserves.

⁶ Formal agreements may include impact and benefit agreements, land claims agreements, treaties and memoranda of agreement. Key agreements that inform or guide the establishment or management of NMCAs are listed in section 1.2 of the Appendix to the Policy.

7 GUIDING PRINCIPLES

The following principles will guide decision-making and work to advance the effective management of NMCAs:

7.1 Inclusive and Collaborative

Inclusive and transparent processes are the cornerstones of sustained collaboration and engagement.

7.2 Respectful

Indigenous peoples' roles as stewards of their traditional lands and waters are recognized and honoured. Relationships are advanced based on respect for Indigenous rights, worldviews and contributions.

7.3 Ecosystem-based

Ecosystem structure and function, and the relationships among ecosystems, human uses and management actions are considered.

7.4 Knowledge-informed

Decision-making and management approaches are informed by science, Indigenous knowledge, and local perspectives. Knowledge gaps and areas of uncertainty are acknowledged.

7.5 Precautionary

Where there are threats of environmental damage, lack of certainty is not used as a reason for postponing preventive measures.

7.6 Adaptive

Management measures are evaluated and adjusted as knowledge of marine ecosystems and their stressors advances, dynamics of marine environments change and marine uses evolve.

7.7 Climate-informed

Decision-making integrates considerations for climate change mitigation and adaptation⁷ efforts that are informed by science, Indigenous knowledge and local perspectives.

⁷ Definitions for climate change mitigation and adaptation can be found in the 2011 *Federal Adaptation Policy Framework*.

8 REQUIREMENTS

Legislative requirements for NMCA management are outlined in the CNMCAA. The Policy builds on that foundation, and sets out eight management goals for NMCAs (section 8.3.1 of the Policy). The requirements listed in sections 8.1 to 8.8 outline how Parks Canada will work to achieve the eight management goals. The requirements listed in sections 8.9 to 8.12 are cross-cutting requirements that apply to all eight management goals.

All of the requirements that follow may be accomplished in collaboration with, or with the engagement of, other federal departments, provinces and territories, Indigenous governing bodies, other Indigenous organizations and individuals, coastal communities, stakeholders and the public.



8.1 GOAL 1

Protect Marine Ecosystems and Biodiversity to Maintain or Improve Ecological Sustainability

The primary goal of NMCAs is to provide for long-term ecological sustainability. Protecting ecosystems, including the diversity of species, habitats, ecological processes and ecosystem services, in all components of the marine environment, including sea or lake bed, water column, and ice, is key to achieving this goal. Self-regulating and resilient ecosystems underpin thriving cultural heritage. The knowledge of Indigenous peoples, coastal communities and other Canadians contributes to understanding marine ecosystems and identifying approaches for maintaining or restoring ecological sustainability in NMCAs.

The CNMCAA provides fundamental protections by prohibiting oil, gas, mineral and aggregate exploration and exploitation, and placing strict limits on ocean disposal. Other relevant acts and policies⁸, such as the *Canadian Environmental Protection Act*, the *Fisheries Act*, the *Species at Risk Act*, the *Migratory Birds Convention Act* and the Government of Canada marine protected areas protection standard, also apply in NMCAs and contribute to ecosystem protection.

Parks Canada may collaborate with other management authorities (section 8.8.1) to implement the following management requirements.

8.1.1 Parks Canada works with Transport Canada and Fisheries and Oceans Canada to implement the Government of Canada marine protected areas protection standard⁹ in

NMCAs established after April 2019. In NMCAs established prior to April 2019, where bottom trawling is currently allowed, the activity will be re-evaluated as part of the management planning cycle.

8.1.2 Parks Canada identifies and documents special features, sensitive ecosystem elements, and representative characteristics of the marine region.

8.1.3 Parks Canada provides long-term protection to special features, sensitive ecosystem elements, and representative characteristics of the marine region through implementation of NMCA zoning (section 8.9).

8.1.4 Parks Canada may use other management tools (section 8.10) to protect special features, sensitive ecosystem elements, and representative characteristics of the marine region.

8.1.5 Parks Canada takes action to protect and recover species at risk¹⁰ and their habitats found in NMCAs.

8.1.6 Parks Canada may undertake targeted conservation and restoration projects in NMCAs.

8.1.7 Parks Canada may undertake measures to prevent the introduction and spread of invasive alien species in NMCAs.

8.1.8 Parks Canada may undertake measures to improve ecological connectivity by contributing to regional and/or seascape-scale conservation networks or initiatives.



8.2 GOAL 2

Conserve Cultural Heritage

NMCAs conserve cultural heritage that reflects past and present uses of the marine region by Indigenous peoples, coastal communities and others. Protection measures are available for cultural resources¹¹ and heritage values, and for places identified by Indigenous peoples and coastal communities as important for their long-term well-being. In addition, Parks Canada's *Cultural Resource Management Policy* applies to all cultural resources and heritage values within NMCAs. The policy outlines requirements for identifying and assessing impacts, monitoring and conserving cultural resources, and sharing heritage values.

