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## Let's Talk National Marine Conservation Areas

# Backgrounder on General Regulations

Parks Canada is developing general regulations under the [Canada National Marine Conservation Areas Act](#) (the Act) to help manage national marine conservation areas.

**We want to hear your thoughts.**



## What are general regulations?

General regulations are nationally consistent and enforceable tools that will apply to all national marine conservation areas established under the Act, from coast to coast to coast and including the Great Lakes. They are instruments of legislative power and have the force of law. The proposed regulations will include general restrictions and prohibitions applicable to all national marine conservation areas, as well as permit requirements and authorities that can be used to manage activities specific to the context and environment of each site. The general regulations will complement the Act, relevant policies, site establishment agreements, management plans and other components of the overall framework for the management and establishment of national marine conservation areas. They will apply to submerged lands, the water and ice above them, and can include wetlands, estuaries, islands, and other coastal lands within the boundaries of a national marine conservation area.



## How did we get here?

### Canada National Marine Conservation Areas Act - 2002

The Act authorizes Parks Canada to create a system of national marine conservation areas and outlines how they should be managed. The Act allows Parks Canada to establish national marine conservation areas through a process involving extensive engagement. National marine conservation areas are formally established by adding their boundaries to a schedule of the Act. Under the Act, a management plan must be prepared for each national marine conservation area, tabled in Parliament and updated every ten years. Each national marine conservation area must include at least one zone that fosters and encourages ecologically sustainable use and at least one zone that fully protects special features or sensitive elements of ecosystems.

The Act enables the Governor in Council to develop regulations, consistent with international law, for the control and management of national marine conservation areas on a wide range of topics. For example, any form of land use or occupation in a national marine conservation area is prohibited under the Act unless it is authorized; regulations are required to authorize the use of land in a way that is compatible with the goals of these areas. When they come into force, the proposed general regulations will provide a consistent regulatory regime for the [national marine conservation area program](#) across Canada.

## National Marine Conservation Area Policy Review and Update – 2019 to 2022

In 2019, Parks Canada engaged with Canadians and Indigenous peoples towards modernizing the 1994 policy for national marine conservation areas. The comments we received helped shape the updated [Policy on the Establishment and Management of National Marine Conservation Areas](#) (the Policy), and also informed this regulatory proposal. In 2020, we published a [“What We Heard Report”](#) summarizing feedback received during the engagement process.

The updated Policy describes long-term results expected for the program, identifies principles to guide decision-making, and sets out eight overarching management goals for national marine conservation areas. The goals are interconnected and mutually reinforcing, and biodiversity protection is of primary importance. By defining clear management goals common to all national marine conservation areas, the updated Policy provides the foundation for the development of general regulations.



### Identifying regulatory gaps

The number of national marine conservation areas is growing, demonstrating Canada’s commitment to protect the Great Lakes and oceans and conserve biodiversity. However, experience in existing sites like [Gwaii Haanas National Park Reserve, National Marine Conservation Area Reserve, and Haida Heritage Site](#) have shown that general regulations are needed to help national marine conservation areas deliver on their conservation promises.

## How can you get involved?

On April 11, 2023, Parks Canada published a series of summary papers describing the regulatory proposal and we are seeking feedback on these key topics to inform the development of the general regulations. Your input is needed to ensure that the scope and content of the proposed regulations align with the purpose and management goals of national marine conservation areas. Your perspectives will inform the development of the regulations so that national marine conservation areas provide benefits for all Canadians and those who live near, use, enjoy, and support these special places.

We appreciate the feedback we have received so far. Let’s keep the dialogue going!

Please review the [www.LetsTalkNMCA.ca](http://www.LetsTalkNMCA.ca) website, register to receive updates, provide comments and feedback, and share with friends and colleagues.

### Collaboration to minimize red tape

There already is legislation governing some uses and activities occurring in national marine conservation areas. For example, the modernized [Fisheries Act](#) (2019) and associated regulations provide strong protections that support the sustainability of marine resources in Canada; the [Canada Shipping Act](#) (2001) governs safety of marine transportation and recreational boating, as well as protection of the marine environment. The Government of Canada encourages a streamlined approach to new regulations to avoid duplication and unnecessary burdens on small businesses, researchers, and other users. We are engaging with other federal departments, provinces and territories to minimize duplication of regulations where they already exist. Where there are existing regulations, Parks Canada will seek to complement, not duplicate. Where regulatory gaps have been identified, uses and activities with a significant risk for negative impacts to biodiversity, cultural heritage, or public safety are prioritized for regulation.

With these principles in mind, the regulatory proposal will cover the following elements

- Authorizing land occupation and use, including the seafloor, lakebed and islands;
- Commercial activities related to tourism and visitation, filming, research, and special events;
- Zoning and other area-based management measures; and
- Activities that may threaten natural and cultural heritage.