



Banc-des-Américains *Oceans Act* Marine Protected Area Management Plan

Status of the Government of Canada

2025-2030





Cap Gaspé © Fisheries and Oceans Canada

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Star Fish © DFO MLI MCT and divers team

Signatures

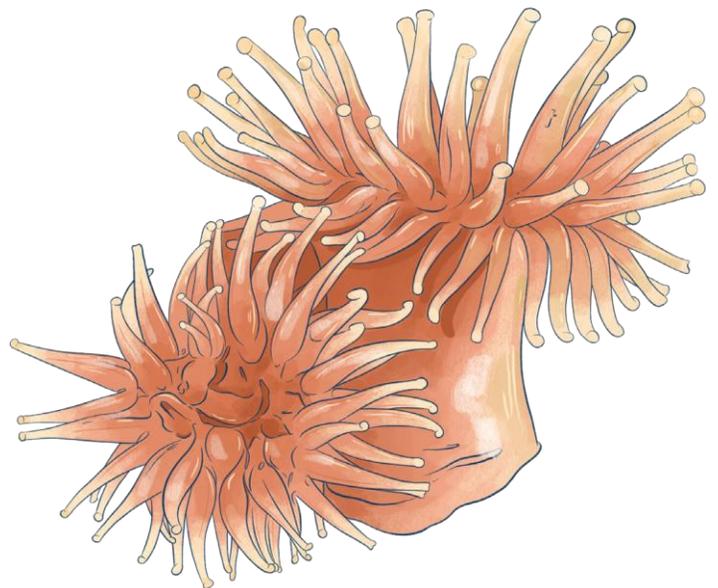


Anemones © DFO MLI MCT and divers team

I. Preamble

First, Fisheries and Oceans Canada (DFO) would like to acknowledge that the Banc-des-Américains Marine Protected Area is located on the unceded Indigenous territory of the Mig'maq First Nations of Gespe'gewa'gi, who play a critical role as stewards of the lands and waters of the territory. It is with respect for the links with the past, present and future that we value ongoing relationships with First Nations and other communities in Gaspésie-Îles-de-la-Madeleine.

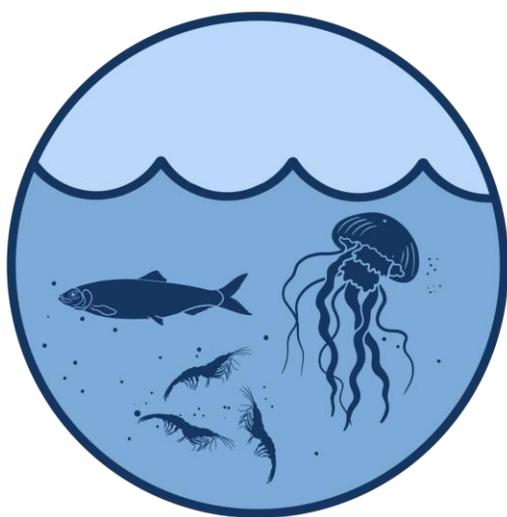
DFO manages activities to deliver on its mandate of implementing the Banc-des-Américains *Oceans Act* Marine Protected Area (MPA) Regulations. The term *Oceans Act* MPA is thus used in this document as it refers to the *Banc-des-Américains MPA Regulations* under the *Oceans Act*. The common term Marine Protected Area (MPA) is used when referring to the MPA co-managed with the Government of Quebec and on which Canada and Quebec protection statuses are overlapped. The term MPA is therefore used in this document when it comes to joint actions with the Government of Quebec, including everything related to the Banc-des-Américains MPA management committee, among others.



Anemone

i. Executive summary

The *Banc-des-Américains Marine Protected Area Regulations*¹ under the *Oceans Act* were published on March 6, 2019. These regulations are the contribution of the Government of Canada to the first joint MPA project under the *Canada-Quebec Collaborative Agreement for the Establishment of a Network of Marine Protected Areas in Quebec*², signed on March 18, 2018. The *Canada-Quebec joint project agreement regarding the Banc-des-Américains MPA*³ was subsequently signed on March 4, 2019. Then, on October 7, 2021, the Government of Quebec further granted the status of *proposed aquatic reserve*⁴ under its *Natural Heritage Conservation Act*⁵. A Management Committee for the Banc-des-Américains Marine Protected Area (MPA), made up of representatives from Fisheries and Oceans Canada (DFO) as well as several Government of Quebec departments, manages the MPA.



The *Banc-des-Américains Marine Protected Area Regulations* apply to the entire area of the Banc-des-Américains MPA. The Banc-des-Américains MPA is located in the area extending from the tip of Forillon and covers approximately 1,000 km². This MPA is an ecological hotspot, home to many species of commercially harvested fish, marine mammals and at-risk species, including some whale and wolffish species.

The *Oceans Act* MPA has the following conservation objectives:

- To conserve and protect benthic (seabed) habitats;
- To conserve and protect pelagic (water column) habitats and forage species (prey);
- To promote the recovery of at-risk whales and wolffish.

The *MPA Regulations* define two separate management zones. Zone 1 consists of the submarine bank known as “the American Bank,” which extends over nearly 127 km² and peaks at 12 m below the water surface. It is considered to be the most biodiverse and fragile, and it requires more restrictive management measures, especially for activities that impact the seabed. Zone 2 (Zones 2a and 2b) encompasses the plains adjacent to the bank. These zones cover an area of approximately 873 km² and are considered to be more resilient, allowing a larger number of activities in line with the conservation objectives.

This Banc-des-Américains *Oceans Act* MPA Management Plan supports the federal regulations and encompasses the five-year period from 2025 to 2030. It is a key document offering further information on the *Oceans Act* MPA framework and management process. It includes measures for management, knowledge acquisition, ecological and socio-economic monitoring, collaborative governance, compliance monitoring and promotion, awareness and emergency response protocols, communication as well as user and public education.

¹ <https://laws-lois.justice.gc.ca/PDF/SOR-2019-50.pdf>

² <https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/4100971x.pdf> [available in French only]

³ <https://www.dfo-mpo.gc.ca/oceans/documents/mpa-zpm/american-america/accord-Banc-des-Americains.pdf> [available in French only]

⁴ https://www.environnement.gouv.qc.ca/biodiversite/aires_protégees/aires-marines-protégees-en.htm

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v. List of abbreviations

BGMPA	Bilateral Group on Marine Protected Areas
CCG	Canadian Coast Guard
CCG-MEHR	Canadian Coast Guard – Maritime Environmental and Hazard Response
DFO	Department of Fisheries and Oceans of Canada, or Fisheries and Oceans Canada
EBSA	Ecologically and biologically significant area
FSC	Food, social and ceremonial
MAPAQ	Ministère de l'Agriculture, des Pêcheries et de l'Alimentation du Québec [Quebec Department of Agriculture, Fisheries and Food]
MELCCFP	Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs [Quebec Department of the Environment, the Fight Against Climate Change, Wildlife and Parks]
MMON	Marine Mammal Observation Network
MPA	Marine Protected Area or <i>Oceans Act</i> Marine Protected Area
MPCD	Marine Planning and Conservation Division
MRNF	Ministère des Ressources naturelles et des Forêts [Quebec Department of Natural Resources and Forests]
MWIFMA	Mi'gmaq Wolastoqey Indigenous Fisheries Management Association
RCM	Regional county municipality
NGO	Non-governmental organization
OECD	Other effective area-based conservation measures
QMMERN	Quebec Marine Mammal Emergency Response Network
REMB	Regional Ecosystems Management Branch
ROPOS	Remotely Operated Platform for Ocean Sciences
SÉPAQ	Société des établissements de plein air du Québec [Quebec parks management agency]

vi. Glossary

Adaptive management

A management strategy that is gradually adjusted as new and relevant information becomes known to ensure that the conservation/management measures in place are adequate to achieve conservation objectives.

Adaptive management zone

Zones 2a and 2b of the Banc-des-Américains *Oceans Act* MPA are referred to as adaptive management zones, where activities in line with conservation objectives are allowed under certain conditions.

Banc-des-Américains Marine Protected Area (MPA)

Common name used for the Banc-des-Américains site to indicate dual federal and Quebec protection status. A clearly defined geographical space, recognized, dedicated and managed, by any effective means, legal or other, to ensure the long-term conservation of nature and associated ecosystem services and cultural values.

Benthic

Pertaining to the seabed. The benthos (or benthic organisms) refers to organisms living in (endobenthic/endobenthos), on (epibenthic/epibenthos) or near (suprabenthic/suprabenthos) the seabed.

Demersal

Organisms living near the seabed, located below the pelagic realm but above the benthic realm.

Forage

Organisms used for food, such as prey.

Governance

The institutions (laws and regulations), structures and processes that determine who makes decisions, how and for whom they are made, and if so, what actions are taken by whom and for what purpose.

Grey water

Water from sinks, washing machines, bathtubs, showers and dishwashers.

Oceans Act Marine Protected Area (*Oceans Act* MPA)

Fisheries and Oceans Canada uses this term to designate a Marine Protected Area under the *Oceans Act*.

Pelagic

Pertaining to the water column, i.e. the volume of water between the bottom and the surface and therefore to open marine environments.

Proposed aquatic reserve

The Government of Quebec uses this status to designate a Marine Protected Area under the *Natural Heritage Conservation Act*, pending permanent marine reserve status.

Sewage

Water containing human waste or waste from live animals, from toilets and other containers intended to receive or contain human waste, from rooms reserved for medical care, from spaces used for the transport of live animals and other waste water or other waste when mixed with waste water.

Vessel

As defined in section 2 of the *Canada Shipping Act, 2001*, the term refers to a boat, ship or craft designed, used or capable of being used solely or partly for navigation in, on, through or immediately above water, without regard to method or lack of propulsion, and includes such a vessel that is under construction

1. Introduction

The Government of Canada is committed to achieving its marine conservation objectives by developing a network of Marine Protected Areas (MPAs), including *Oceans Act* Marine Protected Areas and other effective area-based conservation measures (OECMs). Banc-des-Américains was designated as an *Oceans Act* MPA by regulation under the *Oceans Act* on March 6, 2019 and it aims to conserve and protect the biodiversity in this area from the harm caused by human activities.

This MPA is the first joint project under the *Canada-Quebec Collaborative Agreement for the Establishment of a Network of Marine Protected Areas in Quebec*⁶ with dual protected status. A specific agreement, the *Canada-Quebec joint project agreement regarding the Banc-des-Américains MPA*⁷, was also signed. Thus, in addition to federal *Oceans Act*

MPA status, it was also awarded *Proposed Aquatic Reserve*⁸ status by the Government of Quebec under its *Natural Heritage Conservation Act* in 2021.

The Banc-des-Américains MPA is located in the Gulf of St. Lawrence (Figure 1), near Cap Gaspé and Bonaventure Island. It covers approximately 1,000 km² and extends 35 kilometers eastward, off the Gaspé Peninsula coast. This sector consists of a sharp submarine rocky ridge known as the Banc-des-Américains, peaking at 12 meters below the water surface, as well as two adjacent plains. The name of this formation dates back to the 18th and 19th centuries. At the time, the area was highly sought-after for fishing cod. American fishermen flocked there in the hundreds, and could even get there easily with a single-sailed punt (boat) (Mimeault, 2002).

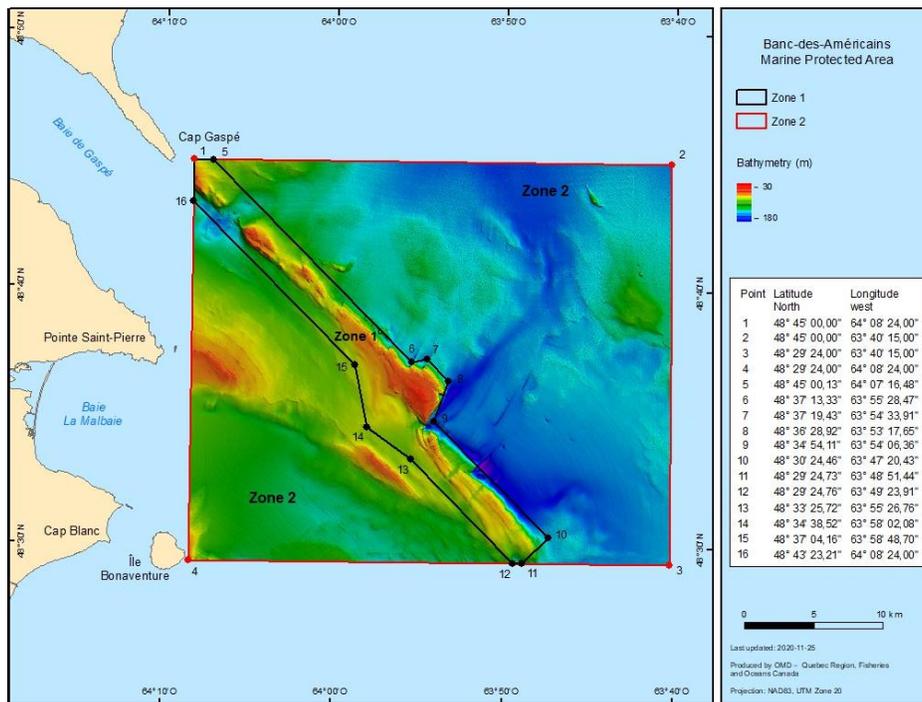


Figure 1. Location and geographic boundaries of the Banc-des-Américains Marine Protected Area.

⁶ <https://waves-vagues.dfo-mpo.gc.ca/Library/4100971x.pdf>

⁷ <https://www.dfo-mpo.gc.ca/oceans/documents/mpa-zpm/american-americains/Accord-Banc-des-Americains.pdf>

⁸ https://www.environnement.gouv.qc.ca/biodiversite/aires_protegees/aires-marines-protegees-en.htm

Banc-des-Américains *Oceans Act* MPA was designated under subsection 35(1) of the *Oceans Act* for special protection based on four of the six designating criteria, namely:

1. the conservation and protection of commercial and non-commercial fishery resources, including marine mammals, and their habitats;
2. the conservation and protection of endangered or threatened marine species, and their habitats;
3. the conservation and protection of unique habitats;
4. the conservation and protection of marine areas of high biodiversity or biological productivity.

This MPA aims to promote the productivity and diversity of fisheries resources associated with the Banc-des-Américains and its adjacent plains, and to promote the recovery of species at risk. This will be accomplished through the following conservation objectives:

1. to conserve and protect benthic (seabed) habitats;
2. to conserve and protect pelagic (water column) habitats and forage species (prey);
3. to promote the recovery of at-risk whales and wolffish.