8.2.1 Parks Canada identifies, conserves and manages cultural resources and their associated heritage values in accordance with Parks Canada's *Cultural Resource Management Policy*.

8.2.2 Parks Canada protects cultural resources and their associated heritage values, including those identified as special features, through implementation of NMCA zoning (section 8.9) and/or other management tools (section 8.10).

⁹ The Appendix of the Policy lists major pieces of Government of Canada legislation, formal agreements, regulations and other policy instruments that inform or guide NMCA management.

⁸ Under the Government of Canada marine protected areas protection standard, announced in 2019, four key industrial activities are prohibited in all new federal marine protected areas established after April 2019, including NMCAs: oil and gas activities, mining, dumping and bottom trawling. Oil, gas, mineral and aggregate exploration and exploitation are already prohibited in NMCAs under the CNMCAA. The Act also places strict limits on ocean disposal in NMCAs. Detailed guidance to support the implementation of the Standard was under development at the time of this Directive's publication. Prohibitions outlined in the standard will be implemented through regulatory tools. More information about the standard is available at: www.dfo-mpo.gc.ca/oceans/mpa-zpm/standards-normes-eng.html.

¹⁰ Defined in the *Species at Risk Act* as an extirpated, endangered or threatened species or a species of special concern.

¹¹ Definitions for cultural resource and heritage value can be found in Parks Canada's *Cultural Resource Management Policy*.



8.3 GOAL 3

Manage Use in an Ecologically Sustainable Manner

NMCAs are managed and used in a manner that meets the needs of present and future generations without compromising ecological sustainability. A range of activities may be allowed in NMCAs, including fishing, shipping, tourism and land use, such as coastal and in-water infrastructure. Together, these activities must be conducted in a manner and at a rate and scale that are ecologically sustainable.

Parks Canada may collaborate with other management authorities (section 8.8.1) to implement the following management requirements.

8.3.1 Parks Canada facilitates activities that are compatible with management plan objectives for ecological sustainability using a variety of tools and approaches, including education and voluntary measures.

8.3.2 Parks Canada facilitates best management practices and leadership in ecologically sustainable use in NMCAs.

8.3.3 Parks Canada works with other management authorities to prohibit or restrict activities that pose risks to ecological sustainability and the achievement of management plan objectives through zoning (section 8.9) and/or other management tools (section 8.10).

8.3.4 Parks Canada works with Fisheries and Oceans Canada to ensure fisheries are managed in accordance with the *Interdepartmental Principles for Fisheries Management in Federal Marine Protected Areas*¹².

8.3.5 Parks Canada works with Transport Canada to ensure marine transportation is managed in accordance with the *Interdepartmental Principles for Marine Transportation in Federal Marine Protected Areas*.

8.3.6 Parks Canada undertakes recreational activity and special event assessments on proposed new activities and uses in NMCAs to ensure they are consistent with the CNMCAA, the management plan and other legislation, regulations, policy instruments and formal agreements (Appendix of the Policy).

8.3.7 Parks Canada undertakes strategic environmental assessments, consistent with federal government and Parks Canada policies on strategic environmental assessment (Appendix of the Policy), to assess and manage the positive, negative and cumulative impacts of proposed policies, programs and plans (e.g., management plans, visitor experience strategies) in NMCAs.

8.3.8 Parks Canada undertakes project-level impact assessments to evaluate the impacts of all proposed projects for which Parks Canada has decision-making authority, consistent with Parks Canada's policies and guidance on impact assessment (Appendix of the Policy). Parks Canada also participates as an expert federal authority in impact assessment processes for project proposals outside of NMCA boundaries that have the potential to affect NMCAs negatively.

¹² The *Interdepartmental Principles for Fisheries Management in Federal Marine Protected Areas* do not apply to NMCAs in the Great Lakes.



8.4 GOAL 4

Support Indigenous Leadership in Marine Conservation

Indigenous peoples have been stewarding the waters, ice and lands since time immemorial. Through the following requirements, Parks Canada recognizes Indigenous leadership and supports opportunities to work with Indigenous laws, knowledge and governance systems in the stewardship of traditional territories, ancestral homelands and treaty lands. In NMCAs, the exercise of Aboriginal rights under section 35 of the *Constitution Act, 1982* is respected, treaties and other agreements between Canada and Indigenous governing bodies are implemented, and the *United Nations Declaration on the Rights of Indigenous Peoples* guides decision-making.

8.4.1 Parks Canada seeks and supports partnerships with Indigenous peoples for NMCA management and decision-making through a range of relationship-building structures and co-management arrangements that benefit Indigenous peoples.

