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Let's Talk National Marine Conservation Areas

General Regulations Summary Paper: Zoning and Area-Based Management

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

Zoning and area-based management

in national marine conservation areas

Area-based management refers to a set of strategies for managing where and how different activities take place within a national marine conservation area. It is key to achieving management goals related to heritage protection, sustainable ecological use and visitation.

Area-based management has 3 components

- Zoning
- Special management areas
- Temporary closures and restrictions

These three components constitute complementary strategies designed to address different types of management issues and challenges. This paper introduces the three components of area-based management and describes how they can be implemented using the regulations.

Why are we regulating

The Act and the recently adopted [Policy on Establishment and Management of National Marine Conservation Areas](#) both provide direction on the creation of zones as a requirement for meeting the purpose and goals of national marine conservation areas. Zoning is a key strategy for managing activities and uses in national marine conservation areas in order to support the conservation and sustainable use of marine ecosystems. In addition, the Policy refers to the creation of special management areas and temporary closures and restrictions as additional strategies for achieving management goals. The regulations will be the legal tool to implement all three of these strategies in national marine conservation areas through the creation of area-based restrictions and prohibitions.

What we are proposing to regulate

ZONING

Zoning is the process of dividing an national marine conservation area into different areas in order to delineate where certain activities can and cannot take place within a national marine conservation area. There are three steps to zoning, the last of which involves the regulations.

STEP 1 A national zoning framework found in the [Directive on Management of National Marine Conservation Areas](#) identifies four zone types, each with a different purpose and associated list of activities that are allowed and not allowed within them.

STEP 2 For each national marine conservation area, a zoning plan is included in the management planning process. Management plans are reviewed about every 10 years and tabled in Parliament. The zoning plan is informed by the national zoning framework and identifies the boundaries of each zone type within a given national marine conservation area. In other words, it shows where zone 1, 2, 3 and 4 areas will be located within a particular national marine conservation area. Zoning plans, as part of the management planning process, are the subject of widespread engagement with national marine conservation area management partners before they are finalized and published.

STEP 3 The regulations will provide the legal authority required to implement the zoning plan for each site. It is the mechanism used to legally prohibit or restrict activities in the different zones as delineated in the zoning plan. Examples of how the national marine conservation area regulations will help implement zoning plans are found on the following page.

Examples of how the national marine conservation area regulations will contribute to the implementation of zoning plans.

EXAMPLE 1

According to the national zoning framework, **zone 1** areas are intended to provide strict protection to special features and sensitive ecosystem elements that are susceptible to disturbance. As a result, most activities are not allowed in these zones and entry is subject to special permission. The regulations will provide authority to prohibit access other than in accordance with a permit to areas delimited as zone 1 in a site management plan. The regulations will also enable permits to be accompanied by terms and conditions needed to ensure that activities are carried out in a manner consistent with the purpose of the zone.

EXAMPLE 2

According to the national zoning framework, **zone 2** areas are intended to offer general protection to special features, sensitive ecosystem elements and representative characteristics while enabling compatible activities such as visitation. Extractive activities such as fishing and hunting are not allowed. Accordingly, the regulations will provide authority to prohibit extractive uses in areas delimited as zone 2 in a site management plan.

EXAMPLE 3

According to the national zoning framework, **zone 3** areas are intended to protect specific habitats while providing for compatible access and extractive uses. The regulations will provide authority to prohibit or restrict activities in zone 3 areas to the extent described in the management plan for each national marine conservation area.

EXAMPLE 4

According to the national zoning framework, **zone 4** is intended to sustain the greatest range of uses that do not compromise ecological sustainability, cultural resources or heritage value. As such, the regulations will implement zone 4 by creating general restrictions, prohibitions, authorities and permit requirements that are designed to ensure sustainable practices and heritage protection in respect of all activities that take place within the boundaries of the NMCA.

Given that zoning is linked to both the national zoning framework and site level management plans, it is mostly suited to implementing consistent, long-term measures to manage activities that support management goals. This means that different tools are required to address more specific and dynamic management issues that will be regulated, namely special management areas and temporary closures.

Special management areas

Special management areas are tools used to respond to conservation and management challenges that require the creation of customized activity prohibitions or restrictions within a specific part of a national marine conservation area. Special management areas are intended to manage specific activities on a temporary, seasonal or longer term basis as needed to ensure key protection requirements are met in a manner that has the least possible impact on national marine conservation area users. They can be created at any point in time and within any zone type, but require due consultation with Indigenous governing bodies, relevant government departments and other partners in national marine conservation area management before they can be identified and implemented. The regulations will provide the authority to delineate special management areas and prohibit or restrict activities to the extent agreed by the management partners. **Table 1** provides some examples of situations where the regulatory authority to create special management areas could be used to achieve national marine conservation area management goals.

Table 1: Special management area examples

ACTIVITIES RESTRICTED IN SPECIAL MANAGEMENT AREA	EXAMPLE
Vessel Access	No vessel access allowed within a defined perimeter around sea bird colonies or marine mammal haul-outs during breeding seasons.
Access to places that constitute a public safety hazard	Prohibiting access to hazardous sites such as sea caves, reefs, blow-holes, and high surf zones under specific conditions.
Visitation	Restricting the number of visitors allowed to access popular sites or areas in order to prevent over-crowding and poor quality visitor experiences.

Temporary closures, restrictions and prohibitions

Temporary closures, restrictions and prohibitions are a strategy for quickly responding to emergencies or other pressing issues that require immediate attention on a short-term basis. They will be instituted through authorities provided in the regulations that allow for the expedient closure of an area or restriction or prohibition of any activity within that area as needed to address the issue. This authority would be limited to a 30-day period. Longer-term measures would be instituted through creation of a special management area or other mechanism suited to an ongoing issue.

Examples of how temporary closures, restrictions or prohibition could be used to address a management issue include

- temporary restriction on vessel speed in a specific area due to an unexpected aggregation of a species at risk.
- temporary prohibition on access to an area due to a temporary public safety hazard.

The main steps for implementing temporary restrictions and closures would be as follows

- 1.** An unanticipated urgent issue is identified for which a temporary management approach is suited.
- 2.** Management partners are consulted if the timeframe and circumstances allow.
- 3.** Regulation authorities are used to create a temporary closure, restriction or prohibition.
- 4.** Details of the temporary closure/restriction/prohibition are broadly communicated.
- 5.** The temporary closure/restriction/prohibition is put into effect and enforced.



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 website for updates, and share with friends and colleagues.