Atlantic Wolffish © DFO MLI MCT and divers team

2. Management plan objectives

In keeping with the *Banc-des-Américains MPA Regulations*, designated under the *Oceans Act*, a management plan must be developed and its main objective is to describe the management process of the Banc-des-Américains *Oceans Act* MPA, i.e. governance, ecological and socio-economic monitoring, compliance, emergency response protocol and awareness.

- A It should define the *Oceans Act* MPA conservation objectives and operational guidance for the overall management of human activities and how the condition of the *Oceans Act* MPA will be assessed.
- B It should also provide an overview of the *Banc-des-Américains Oceans Act MPA Regulations*, including authorized and unauthorized activities.
- C It should outline the process of submitting an activity plan for scientific research or monitoring, habitat restoration, education and commercial marine tourism in the *Oceans Act* MPA.
- D Aside from regulatory measures, voluntary and best practice measures are recommended to improve overall *Oceans Act* MPA management. Interested parties can also give their opinion on the first draft of the management plan and its subsequent revisions.

The management plan for the Banc-des-Américains *Oceans Act* MPA is intended to be evergreen and may be reviewed at minimum every five years, based on published scientific reports and monitoring. The review will assess how successful strategies and actions were in achieving management and conservation objectives, as well as identify emerging priorities for the next iteration of the plan.

The extent to which the *Oceans Act* MPA management plan has been implemented could help decide whether progress has been made, that is, whether activities and actions in the Banc-des-Américains *Oceans Act* MPA have contributed to achieving management and conservation objectives. A section describing the results will then be integrated when the management plan is reviewed, after the *Oceans Act* MPA assessment.

Oceans Act MPA regulations follow a life cycle approach, which means that the focus is not only on developing the regulations, but also on implementing, monitoring, assessing and reviewing them. This life cycle will be harmonized as much as possible with the regulatory processes of the Government of Quebec in order to avoid duplication.

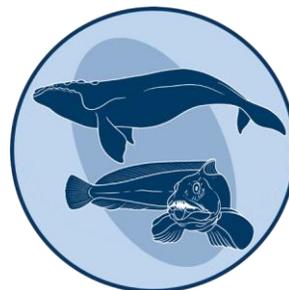
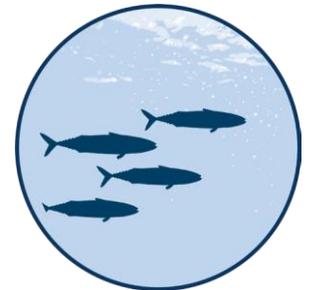


Objective 1

Conserve and protect benthic (seabed) habitats

Objective 2

Conserve and protect pelagic habitats (water column) and forage species (prey)



Objective 3

Promote the recovery of at-risk whales and wolffish

3. Background

In 2006, a workshop was held for scientific experts from Fisheries and Oceans Canada (DFO) to identify ten ecologically and biologically significant areas (EBSAs) for the Estuary and Gulf of St. Lawrence. Its purpose was to set out conservation objectives for the integrated management of oceans and the Gulf of St. Lawrence. Given the ecological and biological role these EBSAs play, attention needs to be paid to those activities that might affect them. Using an analytical approach, significant areas for each biological component (primary production, secondary production, meroplankton, benthic invertebrates, pelagic fish, demersal fish and marine mammals) were also identified. As a result of this process, the Banc-des-Américains area has been targeted (selected) in a portion of these EBSAs.

The process of selecting an area of interest dates back to 2009, and many internal multisectoral, regional and inter-regional consultations within DFO were held towards that end. Among the four areas proposed, the Banc-des-Américains was approved by everyone that was consulted and was officially announced as an area of interest in June 2011. In 2012, interested parties were able to take part in two DFO-led information sessions on the area of interest.

Public consultations

Information sessions were held in 2011 and 2012 with the four First Nations communities in the Lower St. Lawrence and the Gaspé Peninsula: the Mi'gmaq of Gespeg, the Mi'gmaq of Gesgapegiag, the Mi'gmaq of Listuguj and the Wolastoqiyik Wahsipekuk (formerly Maliseet Viger) First Nation. Between 2013 and 2015, four other consultation meetings were planned with the Mi'gmawei Mawiomi Secretariat along with the Mi'gmaq Wolastoqey Indigenous Fisheries Management Association (MWIFMA). Beginning in 2009, six meetings were also held to discuss matters with the 10 Gaspé fish harvesters' associations: the Association des crabiers de la baie, the Regroupement des pêcheurs professionnels du sud de la Gaspésie, the Association des capitaines propriétaires de la Gaspésie, the Association

des morutiers traditionnels de la Gaspésie, the Association des morutiers de Gaspé, the Association des crabiers gaspésiens, the Association des membres d'équipage gaspésiens, the Regroupement des pêcheurs professionnels du nord de la Gaspésie, the Association des pêcheurs de crevette de Matane and the Association des pêcheurs de la RCM de Pabok.



In 2013, a consultation workbook with information on the ecosystem for the area of interest and a questionnaire on the area were sent to 55 marine stakeholders. They included representatives of the fishing, aquaculture, at-sea observation, commercial shipping, renewable (hydroelectricity) and non-renewable (oil, gas, minerals) resource industries; First Nations in Quebec and New Brunswick; environmental, recreational boating and scuba diving organizations; academic institutions; and regional county municipalities. They shared their ideas on how human activities had, or could have, an impact on the three proposed conservation objectives for the area. From all of these stakeholders, 15 agreed to serve on the Designation Advisory Committee.

To learn more about the public consultations with the different marine stakeholders, please refer to the [Regulatory Impact Analysis Statement](#)⁹.

⁹ <https://www.dfo-mpo.gc.ca/oceans/documents/mpa-zpm/american-americains/BDA-RIAS.pdf>

Designation Advisory Committee

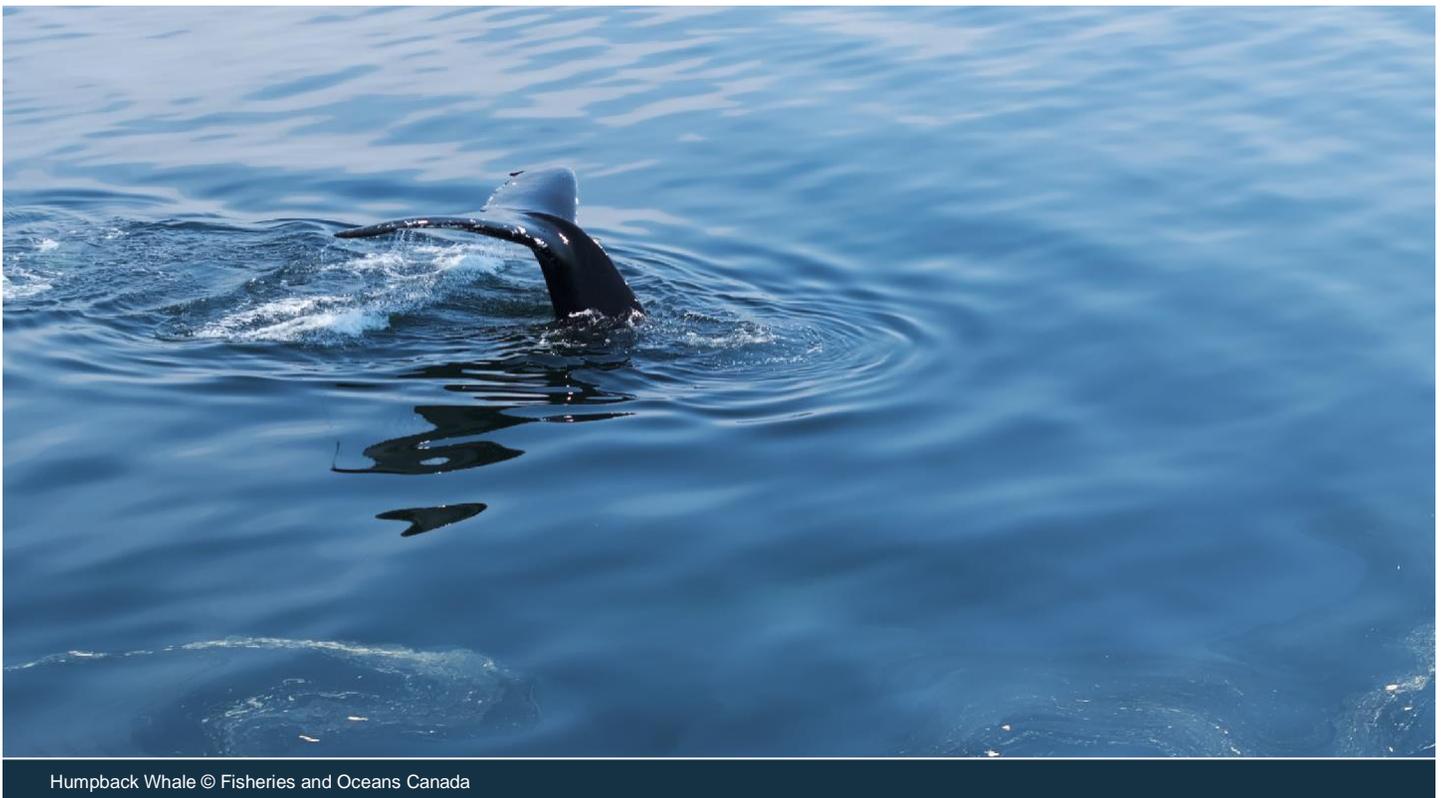
In 2013, the Advisory Committee for establishing the *Oceans Act* MPA was formed. Made up of representatives of government departments, First Nations, primary marine users, environmental organizations and other interest groups, the committee identified the relevant conservation and management measures adapted to stakeholders' contexts to achieve the conservation objectives. The Designation Advisory Committee acted within its role to advise DFO on developing the *Oceans Act* MPA and was responsible for providing input and recommendations on regulatory and non-regulatory measures leading up to the MPA designation under the *Oceans Act*. More specifically, it:

- represented the different organizations and interest groups;
- provided information while issuing advice and recommendations on geographic boundaries, conservation objectives, the impact of human activities, socio-economic impact, non-regulatory measures and regulatory intent.

The Advisory Committee's terms of reference extended until the *Oceans Act* MPA was designated in 2019. For a list of the Advisory Committee members, please see Appendix A.

Milestones

DFO's interest in the conservation of the Banc-des-Américains has grown considerably in recent years and important steps have been taken to recognize and protect this unique habitat as listed below (Table 1).



Humpback Whale © Fisheries and Oceans Canada

Table 1. Key Stages in Designating the Banc-des-Américains as a Marine Protected Area under the *Oceans Act*.

December 5 to 7, 2006	Area-wide workshop to identify and characterize ecologically and biologically significant areas for the Estuary and Gulf of St. Lawrence (DFO, 2007).
May 2009	Process begins for selecting the Banc-des-Américains as an area of interest for its designation as a Marine Protected Area under the <i>Oceans Act</i> .
June 2010	Intersectoral consultation workshop on the Banc-des-Américains area of interest for establishing it as a Marine Protected Area under the <i>Oceans Act</i> (Gauthier <i>et al.</i> , 2013).
June 2011	Selection of the Banc-des-Américains as an area of interest for designation as a Marine Protected Area under the <i>Oceans Act</i> .
2011 to 2012	Information sessions on the area of interest for interested parties.
2012-2016	Characterization of the Banc-des-Américains benthic habitat using underwater imaging (Savenkoff <i>et al.</i> , 2017) ¹⁰ and description of the depth and type of seabed (Savenkoff <i>et al.</i> , 2015) ¹¹ .
2013	Formation of the Advisory Committee for designating the Marine Protected Area under the <i>Oceans Act</i> .
2013 to 2015	Public consultations to gather feedback on the designation of the <i>Oceans Act</i> Marine Protected Area and proposed regulations.
August 2017	Fisheries and Oceans Canada, and Oceana Canada scientists' exploration of the Banc-des-Américains using ROPOS, an underwater, remotely operated robot (Faille <i>et al.</i> , 2019).
March 19, 2018	Signing of the <i>Canada-Quebec Collaborative Agreement to Establish a Network of Marine Protected Areas in Quebec</i> ¹² .
June 30, 2018	Prepublication of the <i>Banc-des-Américains Marine Protected Area Regulations in the Canada Gazette, Part I</i> ¹³ .
March 4, 2019	Signing of the <i>Canada-Quebec joint project agreement regarding the Banc-des-Américains MPA</i> ¹⁴ .
March 6, 2019	Publication of the <i>Banc-des-Américains Marine Protected Area Regulations</i> ¹⁵ in the <i>Canada Gazette, Part II</i> , and of the <i>Regulatory Impact Analysis Statement</i> ¹⁶ .
November 2019	Formation of the Banc-des-Américains Marine Protected Area Management Committee
September 22, 2021	Publication of the Ministerial Order for awarding the status of Proposed Aquatic Reserve to the Banc-des-Américains in the <i>Gazette officielle du Québec</i> and of the conservation plan under the <i>Natural Heritage Conservation Act</i> of Quebec.
May 5, 2023	Formation of the Banc-des-Américains Marine Protected Area Management Advisory Committee.