8.4.2 Parks Canada and Indigenous partners co-develop and implement projects and programs that provide active stewardship roles and honour Indigenous peoples' responsibilities.

8.4.3 Parks Canada seeks to ensure that Indigenous rights and priorities related to stewarding NMCAs are understood and reflected in planning and decision-making processes.

8.4.4 Parks Canada collaborates with Indigenous partners to increase awareness and appreciation of Indigenous contributions to marine conservation.



8.5 GOAL 5

Contribute to the Well-Being of Indigenous Peoples and Coastal Communities

The marine environment is fundamental to the social, cultural and economic well-being of Indigenous peoples and coastal communities. Access and use continue in NMCAs and are important for food security and cultural continuity. NMCAs contribute to well-being by protecting and conserving marine ecosystem services, such as climate regulation and local food sources. NMCAs also facilitate opportunities to pursue recreational activities and sustainable livelihoods.

Approaches to working with Indigenous peoples in NMCAs recognize and uphold Canada's obligations and commitments, and respond to the varying cultural, social, legal, and rights contexts of Indigenous peoples across Canada. NMCAs promote Indigenous leadership and cultural continuity and enhance intangible benefits for Indigenous peoples and coastal communities, such as connection to nature and a sense of place.

8.5.1 Parks Canada works with Indigenous peoples and coastal communities to set objectives for continued access and ecologically sustainable use of NMCAs through the management planning process.

8.5.2 Parks Canada works with Indigenous peoples and coastal communities to protect important food sources and improve local food security.

8.5.3 Parks Canada works with Indigenous peoples and coastal communities to identify ways to support cultural and spiritual practices and facilitate intergenerational sharing of knowledge.

8.5.4 Parks Canada facilitates economic opportunities for Indigenous peoples and coastal communities.

8.5.5 Parks Canada promotes NMCAs in ways that reflect the values and perspectives of Indigenous peoples and coastal communities, encourage local recreation and tourism services, and enhance opportunities for local businesses.



8.6 GOAL 6

Facilitate Opportunities for Meaningful Visitor Experiences

In NMCAs, people discover and experience the marine world, and these connections lead to a deeper understanding of and appreciation for Canada's natural and cultural heritage. NMCAs provide opportunities for recreational use and enjoyment of marine and coastal areas, and encourage visitors to learn more about the oceans and the Great Lakes. Through these experiences, visitors forge new connections with Canada's natural and cultural heritage in ways that are meaningful to them.

8.6.1 Parks Canada offers and/or supports a range of high-quality experiences that meet management plan objectives and provide opportunities for visitors to learn about and enjoy NMCAs, and broaden their appreciation for the marine environment.

8.6.2 Parks Canada manages visitor experiences consistent with Parks Canada's visitor experience policies and guidance.

8.6.3 Parks Canada collaborates with Indigenous peoples to develop and deliver visitor programs and products that present Indigenous values, perspectives and cultures.

8.6.4 Parks Canada may provide opportunities for active visitor involvement in NMCA management through volunteer and stewardship activities.

8.6.5 Parks Canada provides opportunities for visitors with a range of abilities, backgrounds and interests to experience NMCAs by supporting the provision of accessible, inclusive and diverse facilities, services and programs.

8.6.6 Parks Canada manages visitation to provide quality visitor experiences while conserving natural and cultural heritage.

8.6.7 Parks Canada plans for visitors and invests in visitor infrastructure to offer a diverse range of quality experiences, optimize revenue and improve financial sustainability.



8.7 GOAL 7

Enhance Awareness and Understanding of NMCAs

Parks Canada promotes public awareness, appreciation and support of natural and cultural heritage to foster strong connections between Canadians and the oceans and Great Lakes, actively engage people in marine conservation, and reinforce their role as marine stewards. Parks Canada also plays a role in increasing public understanding of Indigenous connections to and responsibilities for lands, ice and waters within NMCAs, and the longstanding relationship of coastal communities to NMCAs.

8.7.1 Parks Canada develops and delivers a range of communication, interpretive, education, outreach, and promotion initiatives at NMCAs, regionally and nationally. This can include in-person, non-personal and virtual approaches.

8.7.2 Parks Canada collaborates with Indigenous peoples to present and share their heritage and culture.

8.7.3 Parks Canada provides opportunities for coastal communities to present and share their heritage and culture.

8.7.4 Parks Canada targets communications, promotion and outreach activities to key audiences in priority markets to increase awareness of, and appreciation and support for, marine conservation and NMCAs.

8.7.5 Parks Canada works with knowledge-holders to share information, where appropriate, from multiple sources, including science, Indigenous knowledge and local perspectives.

8.7.6 Parks Canada increases awareness and understanding of ecologically sustainable marine uses, best practices and the importance of ecological sustainability.

