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Let's Talk National Marine Conservation Areas

# General Regulations Summary Paper: Protection of Natural and Cultural Heritage

## Purpose of summary papers

Parks Canada is developing **general regulations** under the [Canada National Marine Conservation Areas Act](#) (the Act). 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. The 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. Please read the [Backgrounder on General Regulations](#) for more information.

A series of summary papers has been prepared to explain the main themes of the regulatory proposal.

## 5 THEMES

- Research and collections activities
- Protection of natural and cultural resources
- Zoning and area-based management
- Commercial activities and special events
- Visitor experience and public use

# Protection of Natural and Cultural Heritage

## in national marine conservation areas

In accordance with the Act, national marine conservation areas 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. The protection and conservation of natural and cultural heritage are therefore key management goals for national marine conservation areas. Protecting natural heritage involves working to ensure the long-term health of marine ecosystems and the diversity of species that inhabit the marine environment. Conserving cultural heritage involves safeguarding sites and supporting activities that reflect the past and present use of national marine conservation areas by Indigenous peoples, coastal communities and others. It is important to note the natural and cultural heritage in national marine conservation areas are very much entwined as healthy ecosystems underpin cultural heritage.

### Why are we regulating

Regulations are needed to implement key components of both the Act and the recently adopted [Policy on Establishment and Management of National Marine Conservation Areas](#).

For example, regulations are needed to

- Assist in creating a nationally consistent standard of legal protection for natural and cultural heritage in national marine conservation areas that complements the prohibitions against hydrocarbon and mineral extraction and disposal at sea found in the Act.
- Provide tools, such as permit requirements and management authorities, to ensure that activities and uses that occur in national marine conservation areas take place in an ecologically sustainable manner that contributes to the achievement of national marine conservation area management goals.



### What we are proposing to regulate

The regulations include general prohibitions and activity specific provisions which, together, will contribute to the protection and conservation of natural and cultural heritage in national marine conservation areas.

The general prohibitions in **Table 1** will apply to all national marine conservation areas. As identified above, the Act already prohibits mining, hydrocarbon extraction and disposal at sea in national marine conservation areas, so these activities do not need to be regulated. In addition, the Act does not allow land use or occupation in national marine conservation areas other than in accordance with regulations, which will provide the means to issue leases, licences or other forms of authorization to enable forms of land use or occupation<sup>1</sup> that are consistent with national marine conservation areas management goals.

In addition to the activity-specific provisions described in **Table 2**, all activities and uses in national marine conservation areas are subject to restrictions and prohibitions linked to zones, special management areas and temporary closures that are created using authorities provided in the regulations. For more information, please see the summary paper on [Zoning and Area-Based Management](#).

<sup>1</sup> Land use or occupation includes anything that involves installation or operation of infrastructure or facilities, either permanent or temporary.

**Table 1. General Prohibitions**

GENERAL PROHIBITIONS	PURPOSE
<p>Prohibition against disturbing, harassing, removing, possessing, harming, damaging, destroying or trafficking flora, fauna and natural objects in or from a national marine conservation area, or engaging in behaviour that is likely to do so.</p> <p><i>Exceptions:</i></p> <ul style="list-style-type: none"> <li>- Licensed fishing, hunting and trapping in zones of a national marine conservation area where this activity is allowed.</li> <li>- Activities that are consistent with national marine conservation area management goals and are carried out in accordance with a permit (or equivalent) issued under the regulations.</li> </ul>	<p>To provide a high and consistent standard of protection for natural heritage in national marine conservation areas while enabling activities that are consistent with national marine conservation area management goals (such as ecologically sustainable fishing, harvest of wild marine plants, and management of invasive species).</p>
<p>Prohibition against disturbing, removing, defacing, damaging or destroying any cultural resource, or engaging in behaviour that is likely to do so.</p> <p><i>Exception:</i></p> <p>Activities that are consistent with national marine conservation area management goals and are carried out in accordance with a permit issued under the national marine conservation areas regulations.</p>	<p>To provide a high and consistent standard of protection for cultural heritage in national marine conservation areas while enabling activities that are consistent with national marine conservation area management goals.</p>
<p>Prohibition against conducting manoeuvres in an aircraft, or altering the course or altitude of an aircraft, for the purpose of bringing them closer to wildlife when the aircraft is flying under 2000ft above ground or sea level.</p> <p><i>Exception:</i></p> <p>Wildlife research, management or viewing in accordance with a permit issued under the national marine conservation area regulations.</p>	<p>To protect marine and terrestrial wildlife from disturbance caused by aircraft.</p>
<p>Prohibition against contravening a term or condition of a lease, licence, easement, servitude or permit issued under the regulations.</p>	<p>To ensure that terms and conditions of permits and other authorizing instruments intended to safeguard natural and cultural heritage are enforceable under the Act.</p>

**Table 2. Activity specific provisions of the General Regulations**

<b>ACTIVITY</b>	<b>PROVISION OF REGULATIONS</b>	<b>PURPOSE</b>
Commercial activities related to tourism and visitation	Requires a permit	To ensure that activities such as tours, cruises, charter services, guided fishing and hunting, instructional courses, hospitality, and retail are carried out in an ecologically sustainable manner
Commercial activities related to film and photography	Requires a permit	To ensure that commercial film and photography does not disturb wildlife or national marine conservation area visitors and users
Special Events	Requires a permit	To ensure that the type, location and timing of special events is consistent with national marine conservation area management goals
Research and collection for scientific, educational or display purposes	Requires a permit	To ensure the benefits of research and collection do not outweigh impacts on natural and cultural heritage
Aircraft landing and take-off	Requires a permit in areas where aircraft landing is designated as a restricted activity	To manage aircraft disturbance to marine and terrestrial wildlife and their habitat in sensitive areas
Drone use	Requires a permit	
Vehicle operation	Enables vehicle operation to be restricted or prohibited on dry and intertidal lands in areas where it may cause damage to natural or cultural heritage.	To prevent damage and disturbance to flora and fauna in sensitive areas
Camping	Requires a permit on dry and intertidal lands	To ensure the location and type of camping does not cause undue damage or disturbance to flora and wildlife

*Table 2. Continued on next page*

Lighting or maintaining outdoor fires	Enables fire bans to be created and for site level rules to be implemented	To reduce risk of wildfire and manage impact of camp fires in high use areas
Diving	Requires a permit in areas where diving is designated as a restricted activity	To prevent damage to submerged cultural resources and to guard against disturbance or harm to marine fauna
Use of firearms	Requires a permit (unless associated with lawful hunting/trapping in zones where this is allowed)	To guard against disturbance or harm to marine and terrestrial fauna
Use of explosives	Requires a permit (unless use is associated with vehicle, vessel and aircraft safety equipment when deployed for their intended purpose)	
Fuel caching	Requires a permit	To ensure the location and method of fuel storage prevents environmental contamination



Let's Talk National Marine Conservation Areas

# Have your say

Let us know what you think about this proposal.

Share your ideas to help us improve the proposed regulations.

We hope this summary paper has you thinking about how these regulations may affect you, and prompts you to provide feedback and comments. Your input is an important part of the process to develop regulations.

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

Please watch the [www.LetsTalkNMCAs.ca](http://www.LetsTalkNMCAs.ca) website for updates, and share with friends and colleagues.