¹⁰ https://publications.gc.ca/collections/collection_2018/mpo-dfo/Fs97-6-3243-fra.pdf [available in French only]

¹¹ https://publications.gc.ca/collections/collection_2018/mpo-dfo/Fs97-4-3075-fra.pdf [available in French only]

¹² <https://waves-vagues.dfo-mpo.gc.ca/Library/4100971x.pdf>

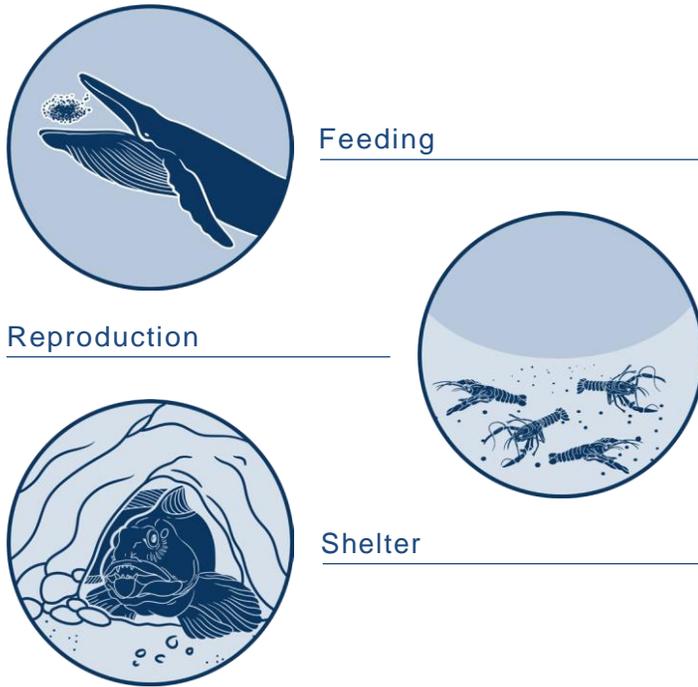
¹³ <https://www.gazette.gc.ca/rp-pr/p1/2018/2018-06-30/html/reg1-eng.html>

¹⁴ <https://www.dfo-mpo.gc.ca/oceans/documents/mpa-zpm/american-americains/accord-Banc-des-Americains.pdf> [available in French only]

¹⁵ <https://laws-lois.justice.gc.ca/PDF/SOR-2019-50.pdf>

¹⁶ <https://www.dfo-mpo.gc.ca/oceans/documents/mpa-zpm/american-americains/BDA-RIAS.pdf>

4. Description of the *Banc-des-Américains* sector



Habitats

The particular rock formation of the area (Figure 2) and the Gaspé current carrying essential nutrients for the productivity of the ecosystem are the primary reasons why there is such a wide variety of habitats and exceptional biodiversity. The area supports an extraordinary range of marine habitats and species, including an abundance of commercially harvested ones. Forage species (prey), such as capelin, herring, sand lance and krill, are also plentiful. The area has further significant potential as a feeding ground for various species of fish and marine mammals, and represents an important habitat for groundfish populations.

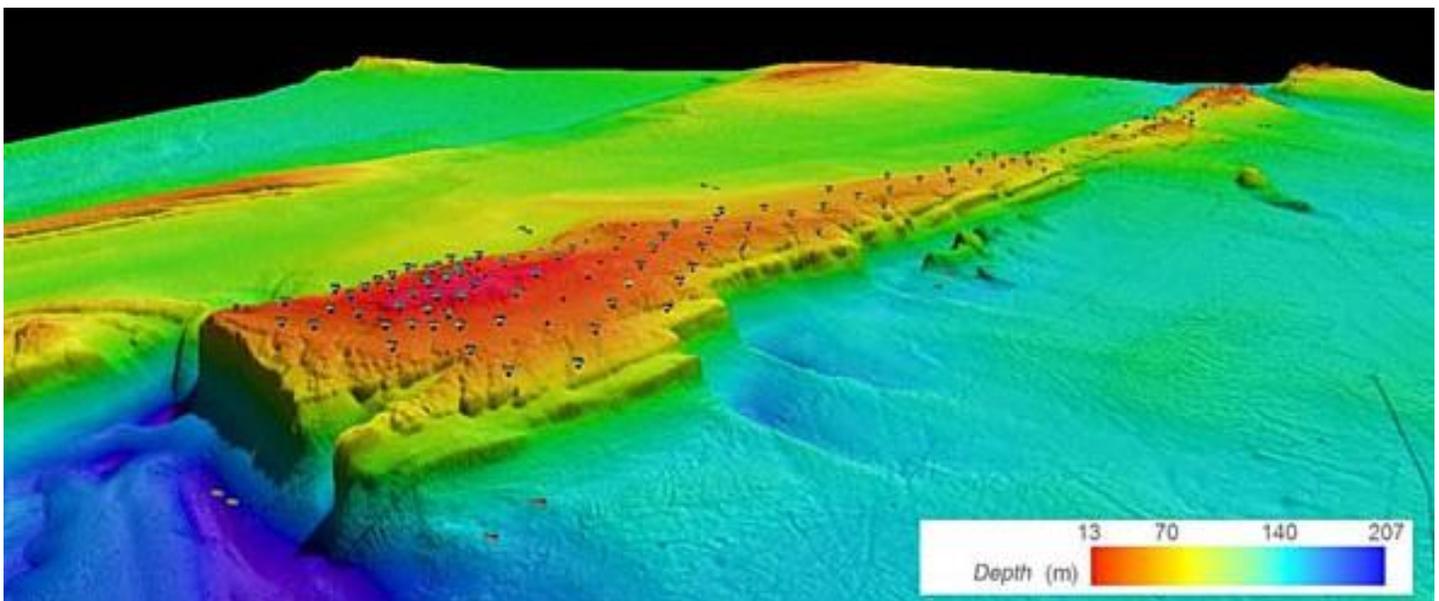


Figure 2. Three-dimensional representation of the Banc-des-Américains ridge (central section) and sampling stations using benthic imaging, 2012.

Species



Blue Whale



North Atlantic Right Whale



Fin Whale

The Banc-des-Américains sector is frequented by a number of commercially fished species and marine mammals, including species listed under the *Species at Risk Act*. A little less than a dozen cetacean species can be observed every year in the region, which is a feeding ground and an essential migration route to and from the Estuary and the Gulf of St. Lawrence. These species include the Blue Whale, Atlantic population (*Balaenoptera musculus* [Linnaeus, 1758]; endangered species), the North Atlantic Right Whale (*Eubalaena glacialis* [Müller, 1776]; endangered species), and the fin whale *Balaenoptera physalus physalus* (Linnaeus [1758]; species of special concern). The area is currently home to

the Atlantic Wolffish (*Anarhichas lupus* [Linnaeus, 1758]; species of special concern), which is particularly fond of the rocky cavities found in the rocky ridges of Zone 1. Spotted Wolffish (*A. minor* [Olafsen, 1772]; threatened species) and Northern Wolffish (*A. denticulatus* [Krøyer, 1845]; threatened species), both threatened species, have been captured in the area. The Leatherback Sea Turtle (*Dermochelys coriacea* [Vandelli, 1761]; endangered species), the largest reptile in Canada, has also been observed in the area.

Overview of human activities

Various human activities were carried out in the Banc-des-Américains area before it was designated an *Oceans Act* MPA. During the site assessment, fishing, navigation and tourism activities at sea were deemed to be the commercial activities most likely to alter the major ecological components of the area. An analysis of the ecological risks and impacts of these activities on the achievement of the conservation objectives pursued in the MPA was therefore conducted (Gendreau et al., 2018)¹⁷. The results showed that some human activities were likely to compromise the achievement of the conservation objectives set for the area and therefore needed to be regulated.

The existing regulatory tools applicable to these activities independently were not sufficient to mitigate the risks. Some marine activities are regulated by various federal acts. However, without a unifying authority, such as an *Oceans Act* MPA designation, the species and habitats in the area were not adequately protected. The government therefore took additional action and enacted regulations designating the area an MPA under the *Oceans Act*. This designation serves to comprehensively manage activities and conserve and protect the Banc-des-Américains ecosystem over the long term, including by prohibiting those activities that pose a risk to the achievement of the conservation objectives pursued in the *Oceans Act* MPA .

¹⁷ <https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/40730189.pdf> [available in French only]

Fishing

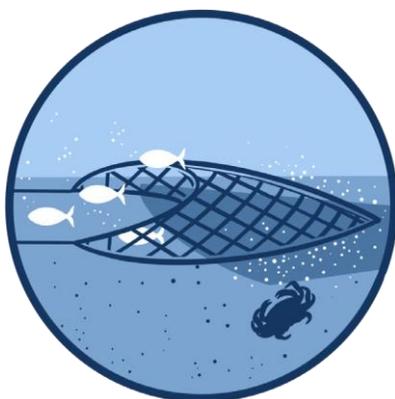
A fisheries analysis was conducted to determine the direct impacts of fisheries on the environment. As the risk level was identified independently of the concentration of fishing activities in the area under study, some activities rarely carried out in the Banc-des-Américains area were deemed to pose a potential risk because an increase in these activities could compromise the achievement of conservation objectives.

Bottom trawling is likely to destroy or change the composition of habitat and species on the seabed. This practice can capture non targeted species as incidental catches (Puscetdu *et al.*, 2014), including Atlantic Wolffish listed on *Species at Risk Act* species list with a status of special concern or Atlantic Cod (Laurentian South population), the latter whose status under *Species at Risk Act* is currently under review. Bottom trawling was therefore deemed an activity with a potentially very high risk of compromising the achievement of the conservation objectives pursued in the MPA, including the conservation of benthic and pelagic habitat, forage species and at risk whales and wolffish.

A study by Fuller *et al.*, (2008) found that trap fishing indicated that these fishing gears disturb the seabed, particularly when placed on the seabed and during hauling. In shallow areas, waves and swells can displace traps and drag them along the seabed. This displacement alters the state of the substrate and can damage sessile species (Schweitzer *et al.*, 2018). This type of gear also carries a risk of entanglement for marine mammals (DFO, 2010). From 1975 to 2016,

the period of use of the sector by cetacean species, for which entanglements pose a threat to their recovery, did not coincide with the snow crab fishing season. Risks associated with this fishery were therefore deemed low and did not compromise the achievement of the conservation objectives pursued under the *Oceans Act* MPA. Therefore, the interactions with marine mammals were negligible and so were disturbances to the seabed, considering the depth of the waters. However, since 2017, North Atlantic Right Whales have been appearing earlier in the season and in larger numbers in the Gulf of St. Lawrence, leading to riskier interactions with traps. According to scientists, it is too early to determine whether this situation is likely to last (DFO, 2018). To reduce entanglement risks, the Department has therefore implemented a dynamic closure protocol prohibiting several activities, including the use of traps, when North Atlantic Right Whales are observed in a fishing area in the Gulf of St. Lawrence. The Department will continue assessing the situation of right whales, particularly in the *Oceans Act* MPA. Additional steps may be taken to further reduce entanglement risks according to the principle of adaptive management, if necessary.

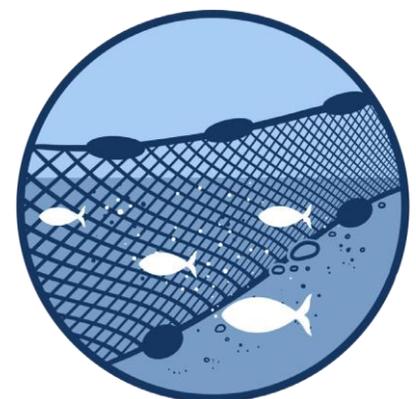
Gillnets and longline gear were used very little (< 1%) in the area, while other types of fishing gear (handline, Danish seine, traps, etc.) were almost never used (< 0.1%). However, gillnets can be harmful for the marine ecosystem (Fuller *et al.*, 2008) because of the effects of seabed alteration combined with the very high risk of entanglement with several



Bottom Trawl



Fishing Trap



Gillnet

marine mammals, including marine mammals listed under the *Species at Risk Act*. Gillnet fishing may therefore have a very high risk of compromising the achievement of the conservation objectives pursued in the MPA.

Currently, the two main commercial fisheries carried out in the *Oceans Act* MPA are snow crab fishing using traps and fishing of groundfish, mainly Atlantic Halibut, using longline gear. Before the area was designated an *Oceans Act* MPA, Northern Shrimp trawling and several fishing activities using gillnets were carried out in the area. Since designation, these activities have been prohibited in all zones. As the fishing effort in the area was low before designation, this prohibition has had little impact on commercial fishing activities. However, it has the advantage of averting the potential negative consequences of these activities on conservation objectives.

Marine transportation

Marine transportation is also a potential source of risks associated with contamination from accidental spills, collisions between vessels and cetaceans, and noise. Wastewater and grey water discharge can also contaminate the water column and marine sediments, which are important habitats for marine organisms in the sector. Several commercial vessels, including tankers, cargo ships, chemical tankers and cruise ships transporting up to 400 passengers, cross the sector on their way to Chaleur Bay or the Gaspé Bay. Transportation of petroleum and chemical products by tankers could compromise the achievement of conservation

objectives in the event of a spill. Furthermore, passing vessels can disrupt the behaviour of marine mammals due to the noise they emit and the collision risk they pose. However, according to a site assessment conducted in 2014 and 2015, marine transportation was relatively low in the sector of the Banc-des-Américains, and was therefore deemed unlikely to compromise the achievement of conservation objectives pursued in the MPA.

Tourism

Marine tourism activities in the sector are seasonal and mainly consist of marine mammal watching activities. The main threats associated with these activities are disturbances caused by proximity, noise from vessels and risk of collision with marine mammals. Few marine tourism activities take place in the sector, as it is far from the home ports of marine tourism operators, particularly operators using small vessels. In 2016, the Marine Mammal Observation Network (MMOM) conducted a consultation with stakeholders in the marine observation industry. Furthermore, an outreach kit was provided to vessel captains to encourage them to adopt best practices for approach and observation. Amendments have been made to the *Marine Mammal Regulations* (SOR/2018-126¹⁸) imposing minimum approach distances on vessels (including a minimum approach distance of 100 meters for cetaceans and a minimum approach distance of 200 meters for cetaceans resting or with their calf). This is reducing disturbances to cetaceans in the area. The risk of this activity compromising the achievement of conservation objectives has therefore been deemed low.