8.7.7 Parks Canada supports building ocean literacy and a conservation ethic among Canadians.



8.8 GOAL 8

Advance Effective Collaboration for Management

Sustained collaboration and engagement are fundamental to the success of the NMCA program. NMCA management is shaped through collaboration and engagement that bring a diversity of knowledge, perspectives and active participation to the protection and conservation of these special places.

8.8.1 Parks Canada collaborates with other federal departments, provinces and territories, and Indigenous governing bodies to manage NMCAs.

8.8.2 Parks Canada may enter into agreements with other federal departments, provinces and territories, Indigenous governing bodies, and others to manage NMCAs (CNMCAA s8(4)), and may form site-level governance bodies.

8.8.3 Parks Canada works with Indigenous peoples to incorporate Indigenous knowledge, interests, values and perspectives into NMCA management and decision-making.

8.8.4 Parks Canada establishes a management advisory committee for each NMCA to provide advice and guidance on the formulation, review and implementation of the management plan, and may establish other advisory committees (CNMCAA s11(1) and s11(2)).

8.8.5 Parks Canada provides a range of opportunities for coastal communities, stakeholders and the public to be involved in NMCA management and considers their knowledge, interests, values and perspectives in NMCA management.

8.8.6 Parks Canada works with other authorities to enforce legislation and regulations that apply in NMCAs, consistent with Parks Canada's policies and guidance on law enforcement.

8.8.7 Parks Canada participates in regional and/or seascape-scale planning and conservation initiatives to maintain or improve ecological sustainability, advance other management goals, collaborate with adjacent protected areas, contribute to marine protected area networks and strengthen relationships with adjacent jurisdictions.

8.9 MANAGEMENT PLANNING AND ZONING

Parks Canada provides strategic direction for NMCAs through management plans, which are developed on a regular cycle in accordance with the CNMCAA, other applicable legislation, regulations, Parks Canada's policies and guidance for management planning, other policy instruments and formal agreements.

Parks Canada may collaborate with other management authorities (section 8.8.1) to implement the following management requirements.

8.9.1 As part of the management planning process, each NMCA is divided into zones. Each NMCA must have at least one fully protected zone¹³ (zone 1 or 2) and one ecologically sustainable use zone (zone 3 or 4). See Appendix A for the zoning framework.

8.9.2 Parks Canada works towards the long-term goal of placing the majority of each NMCA in fully protected zones (zone 1 and/or 2)¹⁴.

8.9.3 Parks Canada considers positive, negative and cumulative socio-economic impacts to Indigenous peoples, stakeholders and coastal communities when developing zoning plans.

8.9.4 Parks Canada may incorporate objectives to reduce conflicting uses when developing zoning plans.

8.9.5 Parks Canada ensures that zones are of sufficient size and configuration to achieve zone objectives (Appendix A).

8.9.6 Parks Canada considers adjacent land and marine use when developing zoning plans and strives for ecological connectivity, ease of navigation, and management coherence.

8.9.7 Once the management plan is approved, zoning is implemented through regulations by the appropriate authority or authorities.

8.10 OTHER MANAGEMENT TOOLS

Other management tools, including regulatory tools administered by other federal departments, provincial and territorial governments, and Indigenous governing bodies, may be used to manage NMCAs consistent with the CNMCAA, the management plan and other applicable legislation, regulations, policy instruments and formal agreements (Appendix of the Policy).

Parks Canada may collaborate with other management authorities (section 8.8.1) to implement the following management requirements.

8.10.1 Permits and other authorizing instruments may be used to give individuals, organizations or businesses the authority to carry out an activity or use in an NMCA subject to conditions (CNMCAA s16(1)). Permits or other authorizing instruments may be tied to specific areas and/or zones.

8.10.2 Legal instruments under other authorities (e.g., designated shipping areas, area-based fisheries closures) may be used to support NMCA management.

8.10.3 Temporary closures may be used to restrict specific activities or access to certain areas (e.g., floe edges of ice) in NMCAs on a case-by-case basis for the purpose of resource protection, public safety or other management requirements (CNMCAA s16(1)).

8.10.4 Voluntary measures (e.g., voluntary vessel speed reduction in marine mammal areas) may be used to support NMCA management.

8.10.5 Distinct geographic areas that face complex conservation and/or access and use issues that warrant different management approaches may be designated special management areas.

8.11 CLIMATE CHANGE MITIGATION AND ADAPTATION OPPORTUNITIES

NMCAs present opportunities across all program areas to integrate climate change considerations in support of established climate change mitigation targets. Parks Canada enhances the climate resilience of NMCAs and their natural ecosystems through adaptation efforts based on an improved understanding of climate change challenges and opportunities. By addressing climate change in an integrated, long-term and sustainable manner, Parks Canada also prioritizes human health, safety and security.

8.11.1 Parks Canada assesses and integrates opportunities for climate change mitigation through the protection and enhancement of natural ecosystem carbon storage and uptake, in concert with biodiversity conservation targets and other management goals.

8.11.2 Parks Canada reviews and integrates opportunities for climate change mitigation and greening operations in its activities, processes, investments, planning and decision-making, in support of established targets.

8.11.3 Parks Canada assesses and integrates climate change adaptation goals and objectives, based on current knowledge and efforts to improve understanding and advance climate-smart management practices, in support of its program planning and decision-making processes to account for current and future climate trends and projections, and to support ecosystem resilience and resilient operations in the face of climate change.

8.12 MONITORING AND RESEARCH

Parks Canada implements monitoring programs to assess progress towards implementing management plan objectives, strengthen NMCA management effectiveness and meet legislative reporting requirements. A range of research and monitoring activities may be allowed in NMCAs. Parks Canada facilitates research activities that will improve understanding of marine environments and contribute to management effectiveness.

8.12.1 Parks Canada monitors a suite of national indicators to assess the state of the NMCA and progress towards NMCA management goals (sections 8.1–8.8).

8.12.2 Parks Canada ensures that monitoring and research activities are conducted in accordance with NMCA management plans, legislation, regulations, other policy instruments, permitting processes and applicable agreements, and include Indigenous engagement where appropriate.

8.12.3 Parks Canada promotes collaborative consideration of Indigenous, local and scientific knowledge to inform approaches to monitoring, assessment and research in ways that preserve and respect the integrity of each knowledge system.

8.12.4 Parks Canada supports using NMCAs as benchmarks or sentinel sites to monitor changes in the marine environment, including the responses of marine ecosystems to climate change impacts over time.

8.12.5 Parks Canada establishes priorities to guide research and monitoring in each NMCA.

8.12.6 Parks Canada encourages monitoring and research activities that improve understanding of how current and projected environmental change, including climate change, will influence NMCAs.

¹³ Fully protected zones prohibit extractive use except for Indigenous traditional use, which continues in all zones.

¹⁴ Parks Canada recognizes that it may take time for some NMCAs to meet this target.

9 ACCOUNTABILITIES AND RESPONSIBILITIES

9.1 President & Chief Executive Officer (PCEO)

9.1.1 The PCEO has overall accountability for NMCA management.

9.1.2 The PCEO ensures that legal obligations of the Minister responsible for Parks Canada, as stated in applicable legislation and land claim agreements related to NMCA management, are fully met.

9.1.3 The PCEO approves this Directive.

9.2 Vice-President, Protected Areas Establishment and Conservation (PAEC) Directorate

9.2.1 The Vice-President, PAEC is accountable for providing national leadership for establishment and management of NMCAs, including the development, review and amendment of the NMCA Policy, this Directive, and any sub-instruments.

9.2.2 The Vice-President, PAEC is accountable for interpreting the NMCA policy and providing policy advice and relevant expertise to support operations in meeting their conservation management accountabilities.

9.2.3 The Vice President, PAEC approves standards and guidelines related to the management of NMCAs.

9.2.4 The Vice-President, PAEC is accountable for representing Parks Canada at federal, provincial, territorial, and international fora related to the management of NMCAs at the Assistant Deputy Minister level.

9.3 Senior Vice-President, Operations and Operational Executive Directors

9.3.1 The Senior Vice-President, Operations is accountable for the implementation of this Directive, with the advice and support of functional Vice-Presidents.

9.3.2 The operational Executive Directors sign regional memoranda of understanding and agreements in relation to the management of NMCAs.

9.3.3 The operational Executive Directors are responsible for representing Parks Canada at federal, provincial, territorial, and international fora related to the management of NMCAs at the regional level.

9.3.4 The operational Executive Directors lead engagement with other federal departments, provinces and territories, Indigenous organizations and stakeholders that have regional interests in NMCA management.

9.4 Other Vice-Presidents

(e.g., External Relations and Visitor Experience Directorate, Indigenous Affairs and Cultural Heritage Directorate, Strategic Planning and Policy Directorate)

9.4.1 Other Vice-Presidents are accountable for the development, review and amendment of policy instruments in areas that are under their functional leadership and that apply to the management of NMCAs (e.g., Directive on Management Planning and Reporting).

9.4.2 Other Vice-Presidents will ensure, in consultation with other senior managers, that policy instruments and programs applicable to NMCA management are aligned with this Directive.

9.4.3 Other Vice-Presidents are accountable for providing expert advice on their functional areas related to the management of NMCAs.

9.5 Executive Director, Conservation, Protected Areas Establishment and Conservation (PAEC) Directorate

9.5.1 The Executive Director, Conservation is accountable for providing strategic leadership, direction and oversight for the management of NMCAs, including the development, review and amendment of the NMCA Policy, this Directive, and any sub-instruments, and for providing advice and guidance for their implementation.