¹⁸ <https://gazette.gc.ca/rp-pr/p2/2018/2018-07-11/html/index-eng.html>

The natural resources and energy industries

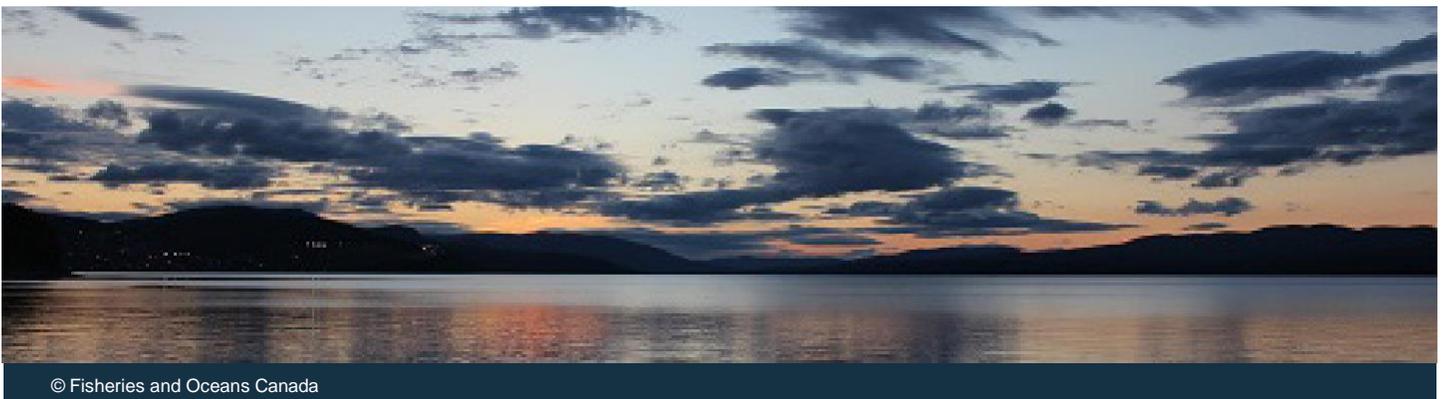


During DFO's assessment of the Banc-des-Américains site, it was determined that natural resource exploration and development carry high risks for the achievement of the conservation objectives pursued in the *Oceans Act* MPA. The impacts of the associated chemical contami-

nants (e.g., petroleum hydrocarbons and polycyclic aromatic hydrocarbons [Allaire-Verville *et al.*, 2015]) and noise on the environment and aquatic organisms are known and fairly well documented. However, when the area was designated an *Oceans Act* MPA, there was no hydrocarbon or mineral exploration or development activity in the area, and no such rights or permits had been issued for areas that are now part or all of the *Oceans Act* MPA. Furthermore, there was a moratorium on hydrocarbon exploration and development in the Gulf of St. Lawrence. At the time of designation, no turbine or other marine infrastructure projects were planned for the sector, and there were no submarine cables in the area. Since the designation of the *Oceans Act* MPA, all oil, gas or mining activities are prohibited throughout the site. In addition, since August 23, 2022, the exploration and production of hydrocarbons is prohibited in Québec. The Act to put an end to the search for petroleum resources or underground reservoirs, the production of hydrocarbons and the exploitation of brine prohibits the following activities: the exploration and production of hydrocarbons, the exploitation of brine and the search for underground reservoirs when it is done with the intention of exploring, storing or exploiting hydrocarbons or brine.

In addition, there were no submarine cables present in the sector. During the development of the *Banc-des-Américains Marine Protected Area Regulations* under the *Oceans Act*, no submarine cable installation was contemplated. However, during the public consultation period following the pre publication of the proposed regulations in the *Canada Gazette, Part I*, Hydro-Québec (the company responsible for producing, transporting and distributing electricity in Québec) informed DFO that one of the routes being studied for a newly proposed submarine cable installation project linking the Magdalen Islands to the Gaspé Peninsula would cross part of the sector. The impacts of submarine cables could compromise the achievement of the conservation objective to protect benthic habitat (OSPAR, 2017). As of 2023, Hydro Québec's submarine cable project is still under analysis. However, no route options are being considered in this sector, considering that this activity is prohibited by the *MPA Regulations*.

In summary, the results of the assessment of the impacts of anthropogenic activities on the achievement of the conservation objectives pursued under the MPA demonstrated the need to implement additional regulatory safeguards. The *Banc-des-Américains Marine Protected Area Regulations* under the *Oceans Act* address this need to protect the Banc-des-Américains ecosystem and support appropriate management of these human activities to ensure the achievement of the conservation objectives pursued in the *Oceans Act* MPA.



© Fisheries and Oceans Canada

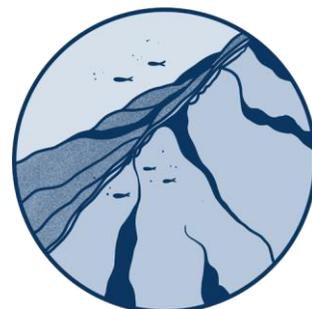
5. Overview of the *Banc-des-Américains* marine protected area regulations under the *Oceans Act*

Management zones

The *Banc-des-Américains Marine Protected Area Regulations*¹⁹ are made under subsection 35(3) of the *Oceans Act*. The MPA covers an area of 1,000 km², within which the Regulations establish two management areas (Figure 1). In each zone, activities that do not compromise the achievement of the *Oceans Act* MPA conservation objectives may be carried out. Stricter restrictions apply in the core protection zone (zone 1), which is the most sensitive zone. In the adaptive management zone (zones 2a and 2b), some activities are permitted under certain conditions. The management zones are as follows:

Zone 1 (core protection zone)

This zone, which covers an area of 127 km², encompasses all of the rocky ridges associated with the Banc-des-Américains as well as their escarpments and the surrounding sea floor. It is the highest protection area and includes the part of the *Oceans Act* MPA that is richest in biodiversity and most sensitive to human activities.



Zones 2a and 2b (adaptive management zone)

These zones cover an area of 873 km² and encompass nearly 90% of the *Oceans Act* MPA. They include the deep plains on either side of the Banc-des-Américains Zones 2a and 2b and are considered more resilient than Zone 1.

Prohibited and permitted activities

The Regulations prohibit any activity that disturbs, damages, destroys or removes from the *Oceans Act* MPA any living marine organism or any part of its habitat or is likely to do so. There are, however, certain exceptions that authorize specific activities within the *Oceans Act* MPA (Table 2) when these activities do not compromise the achievement of conservation objectives; these activities continue to be subject to all other applicable legislative and regulatory requirements. Some of these activities must first be authorized by Fisheries and Oceans under an approved activity plan. Proponents must obtain all necessary authorization (e.g., permits and licences) under the applicable acts to carry out their activities in the area.

¹⁹ <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2019-50/index.html>

The following activities may be carried out under certain conditions:

Fishing

Some fishing activities may be authorized in the *Oceans Act* MPA under the *Fishery (General) Regulations* made under the *Fisheries Act*. The following fishing activities are authorized in the *Oceans Act* MPA under the provisions of the *Fisheries Act* and the *Coastal Fisheries Protection Act* and their regulations.

Indigenous food, social and ceremonial fisheries

Indigenous food, social and ceremonial (FSC) fisheries are permitted throughout the *Oceans Act* MPA. These fisheries remain subject to the requirements under the *Aboriginal Communal Fishing Licences Regulations*. They are regulated by change orders and licence conditions issued under the *Fisheries Act* that specify the gear authorized, the periods during which fishing is permitted, the fishing areas, the species targeted and the allowed quotas.

Commercial and recreational fisheries

Like FSC fisheries, commercial and recreational fisheries are governed by variation orders and licence conditions under the *Fisheries Act*. In the Banc-des-Américains *Oceans Act* MPA, commercial and recreational fishing activities are restricted to specific zones and types of fishing gear:

- **Zone 1:** Indigenous and non Indigenous commercial fishing (including under the *Aboriginal Communal Fishing Licences Regulations*) and recreational fishing are not permitted.
- **Zones 2a and 2b:** Commercial fishing—for any species other than capelin, herring, mackerel, sand lance, krill or copepods—by means of a trap, longline or handline or by angling is permitted. Recreational fishing by means of a handline or by angling is also permitted in these zones.

Navigation

All activities related to navigation and marine transportation continue to be permitted within the *Oceans Act* MPA. However, anchoring of vessels is not permitted in Zone 1. In addition, discharge of sewage and release of grey water (as defined in the *Vessel Pollution and Dangerous Chemicals Regulations*) from vessels with a gross tonnage of 400 tonnes or more, or certified to carry 15 or more passengers, are prohibited in the *Oceans Act* MPA

Public safety and national security

Throughout the *Oceans Act* MPA, activities carried out for the purpose of public safety, national defence, national security, law enforcement or in response to an emergency (e.g., marine search and rescue operations and incident responses involving the deposit of deleterious substances) are permitted to ensure the safety of Canadians.

Activities for scientific research and monitoring, habitat restoration, education and commercial marine tourism

Scientific research and monitoring, habitat restoration, educational and commercial marine tourism activities are permitted in the Banc-des-Américains *Oceans Act* MPA subject to approval of an activity plan. These activities remain subject to all other applicable legislative and regulatory requirements, including the obtention of specific permits or authorizations for the activity in question

Table 2. Summary of the *Banc-des-Américains Marine Protected Area Regulations* under the *Oceans Act*

PROHIBITED ACTIVITIES		
The <i>Banc-des-Américains Marine Protected Area Regulations</i> under the <i>Oceans Act</i> prohibit any activity that disturbs, damages, destroys or removes from the MPA any living marine organism or any part of its habitat or that is likely to do so, unless this activity is part of the EXCEPTIONS set out in the Regulations and listed below.		
MANAGEMENT ZONE	AUTHORIZED ACTIVITIES (EXCEPTIONS provided for in the Regulations)	
ZONES 1 AND 2	• Aboriginal fishing	Permitted if: <ul style="list-style-type: none"> • Conducted for food, social and ceremonial purposes (FSC).
	• Safety or emergency	Permitted if the activities are conducted for the following purpose: <ul style="list-style-type: none"> • Emergency response • Public safety and national security • National defence • Law enforcement
	• Scientific research or monitoring • Habitat restoration • Educational activity • Commercial marine tourism activity	Permitted if: <ul style="list-style-type: none"> • The proponent submits an activity plan that meets the conditions set out in the Regulations and is approved by the Department.
	• Recreational and commercial navigation	Permitted, but: <ul style="list-style-type: none"> • No anchoring is permitted in zone 1. • A vessel of 400 gross tonnage or more or a vessel carrying 15 persons or more is not permitted to discharge sewage or release greywater.
ZONE 2 only	• Commercial fishing	Permitted: <ul style="list-style-type: none"> • Fishing by means of a trap, longline, or handline or by angling is permitted EXCEPT for the following forage species: capelin, herring, mackerel, sand lance, krill or copepods.
	• Recreational fishing	Permitted: <ul style="list-style-type: none"> • Fishing by means of a handline or by angling.



Pinniped counting activity © AGHAMW

Activity plan for carrying out an activity in the Banc-des-Américains *Oceans Act* MPA

DFO must ensure that scientific research and monitoring, habitat restoration, educational and commercial marine tourism activities in the *Oceans Act* MPA do not compromise the achievement of conservation objectives. The Regulations therefore require that an activity plan containing specific information on each proposed activity be presented to DFO for review and approval before the activity in question can be carried out in the *Oceans Act* MPA. If the review of the activity plan shows that the proposed activity meets the conditions set out in the Regulations, the activity plan will be approved, and the activity may be carried out in the *Oceans Act* MPA.

Activity plan applications can be denied in certain circumstances. Under the Regulations, an activity plan will be denied if:

- a) any substance that may be deposited during the proposed activity is a deleterious substance as defined in subsection 34(1) of the *Fisheries Act*, unless the deposit of the substance is authorized under subsection 36(4) of that Act; or
- b) the cumulative environmental effects of the proposed activity, in combination with those of any other past and current activities carried out in the *Oceans Act* MPA, are such that the activity is likely to:
 - destroy the habitat of any living marine organism in the *Oceans Act* MPA,
 - adversely affect the biodiversity or biological productivity of the *Oceans Act* MPA,
 - adversely affect the ecosystem structure and function of the *Oceans Act* MPA, or
 - adversely affect whales or wolffish.

Once the proponent has provided all the information required for their activity to be reviewed, DFO has up to 60 days to review and choose whether or not to approve the activity plan. If the proponent amends and resubmits the plan, DFO must make a decision within 60 days of receipt of the amended plan. To obtain an activity plan application form, please visit the *Oceans Act* MPA website²⁰ and contact the *Oceans Act* MPA management team (DFO. OceansQC-OceansQC.MPO@dfo-mpo.gc.ca).

If the activity plan is approved, the person who submitted it must provide an activity report within 90 days of the last day of the activity. This information is used to monitor pressure from human activities on the ecological components of the *Oceans Act* MPA and to continue monitoring the risks these activities could pose to the achievement of conservation objectives. Furthermore, when a report, study or other work is completed following an activity in the *Oceans Act* MPA, a copy of the document in question must be provided within 90 days of the completion of the activity. Cruise operators that use the Banc-des-Américains *Oceans Act* MPA for marine mammal watching receive a grid to fill out during the season. This grid is used to compile mandatory information for the activity report, as well as other information

on marine mammals that, while optional, is important for the Department. Cruise passengers also have the option to report their sightings in the MMON Vigie Marine app. The data provided may be used for monitoring purposes as part of the management of the *Oceans Act* MPA.

Alignment

As of 2020, a multi-year activity plan may be approved for a three year period if it meets certain conditions (Appendix B) established based on the type of activity.

Activities carried out in the Banc-des-Américains MPA may require authorizations under the provisions of federal and Quebec statutes. The Banc-des-Américains MPA Management Committee is currently developing a harmonization mechanism for the submission of authorization requests and the issuing of authorizations.

For some types of activities, applicants who submit an activity plan to DFO and receive the approval must also obtain a licence under section 52 of the *Fishery (General) Regulations and/or Marine Mammal Regulations* (Section 38) of the *Fisheries Act*. When the activity Impacts a species at risk, a permit is required under *Species at Risk Act* (Table 3).



School of mackerel © J.-P. Sylvestre

²⁰ <https://www.dfo-mpo.gc.ca/oceans/mpa-zpm/americain-americains/page01-eng.html>



White-sided dolphins © Fisheries and Oceans Canada

Table 3. Division of DFO responsible for analyzing projects in marine environments

Act	Regulations	Section	Approval type	Statutory deadline	Division responsible
<i>Oceans Act</i>	<i>Banc-des-Américains Marine Protected Area Regulations</i> ²¹	Section 35 of the Act Section 9 of the Regulations	Activity plan	60 days	Marine Planning and Conservation
<i>Fisheries Act</i>	<i>Fishery Regulations</i> ²²	Section 52 of the Regulations	Licence under the <i>Fisheries Act</i> permit	Service standards: 30 days for a new application and 20 days for a renewal	Fisheries Management
	<i>Marine Mammal Regulations</i> ²³	Section 38 of the Regulations			
<i>Species at Risk Act</i>	<i>Permits Authorizing an Activity Affecting Listed Wildlife Species Regulations</i> ²⁴	Section 3 of the Regulations Section 73 of the Act	Licence under the <i>Species at Risk Act</i>	90 days	Species at Risk Management

When analyzing activity plans for scientific research involving species at risk, the Marine Planning and Conservation Division must therefore align itself with the Species at Risk Management Division and the Regional Fisheries Management Branch to ensure that the activity complies with the Department’s acts and regulations. Interregional coordination may also be required in some cases.