9.5.2 The Executive Director, Conservation is responsible for representing Parks Canada at federal, provincial, territorial, and international fora related to the management of NMCAs at the Director General level.

9.6 Director of Conservation Programs

9.6.1 The Director of Conservation Programs, in collaboration with other PAEC directors, is accountable for providing policy direction, functional leadership, and science and technical support related to the management of NMCAs.

9.6.2 The Director of Conservation Programs is accountable for providing leadership and direction for the management of NMCAs, including the development, review and amendment of the NMCA Policy, this Directive, and any sub-instruments, and for providing advice and guidance for their implementation.

9.6.3 The Director of Conservation Programs approves tools (e.g., best practices, handbooks, communications products, audit products) related to the management of NMCAs.

9.6.4 The Director of Conservation Programs is responsible for representing Parks Canada at federal, provincial, territorial, and international fora related to the management of NMCAs at the Director level.

9.6.5 The Director of Conservation Programs obtains legal advice in relation to NMCA management questions relevant to national concerns.

9.7 Field Unit Superintendent (FUS)

9.7.1 The FUS is accountable for the implementation of this Directive within the field unit, including the planning and delivery of related activities.

9.7.2 The FUS signs site-level memoranda of understanding and agreements.

9.7.3 The FUS ensures that NMCA management complies with the CNMCAA, the management plan and other applicable legislation, formal agreements, regulations and policy instruments (Appendix of the Policy).

9.7.4 The FUS directs field unit collaboration with other federal departments, provinces and territories, and Indigenous governing bodies for site-level NMCA management.

9.7.5 The FUS ensures that decision-making is informed by the best available knowledge.

10 PROCEDURES

The Conservation Programs Branch will develop and maintain a set of procedures including standards, guidelines and other tools for the protection and conservation of NMCAs.

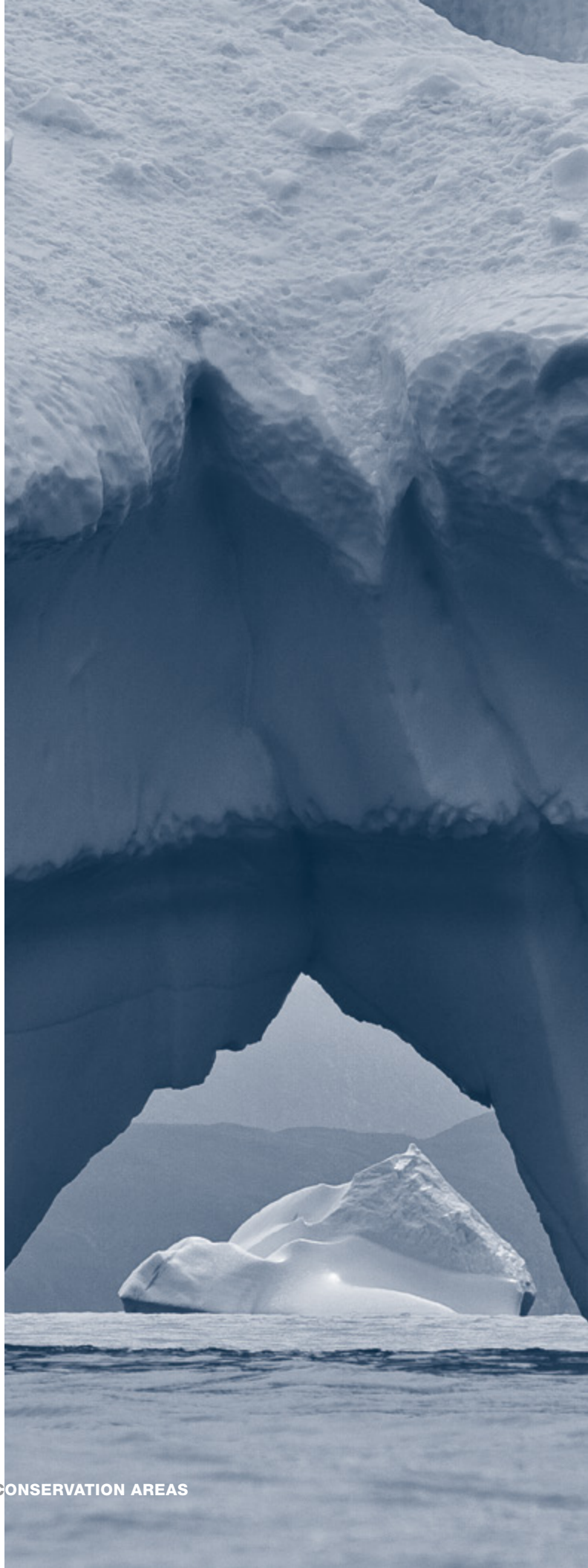
11 MONITORING AND EVALUATION

11.1 MONITORING

The Vice-President, PAEC reviews this directive every five years, identifies aspects that can be enhanced through a continuous improvement program, and makes updates as required.

11.2 EVALUATION

The Office of Internal Audit and Evaluation may periodically conduct independent audits and evaluations focused on some or all aspects of this Directive as part of Parks Canada's risk-based audit and evaluation plans or on the direction of the PCEO.



12 DEFINITIONS

The following definitions clarify how terms used in this Directive should be interpreted.

Coastal community

A group of people who live adjacent to an NMCA, use an NMCA for their livelihood or cultural practices, and have been affected in some way by the establishment of an NMCA.

Coastal community well-being

A state in which coastal communities derive long-term social, economic and cultural benefits from NMCAs.

Ecological sustainability

A state in which marine ecosystems are self-regulating and resilient, and whose structure, function and capacity to provide ecosystem services are not compromised.

Ecologically sustainable use

Use of marine resources in a manner that meets the needs of present and future generations without compromising ecological sustainability.

Indigenous governing body

A council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the *Constitution Act, 1982*.

Indigenous peoples

A collective name for the original peoples in Canada and their descendants. The *Constitution Act, 1982* recognizes three distinct groups of Indigenous peoples: First Nations, Métis and Inuit.

Marine protected area

An area in the marine environment that is defined and managed through legal and/or other effective means to achieve the long-term conservation of nature with associated ecosystem services and cultural values (adapted from the International Union for Conservation of Nature).

Marine region

A distinct geographic unit of the marine and Great Lakes environment defined by Parks Canada based on biological, ecological, oceanographic or limnological, and geological characteristics. Parks Canada has identified 29 marine regions in Canada and aims to represent each of these regions in the NMCA system.

Network of marine protected areas

A collection of marine protected areas that operate together to safeguard important ecological components of the ocean and marine biodiversity.

NMCA Reserve

An area or a portion of an area proposed for an NMCA that is subject to a claim in respect of Aboriginal rights accepted for negotiation by the Government of Canada. An NMCA reserve is established and managed in the same manner as an NMCA, but the status of the area is subject to the final resolution of the claim in respect of Aboriginal rights.

Ocean literacy

An understanding of how the ocean influences us and how we influence the ocean (Canadian Ocean Literacy Coalition).

Representative

A quality reflecting the characteristics of a marine region, such as its ecological, oceanographic or limnological, geological and cultural characteristics.

Sensitive ecosystem element

An ecosystem element that is at risk of being lost or compromised due to its intolerance to disturbance.

Special feature

A natural or cultural feature of outstanding or unique value within an NMCA or marine region due to its rarity or particular importance.



APPENDIX A: NMCA ZONING FRAMEWORK

The NMCA zoning framework is comprised of four zones, each with a specific purpose, objectives and set of allowable activities and uses.

Table A1 defines the purpose and objectives of each zone. Table A2 indicates the allowable activities and uses in each zone. Activities allowed at the national level may be restricted at the site level through the NMCA management plan and other management tools. Indigenous traditional use¹⁵ continues in all zones.

TABLE A1: NMCA ZONE PURPOSE AND OBJECTIVES

| | | | |
|--|---|--|--|
| <p>ZONE 1 STRICT PROTECTION</p> <p>PURPOSE Strictly protects special features and sensitive ecosystem elements that are susceptible to disturbance. Access and extractive use are prohibited.</p> | <p>ZONE 2 GENERAL PROTECTION</p> <p>PURPOSE Protects special features, sensitive ecosystem elements and representative characteristics of the marine region while providing for compatible access and non-extractive uses. Extractive use is prohibited.</p> | <p>ZONE 3 HABITAT PROTECTION</p> <p>PURPOSE Protects specific habitats while providing for compatible access and extractive uses. Some uses are prohibited to support specific habitat conservation objectives.</p> | <p>ZONE 4 MULTIPLE USE</p> <p>PURPOSE Sustains the greatest range of uses that do not compromise ecological sustainability, cultural resources or heritage values.</p> |
| <p>OBJECTIVES</p> | <p>OBJECTIVES</p> | <p>OBJECTIVES</p> | <p>OBJECTIVES</p> |
| <ul style="list-style-type: none"> ▷ To protect special features and/or sensitive ecosystem elements in as undisturbed a state as possible. ▷ To restore or recover depleted or degraded special features and/or sensitive ecosystem elements. ▷ To provide reference areas for research. ▷ To contribute to maintaining biodiversity. | <ul style="list-style-type: none"> ▷ To protect representative characteristics of the marine region and contribute to maintaining biodiversity. ▷ To protect special features and/or sensitive ecosystem elements. ▷ To restore or recover depleted species or degraded habitats. ▷ To provide research opportunities. ▷ To provide opportunities for education and non-extractive recreation. ▷ To foster awareness, understanding and enjoyment of NMCAs. | <ul style="list-style-type: none"> ▷ To protect, conserve or restore a specific habitat. ▷ To support a range of uses that do not conflict with the specific conservation objective(s) of the zone. ▷ To provide opportunities for research, education and appreciation of the habitat protected by the zone. | <ul style="list-style-type: none"> ▷ To foster a range of uses that do not compromise ecological sustainability, cultural resources or heritage values. ▷ To provide research opportunities in areas with multiple uses. ▷ To provide opportunities for education and recreation. ▷ To foster awareness, understanding and enjoyment of NMCAs. |