²¹ <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2019-50/index.html>

²² <https://laws-lois.justice.gc.ca/eng/regulations/SOR-93-53/FullText.html>

²³ <https://laws.justice.gc.ca/eng/regulations/SOR-93-56/page-2.html>

²⁴ <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2013-140/>

6. Acts and regulations

The MPA is managed through federal and Quebec acts where applicable, as well as through other non regulatory measures, such as best practices, to ensure more complete protection of ecological components of interest. Below is a non exhaustive list of acts and regulations applicable to the area.

Oceans Act

The *Oceans Act*²⁵, adopted in 1996, leads and facilitates the development and implementation of plans for the integrated management of estuarine, coastal and marine ecosystems. Canada is committed to adopting a global approach to marine and coastal water protection and development through the wide application of the precautionary approach to the conservation, management, and exploitation of marine resources. DFO designates MPAs under the *Oceans Act*.

Species at Risk Act

The federal *Species at Risk Act*²⁶ was adopted in December 2002 and came into force in June 2004. This act supports one of the Banc des-Américains *Oceans Act* MPA conservation objectives pursued: to promote the recovery of at-risk whales and wolffish. *Species at Risk Act* has three main objectives:

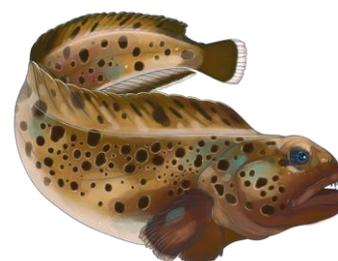
- Prevent Canadian indigenous species, subspecies, and distinct populations from becoming extirpated or extinct;
- Provide for the recovery of endangered or threatened species;
- Encourage the management of other species to prevent them from becoming at risk.

Under *Species at Risk Act*, it is prohibited to capture and possess wildlife species that are listed as endangered or threatened, such as the Spotted Wolffish and Northern Wolffish.

However, the *recovery strategy for the Spotted Wolffish and Northern Wolffish*²⁷ provides an exemption that allows the incidental catch of these species for any person authorized to carry out a fishing activity. The exemption, however, requires that individuals caught incidentally be promptly returned to the water to limit mortality. Although Atlantic Wolffish is listed as a species of special concern under *Species at Risk Act* and the release requirement does not apply to this species, DFO recommend that incidental catches be released and reported to DFO for commercial fishers on a voluntary basis.



Northern Wolffish



Spotted Wolffish

The *Species at Risk Act* also prohibits the killing, harm, and harassment of an individual of a wildlife species that is listed as extirpated, endangered, or threatened.

Fisheries Act

Since 1985, the *Fisheries Act*²⁸ has been one of the main tools for ensuring sustainable fisheries management. It aims to protect and conserve fish and fish habitat in the face of damage caused by human activities. In addition, the *Fishery (General) Regulations* require any person authorized to

²⁵ <https://laws-lois.justice.gc.ca/eng/acts/o-2.4/>

²⁶ <https://www.canada.ca/en/environment-climate-change/services/species-risk-act-accord-funding/act-description.html>

²⁷ https://publications.gc.ca/collections/collection_2020/mpo-dfo/En3-4-52-2020-eng.pdf

²⁸ <https://laws-lois.justice.gc.ca/eng/acts/f-14/page-1.html#h-231207>

engage in a fishing activity to release any species accidentally caught whose possession is prohibited in a manner that minimizes adverse effects on individuals. In addition, commercial fish harvesters are required to report these bycatches to DFO in their logbooks.

The *Fisheries Act* also includes the *Marine Mammal Regulations*, which require maintaining a minimum distance of 100 meters from whales, porpoises, and dolphins or 200 meters for when they are resting or with calves in the Gulf of St. Lawrence, and therefore the Banc-des-Américains MPA.

Canada Shipping Act, 2001

The *Canada Shipping Act, 2001*²⁹ is the main legislative tool regulating Canadian vessel activities in all waters and all foreign vessels in Canadian waters. Administered primarily

by the Minister of Transport, it is the principal legislation governing safety of marine transportation and recreational boating, as well as protection of the marine environment. In the Banc-des-Américains MPA, this act regulates navigation activities, sewage discharge and management of ballast water.

Quebec's Natural Heritage Conservation Act

The *Natural Heritage Conservation Act*³⁰, assented to in 2002 and amended in March 2021, is the main legislative tool by which the Government of Quebec endeavours to adhere to its commitments to conserving natural environments, including through the establishment of protected areas. This Act governs the proposed Banc-des-Américains aquatic reserve.



Fishery Officer © Fisheries and Oceans Canada

²⁹ <https://laws-lois.justice.gc.ca/eng/acts/c-10.15/page-1.html#h-50796>

³⁰ <https://www.canlii.org/en/qc/laws/stat/cqlr-c-c-61.01/latest/cqlr-c-c-61.01.html>



7. Non regulatory measures

Best practices for navigation and marine mammal watching

Proximity to vessels can have negative effects on the ability of marine mammals to carry out their activities due to underwater noise and an increased risk of collision. These risks increase with increasing vessel speed. To ensure adoption of navigation best practices in the Banc-des-Américains MPA, DFO encourages users to limit their speed to 25 knots when travelling and ten knots when in an observation area.



The observation area corresponds to a half nautical mile radius around marine mammal watching vessels, i.e. less than 400 meters of a whale in the Gulf of St. Lawrence. It is also important to avoid watching marine mammals at risk, whales at rest and whales already under observation and therefore close to an observation boat. During an observation, users must reduce their speed (to no more than ten knots), adopt an oblique trajectory in relation to the trajectory of the whale and limit their watching time (to no more than one hour). These best practices were developed based on the code of ethics set out in the [Responsible Observation Guide for the Marine Observation Industry](#)³¹ produced by the MMON.

³¹ http://romm.ca/wp-content/uploads/2020/07/Guide-intendance_ROMM_2020-Final-EN-20200709.pdf

8. Governance, stakeholders and roles and responsibilities

To support the achievement of conservation objectives, DFO works with the Government of Quebec through the federal–Quebec Management Committee, as well as various federal departments, First Nations, fish harvesters and numerous local organizations striving to ensure marine protection in the area. This co operation is chiefly facilitated through committees and working groups, accountability meetings and contribution agreements.

Federal departments

Fisheries and Oceans Canada

DFO is responsible for the establishment and management of the Banc-des-Américains *Oceans Act* MPA. It coordinates *Oceans Act* MPA conservation and monitoring with various teams across different sectors within the Department. Mechanisms for operational coordination and management are also in place.



Humpback Whale © Fisheries and Oceans Canada

The roles and responsibilities of the *Regional Ecosystems Management Branch – Marine Planning and Conservation Division (MPCD)* include:

- coordinating Banc-des-Américains management activities with the Government of Quebec under the *Canada–Quebec joint project agreement regarding the Banc-des-Américains MPA*;
- leading the development, approval and review of the *Oceans Act* MPA management plan;
- leading the review, analysis and monitoring of activity plans according to the directives and models available nationally;
- updating Notices to Mariners at the request of the Canadian Coast Guard (CCG);
- examining compliance promotion products;
- developing the emergency response protocol with the CCG and incorporating it into the *Oceans Act* MPA management plan;
- validating the *Oceans Act* MPA monitoring plan;
- providing monitoring trends and an analysis of social, economic, cultural and governance indicators;
- leading the *Oceans Act* MPA performance assessment; and
- overseeing *Oceans Act* MPA management.

The roles and responsibilities of the *Regional Science Branch* include:

- with the help of an internal working group, providing support during the analysis of the impacts of a proposed activity based on an activity plan;
- determining ecological monitoring indicators, protocols and strategies for the *Oceans Act* MPA;
- contributing to the ecological monitoring section of the *Oceans Act* MPA management plan;
- producing *Oceans Act* MPA monitoring reports;
- supporting the MPCD or taking part in management or advisory committee meetings as necessary; and
- coordinating and participating in the DFO Scientific Committee for the Banc-des-Américains MPA monitoring.

The roles and responsibilities of the *Strategic Services Division* include:

- identifying the relevant socio-economic indicators for the *Oceans Act* MPA;
- taking part in the *Oceans Act* MPA performance evaluation; and
- supporting the MPCD by providing advice or taking part in meetings as necessary.

The roles and responsibilities of the *Regional Fisheries Management Branch – Conservation and Protection Division* include:

- providing feedback on the compliance promotion and enforcement section of the *Oceans Act* MPA management plan;
- enforce the *Banc-des-Américains Marine Protected Area Regulations*;
- helping draft the emergency response protocol;
- conducting monitoring activities (patrols) to ensure users comply with the regulations governing the *Oceans Act* MPA;
- developing the monitoring plan;
- taking part in the *Oceans Act* MPA performance evaluation; and
- supporting the MPCD by providing advice or taking part in meetings as necessary.

The roles and responsibilities of the *Regional Fisheries Management Branch – Resource Management, Aquaculture and Indigenous Affairs* include:

- liaison, consult and engage with First Nations and the fishing industry;
- provide expertise on Indigenous and non-Indigenous fisheries activities; Supporting the MPCD by providing advice or taking part in meetings as required; and
- supporting the MPCD in the analysis of activity plans.

The roles and responsibilities of the *Canadian Coast Guard* include:

- developing and implementing the emergency response protocol, conducting monitoring activities, and ensuring marine safety and search and rescue activities.

In addition to all the divisions of the department mentioned above, the MPCD has also relied on the Species at Risk Management Division, the Fish and Fish Habitat Protection Division, the sector offices and the communications department for the various stages of the implementation of the MPA and continues to do so to ensure sound management.



Common Sunstar (*Crossaster papposus*) © DFO MLI MCT and divers team

Other federal departments

Various federal departments work with DFO to provide timely support in the management of the Banc-des-Américains MPA. These include:

- Natural Resources Canada, Transport Canada or any other department deemed relevant may be invited to take part in and present relevant key results at meetings of the MPA management committee or management advisory committee.
- Environment and Climate Change Canada, Transport Canada and other relevant jurisdictions may take part in the development and application of the emergency response protocol and conduct monitoring, enforcement and compliance activities in the MPA.



Co management between Canada and Quebec

As stated earlier, the Banc-des-Américains MPA is the first joint project under the *Canada–Quebec Collaborative Agreement to Establish a Network of Marine Protected Areas in Quebec*³². It is the Bilateral Group on Marine Protected Areas (BGMPA) who has the mandate of implementing this *Collaborative Agreement* signed in 2018. The group is composed of Quebec provincial departments (Department of the Environment, the Fight Against Climate Change, Wildlife and Parks [MELCCFP]; Department of Agriculture, Fisheries and Food [MAPAQ], Department of Natural Resources and Forests [MRNF]) and federal departments (DFO, Environment and Climate Change Canada, Parks Canada Agency) who are responsible for implementing MPAs in Quebec. The BGMPA is also responsible for overseeing the management of the *Canada–Quebec joint project agreement regarding the Banc-des-Américains MPA*.

Thus, in addition to being designated as an MPA under the *Oceans Act* (2019) by the Government of Canada, the Government of Quebec has designated a Proposed Aquatic Reserve on the same territory under the Quebec's *Natural Heritage Conservation Act* (2021).

The objectives of the specific *Canada–Quebec joint project agreement regarding the Banc-des-Américains MPA* are as follows:

- identify conservation objectives;
- identify management measures; and
- identify the terms of cooperation among the parties for the creation, management and monitoring of the Banc-des-Américains MPA

The boundaries and zoning of the *Oceans Act* MPA and proposed aquatic reserve are identical, and their respective plans are complementary and harmonized. Under the above-mentioned Agreement, the governments of Canada and Quebec have also created a joint Banc-des-Américains MPA Management Committee.

³² <https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/4100971x.pdf>

Banc-des-Américains Marine Protected Area Management Committee

Formed in November 2019, the Management Committee was established according to the *Canada–Quebec joint project agreement regarding the Banc-des-Américains MPA*. It is composed of DFO and representatives of three Quebec departments: MELCCFP, MAPAQ and MRNF. It is co chaired by a representative of DFO and a representative of MELCCFP. To ensure harmonization between the two governments, the parties have committed to coordinating their actions and consulting each other when making decisions on the management of the Banc-des-Américains MPA. The parties bring their planned actions and decisions to the Management Committee to obtain advice and pool their ideas into a coherent whole. The mandate of the Management Committee includes:

- developing a harmonization mechanism for the submission of authorization requests and for the issuing of authorizations;
- developing an annual program of activities;
- harmonizing the management plans developed by the parties;
- liaising with the relevant government authorities; and
- working together during all consultation processes concerning the Banc-des-Américains MPA.

A list of Banc-des-Américains MPA Management Committee members (as of October 2024) is provided in Appendix C.



Sea Anemone, Tealia (Urticina) sp. © L. Falardeau

Collaboration with First Nations

Oceans Act MPAs are implemented and managed in such a way as to respect Aboriginal and treaty rights and support relations between First Nations and the Government of Canada. Recognizing these rights and the principles of respect and co operation fosters partnerships between the federal government and various First Nations jurisdictions, ensuring coordination with respect to the planning, development, establishment, conservation and promotion of *Oceans Act* MPAs in Canada. Governance and management decisions take into account traditional and local knowledge throughout the processes.

Contribution agreements

DFO has an oceans management contribution program that funds regional projects to improve governance and co management of marine spaces and increase marine conservation efforts.

In terms of co operation with Indigenous groups in the Banc-des-Américains area, DFO has worked with the Mi'gmaq Wolastoqey Indigenous Fisheries Management Association (MWIFMA) through this contribution program since 2014. The MWIFMA is a not for profit organization founded in 2012. Its members are from three communities: the Gespeg Mi'gmaq Nation, the Micmacs of Gesgapegiag and the Wolastoqiyik Wahsipekuk First Nation. The organization's mission is to promote sustainable management and conservation of aquatic and ocean ecosystems

in the territories and areas of activity of these Nations, while promoting their interests and participation in co management and the diversification of their fishing and aquaculture activities.