¹⁵ Indigenous traditional use is not defined in this Directive. Parks Canada works with Indigenous partners at the site level to understand what traditional uses and activities are carried out within an NMCA through the relationship-building structure or co-management arrangement (8.4.1).

TABLE A2: NMCA ZONE ALLOWABLE USES AND ACTIVITIES¹⁶

✓ ALLOWED. Activity or use is generally consistent, at the national level, with the purpose and objectives of the zone and is allowed, subject to applicable legislation, regulations, site-specific review processes, authorizations and permitting requirements.

C CONDITIONAL. Activity or use will be assessed at the site level during zoning development. Activity may be allowed (✓) if it aligns with the purpose and objectives of the zone.

X NOT ALLOWED. Activity is inconsistent with the purpose of the zone or the NMCA and is not allowed.

| ACTIVITIES AND USES | FULL PROTECTION ZONES | | ECOLOGICALLY SUSTAINABLE USE ZONES | | LIMITS / PERMITS / EXCEPTIONS |
|--|-----------------------------|------------------------------|------------------------------------|------------------------|---|
| | ZONE 1 STRICT PROTECTION | ZONE 2 GENERAL PROTECTION | ZONE 3 HABITAT PROTECTION | ZONE 4 MULTIPLE USE | |
| Indigenous traditional use | ✓ | ✓ | ✓ | ✓ | Traditional use of an NMCA by Indigenous peoples will not be subject to zone restrictions except for conservation, public health or public safety reasons, determined in consultation with Indigenous rights holders. |
| Research, monitoring and restoration | C | ✓ | ✓ | ✓ | A research and collection permit from Parks Canada, and other applicable permits, are required. |
| Recreational activities (non-extractive) | X | ✓ | ✓ | ✓ | Permits may be required. |
| Commercial tourism (non-extractive) | X | ✓ | C | ✓ | A business licence is required. |
| Coastal and in-water infrastructure | X | C | C | ✓ | Authorization from Parks Canada is required. |
| Commercial shipping | X | ✓ | C | ✓ | Conducted in accordance with Transport Canada's legislative and regulatory framework and consistent with international maritime law. Anchoring may be restricted to ensure bottom protection. |

¹⁶ Activities related to Canadian sovereignty or security, other activities that are consistent with the purposes of the CNMCAA (e.g., public safety, environmental protection, law enforcement) and emergency activities are not restricted by NMCA zoning.

| ACTIVITIES AND USES | FULL PROTECTION ZONES | | ECOLOGICALLY SUSTAINABLE USE ZONES | | LIMITS / PERMITS / EXCEPTIONS |
|---|-----------------------------|------------------------------|------------------------------------|------------------------|--|
| | ZONE 1 STRICT PROTECTION | ZONE 2 GENERAL PROTECTION | ZONE 3 HABITAT PROTECTION | ZONE 4 MULTIPLE USE | |
| Recreational fishing | X | X | C | ✓ | Conducted in accordance with the <i>Fisheries Act</i> , and provincial/territorial regulations, including stated limits and licensing requirements. |
| Commercial fisheries | X | X | C | ✓ | Conducted in accordance with the <i>Fisheries Act</i> , provincial/territorial regulations (e.g., stated limits and licensing requirements) and the <i>Interdepartmental Principles for Fisheries Management in Federal Marine Protected Areas</i> . |
| Hunting, trapping and gathering | X | X | C | ✓ | Conducted in accordance with applicable regulations, including stated limits and licensing requirements. |
| Renewable energy | X | X | C | ✓ | Authorization from Parks Canada is required. |
| Aquaculture | X | X | C | ✓ | Conducted in accordance with the <i>Fisheries Act</i> and provincial/territorial regulations. Authorization from Parks Canada is required. The deposit of deleterious drugs and pesticides is prohibited. |
| Placement of artificial reefs for recreational purposes | X | X | X | X | Not permitted in NMCAs. |
| Bottom trawling | X | X | X | X | Consistent with the Government of Canada marine protected areas protection standard. |
| Oil, gas and mining | X | X | X | X | Prohibited under the <i>Canada National Marine Conservation Areas Act</i> . |