Between 2014 and 2016, the MWIFMA carried out a project to document Mi'gmaq traditional and ecological knowledge on the Banc-des-Américains area of interest with Gespeg and Gesgapegiag members. In 2017 and 2018, a review of the knowledge on the site available from all sources was conducted to produce outreach materials for member communities, partners and the general public. In 2019 and 2020, the MWIFMA developed a three year monitoring plan to contribute to the scientific, ecological and community monitoring of the Banc-des-Américains MPA. Spanning from 2020 to 2026, the activities carried out by the WHAMFA will provide complementary information to the work of DFO biologists by contributing to the ecological and scientific monitoring of the Banc-des-Américains MPA. The agreement covers three more specific indicators in the vicinity of the MPA:

1. a snapshot of recreational activities;
2. an enumeration of the Grey and Harbour Seal populations;
3. the monitoring of microplastics.

Discussions are underway with the Mig'maq First Nations of Gespe'gewa'gi to determine how they would like to be involved in the management of the marine protected area.



Harbour Seal with pup



Grey Seal with pup

Banc-des-Américains Marine Protected Area Management Advisory Committee

Appointed in May 5 2023, members of the Advisory Committee assume an advisory role for the Banc-des-Américains MPA Management Committee. The Advisory Committee is co-chaired by a DFO representative and an MELCCFP representative, and is responsible for:

- representing the various interest groups;
- sharing their expertise and/or traditional knowledge and, if necessary, obtaining further advice from their own group; and
- issuing advice and recommendations on the management of the Banc-des-Américains MPA, including on MPA management plans and related plain language documents, monitoring and compliance, MPA progress reports, and promotion, communication and outreach actions.

The list of Advisory Committee members (as of October 2024) is provided in Appendix D.

9. Compliance promotion and enforcement



As the federal authority for *Oceans Act* MPA establishment and management, DFO has the responsibility for ensuring compliance with and enforcement of the Regulations. DFO's role is undertaken through the Department's legislated enforcement

mandate and responsibilities under the *Oceans Act*, the *Fisheries Act*, the *Coastal Fisheries Protection Act* and other pieces of legislation covering fisheries conservation and protection, and marine safety. Enforcement officers appointed by the Minister pursuant to section 39 of the *Oceans Act* will enforce the Regulations in the *Oceans Act* MPA. Enforcement of the Regulations and any related offences are dealt with under [section 39.6 of the *Oceans Act*](#)³³.

DFO Conservation and Protection fishery officers conduct monitoring, compliance and enforcement activities to ensure adherence to fishing licence conditions and restrictions contained in the *Banc-des-Américains Marine Protected Area Regulations* under the *Oceans Act*. A monitoring plan

is prepared annually by Conservation and Protection and submitted to the MPCD. Fishing activities can be monitored through various mechanisms, such as the At-Sea Observer Program, logbooks, and the list of licences issued and activity plans authorized in the area. Compliance verification is carried out through the Vessel Monitoring System (VMS) and field inspections, primarily through at-sea boardings, and aerial and at-sea patrols, including mid-shore patrol vessels or program vessels from local Conservation and Protection detachments.

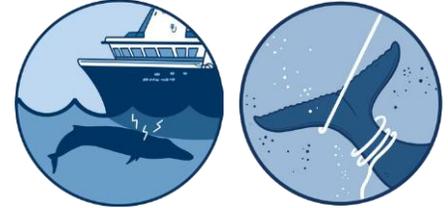
Under section 39.6 of the *Oceans Act*, any violation of the *MPA Regulations* is punishable by a fine ranging from \$5,000 to \$12,000,000 depending on the type of offence committed. Contravening the conditions of permits and licences, such as fishing licences, applicable to activities in the *Oceans Act* MPA may also lead to charges under other pieces of Canadian legislation, such as the *Fisheries Act*, the *Coastal Fisheries Protection Act*, *Species at Risk Act* or other relevant acts and regulations. Conservation and Protection can also monitor authorized activities associated with an activity plan.

³³ <https://laws-lois.justice.gc.ca/eng/acts/o-2.4/section-39.6-20190527.html>

10. Emergency response protocol

Marine mammals

In the event of collision with a marine mammal or sea turtle, an entanglement or an observation of dead or distressed animals, it is essential to call the Quebec Marine Mammal Emergency Response Network (QMMERN) toll-free telephone line at 1-877-722-5346. If a whale, dead or alive, entangled in fishing gear is observed, it is important to contact the QMMERN before moving away. It is also possible to make an anonymous report by mentioning it when reporting so that no personal information is entered into the database.



Pollutant spills and other incidents



In the event of a marine environmental incident involving a polluting substance or any other type of incident (e.g., sinking vessel, engine loss, drifting or fire), any person who owns, operates, or is responsible for managing or controlling the substance

should contact the CCG in a timely manner via the Alerting and Warning Network at 1-800-363-4735 and Environment and Climate Change Canada's National Environmental Emergency Centre at 1-866-283-2333. In addition, in Quebec, collaboration is carried out with the Government of Quebec to ensure a rapid, coordinated and adequate response to any maritime incident. To this end, it is also mandatory to contact the Quebec government's Environmental Emergency (Urgence-Environnement) response team at 1-866-694-5454. Finally, if you witness any incident or threat of marine pollution, it is your responsibility to promptly report the event to the Alerting and Warning Network.

An internal collaborative framework (Figure 3) was established by DFO – Quebec Region and the Canadian Coast Guard – Maritime Environmental and Hazard Response (CCG-MEHR) (St. Lawrence Sector) to develop a common foundation based on the needs and capabilities of each of

the organizations and stakeholders involved in managing marine pollution incidents. This collaborative framework is designed to:

1. develop CCG and DFO mandates during environmental emergencies involving marine incidents that occur in Quebec;
2. establish the alerting system between the CCG's environmental response team and the various DFO branches during marine incidents; and
3. identify the specific roles and responsibilities of CCG-MEHR and DFO branches in the event of marine incidents where there is a risk or presence of confirmed pollution.

The CCG-MEHR responds during the discharge or anticipated discharge of pollutants from a vessel, an oil handling facility, during vessel loading and unloading, or from an unknown source in Canadian waters to prevent, respond to, repair or minimize pollution damage. Also, as part of an emergency response, the DFO Regional Ecosystems Management Branch (REMB) is primarily responsible for providing advice and guidance on a possible response when physical alterations to the habitat occur in order to ensure compliance with the *Fishery Act* and *Species at Risk Act*.

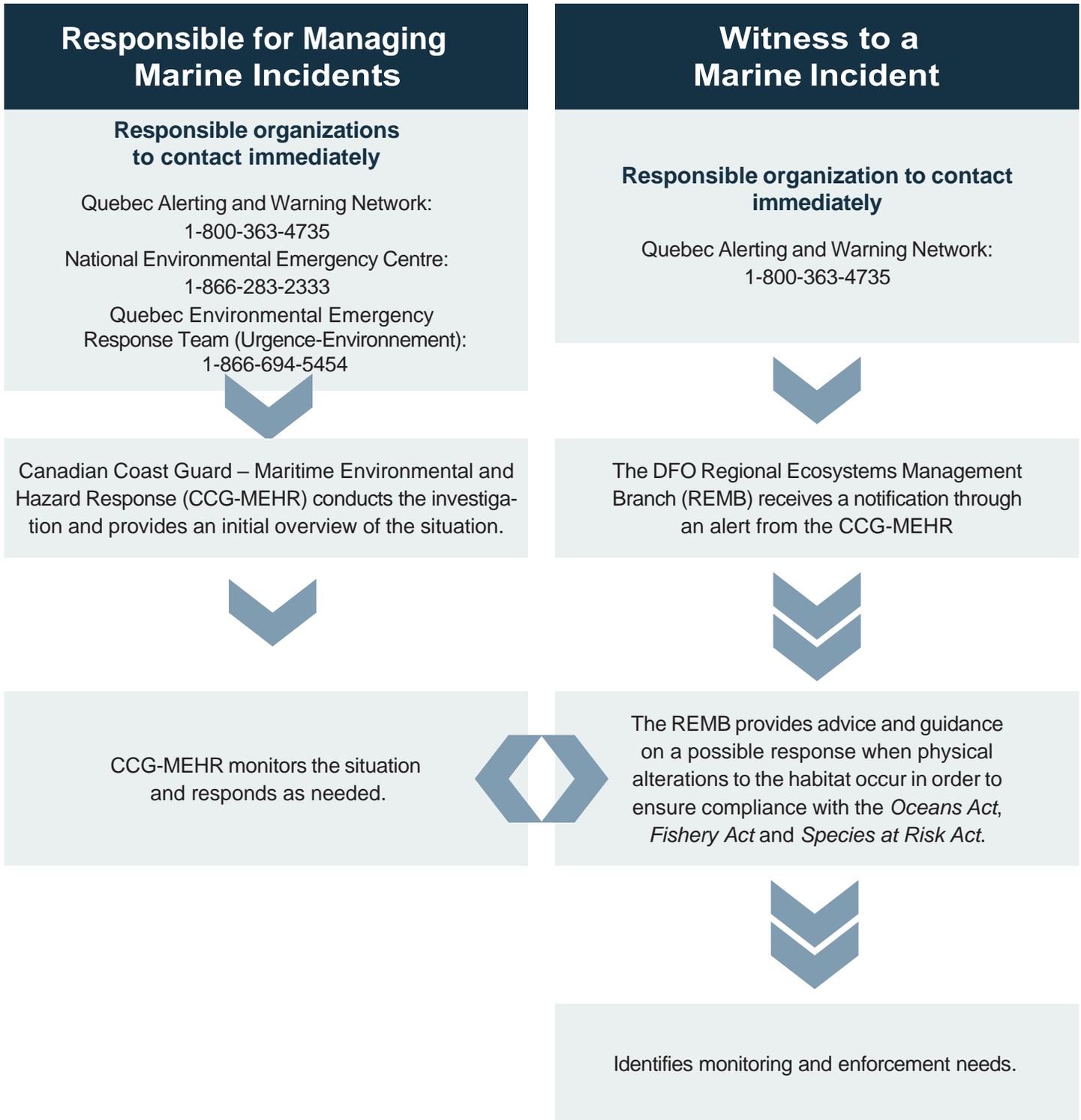


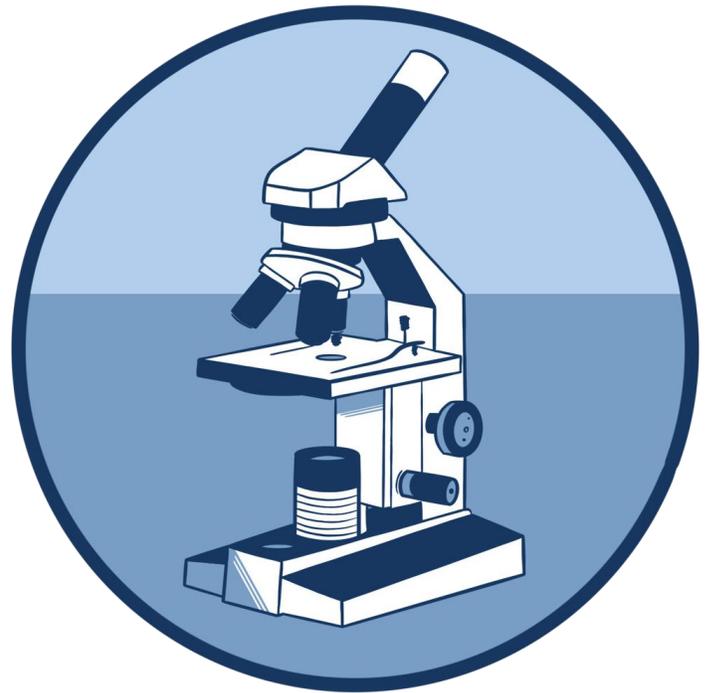
Figure 3. Internal procedure during an emergency response in the Banc-des-Américains *Oceans Act* Marine Protected Area.

11. Knowledge acquisition and ecological monitoring

To support the establishment and proper management of *Oceans Act* MPAs, DFO's Regional Science Branch develops and implements ecological monitoring plans. In order to develop a monitoring plan, conservation priorities, pressures and indicators must be defined based on the conservation objectives. Monitoring these indicators is essential to describe the environmental conditions influencing the ecosystem and attempt to explain the changes observed. Ecological monitoring must also provide the information necessary to assess the achievement of conservation objectives and enable adaptive management of the *Oceans Act* MPA.

DFO applies ecological monitoring of the Banc-des-Américains MPA. A consolidated monitoring plan with the Quebec government could be developed to ensure that all environmental components are accounted for. Three types of indicators have been identified by DFO: direct and indirect indicators linked to conservation priorities, and pressure indicators. Indirect indicators are used to assess the overall status and trends of the MPA ecosystem, while direct indicators are used to assess the MPA's performance. Pressure indicators are used to monitor changes in the various pressures within the MPA that are likely to affect the achievement of conservation objectives. Direct and indirect indicators related to benthic habitats, pelagic habitats, forage species and at-risk species, including certain whale and wolffish species, have been identified (Table 4). In terms of pressures, indicators including aquatic invasive species, noise, disturbance, collisions, entanglements, climate change, commercial fisheries, competitors/predators, ghost gear and pollution have been selected (Table 5). Note that a periodic review of the indicators will be conducted to ensure adequate monitoring.

To facilitate the implementation of an effective and sustainable monitoring plan, it is recommended to select indicators that can be measured by using existing DFO or partner monitoring programs, such as the [Atlantic Zone Monitoring Program](#)³⁴ and DFO's [multidisciplinary surveys](#)³⁵. Existing surveys also allow for greater efficiency and minimize cumulative environmental effects. However, new surveys will be needed to ensure adequate monitoring, such as underwater imagery surveys, to sample different types of benthic habitats and communities, while limiting negative environmental impacts. Additionally, there are plans to implement environmental DNA (eDNA) and scuba diving surveys for monitoring Atlantic Wolffish and benthic biodiversity.



³⁴ <https://www.dfo-mpo.gc.ca/science/data-donnees/azmp-pmza/index-eng.html>

³⁵ <https://open.canada.ca/data/en/dataset/40381c35-4849-4f17-a8f3-707aa6a53a9d>

May 2018

January 2019

April 2021

January 2024

The following steps have been taken to date for the development of ecological monitoring for the MPA:

May 2018

Peer review of indicators for ecological monitoring of the MPA. During this process, the proposed conservation priorities, pressures and indicators for ecological monitoring were reviewed. This resulted in the development of two documents: a Science Advisory Report entitled “Review of ecosystem features, indicators and surveys for ecological monitoring of the Banc-des-Américains Marine Protected Area³⁶” (DFO, 2019) and a research document entitled “Review of the indicators and recommendations for an Ecological Monitoring Plan for the Banc-des-Américains Marine Protected Area³⁷” (Faille *et al.*, 2019)

January 2019

Establishment of DFO’s Science Committee for the monitoring of the Banc-des-Américains MPA to assist in the implementation of the ecological monitoring of the MPA.

April 2021

Peer review of monitoring indicators for the MPA. This process made it possible to establish a state of knowledge, and to specify and justify the choice of measures for each

of the indicators, while providing details on data processing by presenting the available results and historical trends. This resulted in the development of two documents: a Science Advisory Report entitled “Review of the Monitoring Indicators for the Banc-des-Américains Marine Protected Area, Validation of the Choice of Measures and State of Knowledge³⁸” (DFO, 2023) and a research document entitled Indicateurs de suivi du MPO pour l’aire marine protégée du Banc-des-Américains : révision, choix des mesures et état des connaissances³⁹ [DFO Monitoring Indicators for the Banc-des-Américains Marine Protected Area: Review, Choice of Measures and State of Knowledge] (Faille *et al.*, 2023)

January 2024

Regional peer review of the interim ecological monitoring report for the Banc-des-Américains MPA based on the 2021 peer-reviewed methodology (DFO 2023). The results of the Science response held on January 31, 2024 relate to the update of the status of priority indicators (as of December 2022) for the ecological monitoring of the Banc-des-Américains MPA.



DFO Science Committee for the Monitoring of the Banc-des-Américains Marine Protected Area

In January 2019, in support of ecological monitoring of the MPA, DFO’s Science Committee for the monitoring of the Banc-des-Américains MPA was established. The Committee’s main responsibilities include assisting in the development of the monitoring plan; contributing to its implementation, maintenance and revision; and producing monitoring reports. The Committee is also working to fill gaps in scientific surveys (development of new surveys) by guiding the modification and creation of new protocols.

³⁶ https://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2019/2019_033-eng.html

³⁷ <https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/40857530.pdf>

³⁸ https://publications.gc.ca/collections/collection_2023/mpo-dfo/fs70-6/Fs70-6-2023-001-eng.pdf

³⁹ <https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/41218565.pdf> [available in French only]

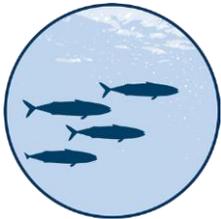
Priority issues

The three conservation objectives for the Banc-des-Américains MPA were established to promote the productivity and diversity of fishery resources associated with the Banc-des-Américains and its adjacent plains, and to promote the recovery of species at risk (SOR/2019-50⁴⁰). Since these three objectives are very broad, priority issues were developed to better guide indicator assessment and MPA monitoring:



1. Conserve and protect benthic habitats

- Ensure that the diversity and status of the various benthic habitat communities are maintained within the limits of natural variability or improved.
- Minimize the negative effects of human activities on the benthic habitat, associated communities and commercial resources.



2. Conserve and protect pelagic habitats and forage species

- Minimize the negative effects of human activities on pelagic habitats and forage species.



3. Promote the recovery of at-risk whales and wolffish

- Minimize the negative effects of human activities to maintain suitable habitat for at-risk whale and wolffish species.

Priority issues were selected to make the link between conservation objectives and the choice of pressures. The priority issues also help clarify the direction of the expected changes to assess the status of the indicators and measures, which is essential information to include in monitoring reports. Priority issues can be reassessed periodically during the review of the *Oceans Act* MPA management plan.

⁴⁰ <https://www.dfo-mpo.gc.ca/oceans/documents/mpa-zpm/american-americains/BDA-RIAS.pdf>

Table 4. Conservation priorities, number of indicators, type of indicators (D = direct or I = indirect) and the rationale behind the indicators for each conservation objective (N/A = not available).

Conservation Priority	Number/Type of Indicators (D or I)	Rationale (Faillie <i>et al.</i> , 2019 ⁴¹ , MPO 2023 ⁴²)
Objective 1: Conserve and protect benthic habitats (benthic and demersal)		
Indicator species of benthic and demersal communities	3 (I)	Species of cold- and warm-water stenothermal fishes and invertebrates are targeted since they are more sensitive to climate variability. The most abundant species, including Shrimp (<i>Pandalus</i>), American Plaice and Greenland Halibut, are monitored based on their dominance in the environment.
Epibenthic communities	4 (D)	Four distinct communities/habitats have been identified in the MPA, including fixed, erect species (e.g., sponges, soft corals, algae and anemones). These organisms are likely more vulnerable to pressures (e.g., fishing) and play an important role for a variety of fish and invertebrate species (e.g., shelter, structure and feeding).
Demersal communities	2 (I)	This component is related to the overall objective of the MPA, which is to promote the biological productivity and diversity of fisheries resources (harvested species). A number of demersal fish species are dependent on benthos as a food source. Demersal fish communities are monitored on the ridge and the plains.
Benthic and demersal commercial species	1 (D) and 1 (I)	The main species targeted by the commercial fishery in the Banc-des-Américains <i>Oceans Act</i> MPA are Snow Crab and groundfish (Atlantic Halibut and Atlantic Cod). Monitoring of these species makes it possible to assess the status of these populations.
Substrate characteristics	1 (D)	Benthic communities are intimately linked to substrate types. Properly characterizing substrates and monitoring their changes tie into benthic monitoring and the broader conservation objective of conserving benthic habitats.
Endobenthic communities	N/A	The endobenthos is an integral part of the benthic communities and consists of a diversity of species which perform a variety of ecosystem functions.
Suprabenthic communities	N/A	The suprabenthos is considered an important part of the benthic communities and constitutes an important food source for a number of demersal fish species. Monitoring of the suprabenthos is considered necessary to provide a comprehensive overview of the MPA's benthic habitats.

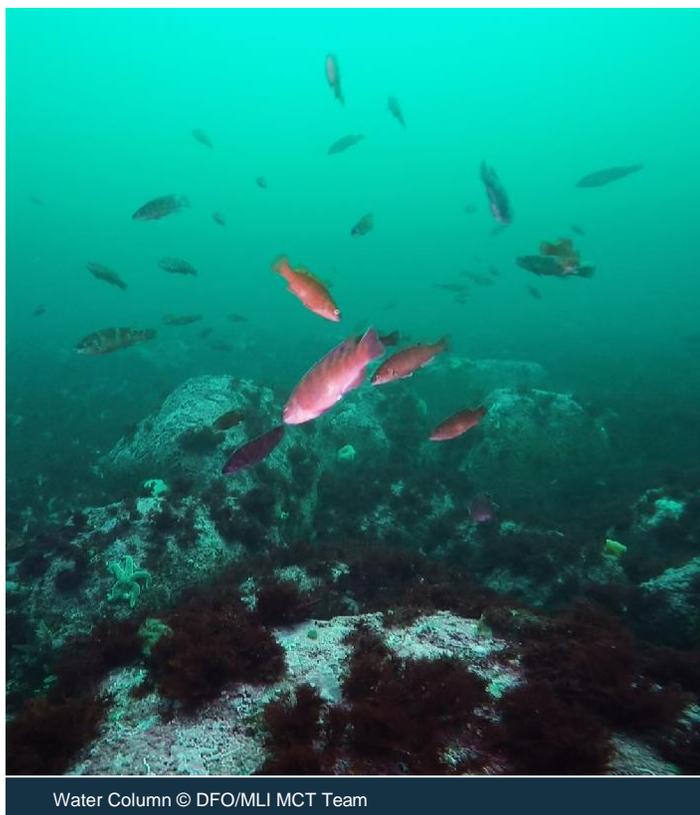
⁴¹ <https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/40857657.pdf>

⁴² https://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2023/2023_001-fra.html

Conservation Priority	Number/Type of Indicators (D or I)	Rationale (Faille <i>et al.</i> , 2019, MPO 2023)
Objective 2: Conserve and protect pelagic habitats and forage species		
Nutrient	1 (I)	This oceanographic property affects various processes related to organisms (e.g., growth, metabolism), populations (e.g., productivity) and habitats (overall health) present in the area.
Phytoplankton	1 (I)	Phytoplankton are at the base of the food chain and therefore essential for understanding the entire pelagic ecosystem and even the benthic ecosystem (pelagic-benthic coupling).
Zooplankton	1 (I)	Zooplankton are a primary part of the diet of a number of biotic components (herring, capelin, mackerel, whales, etc.) related to conservation objectives and are therefore an important element to monitor to explain all ecosystem variations. Their significant link with higher trophic levels could explain observed variations in many other indicators selected.
Krill	1 (I)	Krill play an important role in the diet of many species of invertebrates, fishes, seabirds and marine mammals. This indicator provides information on the amount of energy directly available for a number of whale species.
Herring	1 (I)	Herring, like other forage species, plays an intermediate role in the food web by transferring energy from zooplankton communities to higher levels.
Capelin	N/A	Capelin is a very important species for ecosystem functioning. However, currently, no survey data is available for assessing capelin abundance and biomass.
Objective 3: Promote the recovery of at-risk whales and wolffish		
Atlantic Wolffish	2 (D)	The Atlantic Wolffish is the only wolffish species whose presence in the MPA has been confirmed. Spotted Wolffish are likely present, but it is not known whether Northern Wolffish occur there. Therefore, monitoring activities will be directed solely at Atlantic Wolffish.
Whales	3 (I) and 1 (D)	Three species of whales (Fin Whale, Blue Whale and Right Whale) that occur in the MPA are at-risk under the <i>Species at Risk Act</i> . The monitoring of these species is an indirect indicator to assess the changes in the use of this area over time.

Table 5. Pressures, number of indicators and their rationale (N/A = not available).

Pressure	Number of Indicators	Rationale (Faille <i>et al.</i> , 2019, MPO 2023)
Climate change	4	These key parameters are used to monitor the potential effects of climate change on ecosystem components (dissolved O ₂ threshold, pH and temperature).
Invasive species	1	Aquatic invasive species can harm biogenic species and native species that occur in the MPA.
Competitors/ predators	2	Lobster is an important benthic predator and the increase in numbers of this species could have impacts on the benthic and demersal communities of the MPA, including competition with other species. Grey Seals impact demersal communities and forage species, such as herring, through predation.
Noise	2	Anthropogenic noise in the MPA represents a disturbance for at-risk whale species. Traffic intensity is used as an indicator to indirectly inform responders of potential noise disturbance.
Disturbance	1	Marine mammal disturbance is associated with marine mammal watching activities and recreational boating. Disturbance resulting from these activities may be caused by vessel noise or the proximity of vessels and human activities.
Collision	2	Collisions between ships and marine mammals pose a direct threat to at-risk whale species. Vessel speed monitoring is used as an indicator to inform responders of the risk of collision in the MPA.
Entanglement	1	Entanglement in active gear or ghost fishing gear can cause relatively severe injuries and even kill marine mammals.
Physical disturbance of the substrate	4	Monitoring the relative footprint of commercial fisheries and scientific activities makes it possible to conduct a spatial assessment of the proportion of the MPA affected by these activities.
Biomass sampling	3	Some commercial fisheries and scientific activities continue to operate within the MPA. All biomass removed from and fishing intensity within the <i>Oceans Act</i> MPA itself should be accounted for to properly characterize changes in this pressure.
New pressure	1	This pressure makes it possible to monitor and determine any new activities in the MPA that have the potential to interfere with conservation objectives (e.g., Indigenous fishing and tourism).
Ghost gear	N/A	Ghost gear poses a threat to a number of species, including marine mammals and benthic and demersal species. Indicators for this pressure have not yet been defined.
Pollution	N/A	Pollution (in the sediments) has been identified as a pressure that should be monitored as it can alter MPA ecosystems. However, no indicators have been identified yet due to the lack of available data.



Water Column © DFO/MLI MCT Team

Next steps for monitoring

The assessment of the status of the MPA has been under way for more than half of the indicators and will be completed in the coming years. To date, 27 indicators have a processed database and measures have been calculated for each indicator based on a selected reference period. With respect to six indicators whose data was reviewed, the status could not be assessed for a variety of reasons, including the lack of an assessment method, insufficient data available or a high degree of uncertainty about the data. A basic overview of these indicators will nevertheless be presented in the monitoring reports. Next steps will be prioritized by DFO's Science Committee for the monitoring of the Banc-des-Américains MPA for indicators that could not be presented during the 2021 peer review process. These next steps include the development of new scientific surveys and the addition of stations to existing surveys. The assessment of the performance of the MPA is expected to be conducted in the long term for the direct indicators.

Two types of ecological monitoring reports are being considered: a full report (every six to eight years) and more frequent interim reports (every three years). The full report will present the status of all indicators for which data are available and, if possible, their trend since the establishment of the *Oceans Act* MPA. An interim report consisting of a few priority indicators will be prepared more frequently to support the adaptive management of the *Oceans Act* MPA. This will ensure that priority information is available and will enable DFO to quickly assess the need for management action in response to a significant change in any of the indicators. Priority indicators should be closely linked to pressure indicators and be highly informative about the status of the MPA. When selecting the indicators to be included in the interim reports, three criteria were considered:

1. the ease of calculating measures (data accessible annually and simple analyses);
2. their specificity to the MPA; and
3. their ability to drive management action in response to a change observed in the short term.

Discussions are underway with other interest groups that are involved in ecological monitoring or could be involved in these approaches in order to expand the capacity of governments to implement this type of monitoring.

Non ecological monitoring

The MPCD is also working with the Strategic Services Branch, the Regional Fisheries Management Branch, the Quebec government and wishes to work with Mi'gmaq First Nations to develop socio-economic, cultural, and governance indicators to monitor the sector. Integrating these indicators using a socio-economic perspective is required to achieve more effective, equitable and robust policies and practices for MPAs (Précoma-de la Mora *et al.*, 2021).

Socio-economic principles focus on, but are not limited to, integrating the social context, and current and future human-environment activities; considering economic and non-economic uses in the sector; promoting an equitable

distribution of costs and benefits; and maintaining cultural diversity (Précoma-de la Mora *et al.*, 2021). A better understanding of these environmental factors helps to ensure a net increase in positive impacts on local communities. Governance principles include implementing collaborative and adaptive management, and promoting effective management. Integrating monitoring indicators for governance ensures adequate opportunities for opinions to be heard and taken into account for decision-making purposes. The non-ecological conditions surrounding an MPA are those that the government is likely to have a greater ability

to modify and therefore adapt based on the results of the assessment.

Non-ecological monitoring can also improve communication of the direct and indirect positive impacts of an MPA in addition to ecological impacts. Consultations and workshops are under way to gather the information needed to identify the non-ecological monitoring indicators that will be selected. An update on the non-ecological indicators that will be selected will be made in the next management plan in 2031.



At-sea Observation Activity © Fisheries and Oceans Canada

12. Awareness, education and communication

In accordance with the *Canada-Quebec Collaborative Agreement to Establish a Network of Marine Protected Areas in Quebec*, all communications regarding the Banc-des-Américains MPA must be consistent between the governments of Canada and Quebec. The parties present the Management Committee with communication ideas for discussion to ensure the consistency of messages, and are notified of any in-year communication activities, as appropriate. The parties also work towards creating joint documents and preparing joint presentations at various events.

A dedicated [Banc-des-Américains Oceans Act MPA webpage](#)⁴³ is available on the DFO website to provide information to the general public and users, including its location, conservation objectives, prohibitions, environmental context, ecosystem, management and conservation, activity requests, and related research and publications. Many presentations to promote the MPA and the Department's activities have also been given in recent years, as well as annual reports, highlighting important information

and activities that contribute to the ongoing management of the area. Additionally, a regulatory sheet summarizing the context and regulations of the *Oceans Act* MPA was created for distribution by fishery officers to stakeholders who frequent the sector. A fact sheet on good practices for marine mammal watching will also be distributed to marine mammal watching companies that frequent the Banc des-Américains MPA. Other tools will also be developed and produced in the coming years in co-operation with our partners.

Information for mariners operating in the sector is provided in Section A2 – *Marine Mammal Guidelines and Marine Protected Areas*, Notice 5A – *General Regulatory Requirements for all Oceans Act Marine Protected Areas in Annual Edition Notices to Mariners 1 to 46*⁴⁴, available online. The information contained in the notice to mariners includes general prohibitions, exceptions, incident reports, penalties, and contact information, Regulations and marine mammal protection for the Banc-des-Américains *Oceans Act* MPA.



North Atlantic Right Whale © Fisheries and Oceans Canada

⁴³ <https://www.dfo-mpo.gc.ca/oceans/mpa-zpm/american-americains/index-eng.html>

⁴⁴ <https://www.notmar.gc.ca/publications/annual/annual-notices-to-mariners-eng.pdf>

13. Management process: regulatory life cycle

Initial monitoring of the various indicators provides an important baseline for achieving the *Oceans Act* MPA's conservation objectives. Ongoing monitoring is used to identify trends in these indicators. Management of the *Oceans Act* MPA is cyclical, meaning that a sequence of steps could make it possible to adapt management actions to conservation priorities, which could be adjusted over time. This regulatory life cycle can be broken down as follows:

1. The review of monitoring results in addition to the five-year review cycle of the *Oceans Act* MPA management plan informs the assessment of the regulatory tool.
2. The assessment plays an important role in the life cycle of the *Oceans Act* MPA Regulations, as does progress in achieving the *Oceans Act* MPA conservation objectives (i.e., whether the regulations are working as originally intended) and the effectiveness of the management measures.
3. The assessment findings may indicate that the *Oceans Act* MPA conservation tool is addressing the problem as intended or that there is a need for adaptive management. Adaptive management is applied to regulatory and non-regulatory measures to better deal with the problem and achieve the *Oceans Act* MPA conservation objectives. If regulatory measures need to be modified, this will involve changing the *Oceans Act* MPA Regulations through the regulatory process.

As a result, the life cycle approach (Figure 4) improves the efficiency, accuracy and accountability of the regulatory system to support the government's commitment.



Harbour Seal © J.-P. Sylvestre

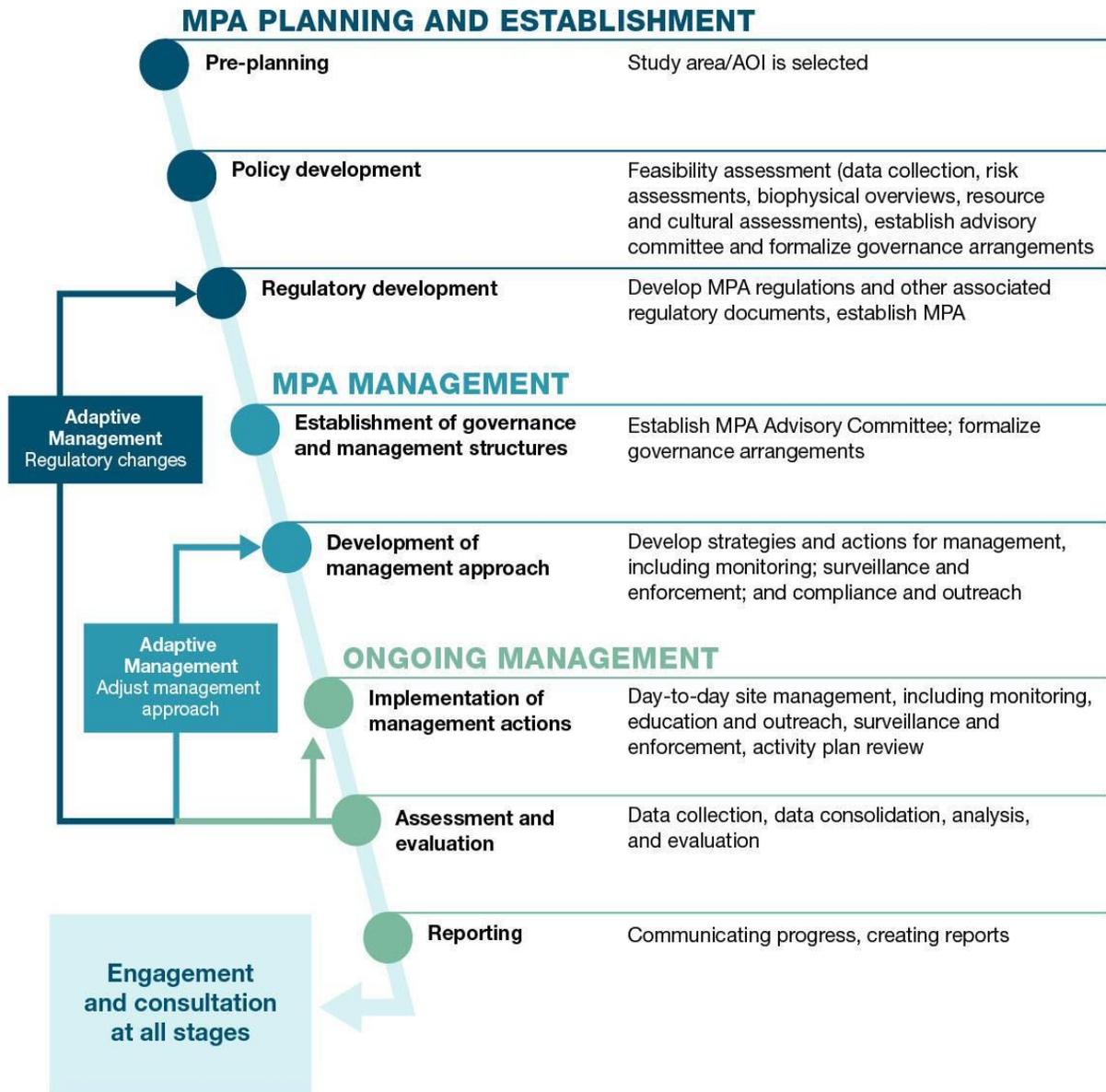


Figure 4. Oceans Act MPA management cycle⁴⁵, that can be adapted for the Banc-des-Américains MPA due to the Canada-Quebec joint management.

⁴⁵ <https://www.dfo-mpo.gc.ca/oceans/publications/current-courant/2021/infographics-infographies-eng.html>

Adaptive Management



Hermit crab © H. Dionne

The management plan is developed in close collaboration with stakeholders and is based on adaptive management, one of the guiding principles of the National *Oceans Act* MPA Program. Adaptive management is an iterative process of decision-making whereby management strategies are progressively adjusted in response to new and relevant information. This means that new knowledge (scientific, industry-related, Indigenous knowledge, etc.) and the results from monitoring and reporting programs could enable management measures to be adjusted to ensure that they continue to meet the conservation objectives.

The application of adaptive management will be carried out in collaboration with the Management Committee and may result in:

- reviewing the *Oceans Act* MPA management plan to include recommended voluntary measures;
- adjusting the scientific monitoring plan to better measure changes impacting the MPA; and
- ultimately, amending the *Oceans Act* MPA Regulations where the need has been demonstrated.

The Banc-des-Américains MPA will be subject to a periodic management cycle during which any new information will be reviewed and the ability of regulatory measures to meet conservation objectives will be reassessed. Therefore, adaptive management is the most appropriate approach to manage a dynamic ecosystem and emerging issues. It emphasizes the importance of monitoring and using the highest quality information available to guide the management of the MPA.

Issues that are likely to change (e.g., increased vessel traffic to the Port of Gaspé), or emerging issues (e.g., increased marine noise or climate change) can be addressed through the next adaptive management plan, which will be developed as required. Adaptive management, in collaboration with relevant stakeholders, will make it possible to carry out outreach activities or voluntary measures to address appropriate conservation issues and make amendments to the *Oceans Act* MPA Regulations, if deemed necessary.

With respect to the increase in marine noise and the potential impact on marine mammals, as well as the cumulative effects of activities or any other emerging issues, DFO intends to continue to document their consequences in order to assess what measures could be implemented moving forward. These issues could be addressed through adaptive management of the MPA as issues become better understood, which may include proposing voluntary measures, or even amending the Regulations.



Cruises © Fisheries and Oceans Canada

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Appendix A

List of Advisory Committee members involved in the designation of the *Oceans Act* MPA (2019 *Oceans Act* MPA status designation)

Interest group	Organization	Name
Fishing industry	Association des crabiers de la Baie	Daniel Dubois
	Association des crabiers de la Gaspésie	
	Regroupement des pêcheurs professionnels du sud de la Gaspésie	Joël Berthelot
Marine mammal watching	Les bateaux de croisière J. Cloutier	Steve Cloutier
Commercial shipping	Shipping Federation of Canada	Caroline Gravel
Electricity, oil and gas industries	Hydro-Québec	Marie-Andrée Lelièvre
		Gilles Mathieu
Tourism industry	Route bleue de la Gaspésie	Michel Lacroix
Environmental NGOs	Marine Mammal Observation Network	Stéphanie-Carole Pieddesaux
	Canadian Parks and Wilderness Society	Geneviève Morin-Dion
Coordination committee	Baie des Chaleurs ZIP Committee	Geneviève Lemoyne
Recreational boating and scuba diving	Club nautique Jacques-Cartier	Michel Lacroix
Education	Cégep de la Gaspésie et des Îles (École des pêches de Grande-Rivière)	Marie-Hélène Fournier
Research	Merinov	Laurent Millot
First Nations	Mi'gma'wei Mawiomi Secretariat	Tanya Barnaby
		Nicole Jeanotte
Land managers	La Côte-de-Gaspé MRC	Pascal Savard
	Rocher-Percé MRC	Louis Babin
	SÉPAQ (Parc national de l'Île-Bonaventure-et-du-Rocher-Percé)	Rémi Plourde
Federal departments	Transport Canada	Lucie Pagé
	Forillon National Park of Canada	Mathieu Côté
	Natural Resources Canada	Sophie Tee

Annexe B

Criteria for approval of a three-year activity plan by type of activity (as of October 2024)

Activity type	Criterion	Details
Scientific monitoring	Recurrence	The activity must be planned on a recurring basis, i.e., annual monitoring over a number of years.
	Assessment of activity	The activity has undergone an assessment which demonstrates that it will not cause long-term harm, and therefore will not jeopardize the achievement of the <i>Oceans Act</i> MPA conservation objectives. If it does not, an analysis will be required to approve the activity for three years.
Commercial tourism activities	Experience	The applicant has been established and conducting operations in the commercial tourism industry for a minimum of three years.
	Activity plan	The applicant has submitted a minimum of two approved activity plans.
Ecosystem restoration		To be determined.
Educational activity		To be determined.

Annexe C

List of Banc-des-Américains Marine Protected Area Management Committee members (as of October 2024)

Government	Department	Member
Canada	Department of Fisheries and Oceans Canada (DFO)	Alain Guitard, Director, Marine Planning and Conservation and Species at Risk Management Division Co-chair of the Banc-des-Américains MPA Management Committee
		Renée Gagné, Senior Biologist, Marine Planning and Conservation Division (Co secretary).
Quebec	MELCCFP (Department of the Environment, the Fight Against Climate Change, Wildlife and Parks)	Catherine Bernier, Regional Director, Direction régionale de l'analyse et de l'expertise du Bas-Saint-Laurent et de la Gaspésie-Îles-de-la-Madeleine Co-chair of the Banc-des-Américains MPA Management Committee
		Justine Desmeules, Regional Director, Direction de la gestion de la faune de la Gaspésie-Îles-de-la-Madeleine
		Virginie Galindo, Project Manager, Marine Protected Areas, Direction générale de la conservation de la biodiversité (Co-secretary)
		MRNF (Department of Natural Resources and Forests)
	MAPAQ (Department of Agriculture, Fisheries and Food)	Alexis Cadieux-Gagnon, Regional Director, Direction régionale de la Gaspésie du sous-ministériat aux pêches et à l'aquaculture commerciales

Annexe D

List of Banc-des-Américains Marine Protected Area Advisory Committee members (as of October 2024)

Interest group	Organization	Name
First Nations	vacancy	
Indigenous fishers	Mi'gmaq Wolastoqey Indigenous Fisheries Management Association (MWIFMA)	Sandra Autef
Fishing industry	Association des capitaines-propriétaires de la Gaspésie (ACPG)	Samantha Bois (Geneviève Myles as a substitute)
	Regroupement des pêcheurs professionnels du sud de la Gaspésie (RPPSG)	Jimmy Lepage (Annie Chouinard as a substitute)
Marine mammal watching	Croisières Baie de Gaspé	Guy Synnott
Environmental and education NGOs	ZIP Gaspésie	Antoine Bonhomme
	Marine Mammal Observation Network (MMON)	Mélissa Martel (Sonia Giroux as a substitute)
Research	vacancy	
Tourism industry	Ville de Gaspé	Marc Dupont
	Tourisme Gaspésie	Jean-Philippe Chartrand