

Hon. Catherine McKenna
Minister of Environment and Climate Change Canada

Hon. Dominic LeBlanc
Minister of Fisheries and Oceans Canada

Hon. Mark Garneau
Minister of Transportation Canada

cc: Caroline Ladanowski, Wildlife Management and Regulatory Affairs Division, Canadian Wildlife Service

BY EMAIL

Dear Ministers,

Please accept this letter as the formal feedback from the undersigned conservation organizations for the public consultation on the draft Scott Islands marine National Wildlife Area regulations, as published in Gazette 1 on 31 December 2016. The proposed Scott Islands marine National Wildlife Area is a site of particularly ecological significance and one that is extremely worthy of strong protection.

We are pleased to see the ongoing commitment to establish Canada's first marine National Wildlife Area (mNWA). **However, we are very concerned that the proposed regulations do not provide adequate protection for seabirds or other marine species, and contain no spatial protection to conserve the broader ecosystem of the area.**

In light of these concerns, we welcome Minister McKenna and Minister LeBlanc's stated commitment to work with stakeholders to improve the proposed protections "not only for seabirds but for other key species and habitats there and elsewhere in the ecosystem."¹ We are also encouraged by Minister LeBlanc's commitment to review fishing activities in the area to ensure that permitted activities are sustainable and will not threaten endangered species.²

After almost 20 years of consultation and development, we are keen to see the Scott Islands mNWA officially designated, but have reservations that quality may be sacrificed for quantity, in the pursuit of current goals and timelines.

The Scott Islands are the most important seabird breeding area in Pacific Canada. The islands are a place of refuge for more than 2 million seabirds each year and are home to 90% of Canada's tufted puffins, more than half of the world's Cassin's auklets, and are the only Pacific breeding colony of common murres. The nutrient rich waters surrounding the Scott Islands bring wildlife from as far as Australia, Japan, and Chile, and support a wide range of species, many of which are considered *Species at Risk*, including leatherback sea turtles, several species of whales, Steller sea lions, sea otters, and sharks.

¹ Government of Canada Announces Concrete Action on Marine Conservation" *Marketwired.com* Dec. 3rd, 2016

² B.C. seabird haven marked for protected status" *The Globe and Mail*, Ivan Semeniuk. Dec. 4th 2016

Establishing a marine National Wildlife Area has the potential to protect the complex ecosystem around the Scott Islands. However, the proposed regulations fail to provide protection from a number of potentially harmful activities. This sets an extremely poor precedent for future marine National Wildlife Areas, which have the potential to count toward the governments Marine Conservation Targets if their regulations result in meaningful spatial protections and zoning. This is not the case for the Scott Islands.

Environment and Climate Change Canada needs to work with Transport Canada and Fisheries and Oceans Canada to improve the regulations so that all harmful activities are appropriately managed. We would like to raise a number of specific concerns, which need to be addressed and make the following recommendations:

- Effectively regulate fishing that causes direct seabird mortality, reduces prey, attracts predators, or changes bird behaviour. In the proposed regulations only three fisheries (krill, saury and sandlance) would be banned. However, none of these species are currently fished within the proposed boundary. The proposed regulations allow commercial bottom trawling, longlining, and gillnetting to continue within the proposed boundary. These activities are known to pose a risk to seabirds and other marine life associated with the area.³ The most direct form of harm from fishing is through entanglement and bycatch, which is associated with high levels of direct mortality. To our knowledge there has been no attempt to calculate the effects of direct mortality on seabird populations.
- Provide greater restrictions on ship passage and higher penalties for spills. Spills from ships and boats can have a devastating and long-term impact on seabirds. While we welcome the restriction on vessel traffic greater than 400 gross tonnes from anchoring within 1 nautical mile of the islands, this restriction is not enough to adequately protect the wildlife within the proposed mNWA. There is currently moderate to high levels of vessel traffic in the proposed SImNWA, and chronic oil spills throughout the area. Even very small spills ruin the waterproof coating of seabirds' feathers, causing hypothermia and death. Exposure to hydrocarbons has also been shown to affect health and breeding success in a number of species. The consequences of chronic oiling at the Scott Islands are largely ignored in the proposed regulations.
- Create and enforce clear, strong regulations to limit noise and physical disturbances that disrupt seabird feeding grounds and marine mammals. Noise and physical disturbance can flush seabirds from feeding grounds,⁴ causing them to stop feeding and lose prey intended for their young,⁵ and also disturb whales, sea lions and sea otters.⁶ We recognise that the establishment of the mNWA will allow for enhanced monitoring and

³ Boutillier, J. 2016. Characterization and Analysis of Fisheries Related Risks to Significant Species, Habitats and Ecosystem/Community Properties within the Proposed Scott Islands marine National Wildlife Area. DFO Can. Sci. Advis. Sec. Res. Doc. 2016/015. viii + 71 p.

⁴ Schwemmer, P., Mendel, B., Sonntag, N., Dierschke, V. and Garthe, S. (2011), Effects of ship traffic on seabirds in offshore waters: implications for marine conservation and spatial planning. *Ecological Applications*, 21: 1851–1860. doi:10.1890/10-0615.1

⁵ Speckman, S.G., J.F. Piatt, and A.M. Springer. 2004. Small boats disturb fish-holding Marbled Murrelets. *Northwestern Naturalist* 85:32-34.

⁶ Fort, K, K. Amey and M. Dunn. (2006) Scott Islands Marine Wildlife Study Area – An Ecosystems Overview Report. Technical Report Series No. 427. Canadian Wildlife Service, Pacific and Yukon Region, British Columbia.

research. However, in the absence of sufficient data we strongly recommend that the precautionary approach⁷ be applied to all current activities, and that activities are prohibited until it can be demonstrated that they do not cause harm.

- Ban oil and gas exploration in the Scott Islands marine National Wildlife Area, and in all Canadian marine protected areas. The current moratorium on oil and gas exploration does not offer the guaranteed long-term protection required to safeguard this critical habitat for seabirds, other listed species and the broader ecosystem.

As currently proposed, this site does not meet the international definition of an effective protected area, and so we cannot support the inclusion of the Scott Islands marine National Wildlife Area in Canada's marine conservation targets.

As it currently stands these weak regulations for the Scott Islands signal to us a reluctance to provide meaningful protection for the marine wildlife in this area. As the Scott Islands will be Canada's first mNWA, we recommend the strong application of the precautionary approach in order to set a good precedent. The recent proposal for St. Anns Bank MPA in Nova Scotia, shows that strong protection is achievable in Canada's MPAs.

We recognise your commitment to work with stakeholders to improve the proposed Scott Island mNWA, and look forward to working with you, to ensure stronger protection measures for the seabirds and marine life of the Scott Islands.

Sincerely,



Sabine Jessen
National Director, Oceans Program,
Canadian Parks and Wilderness Society



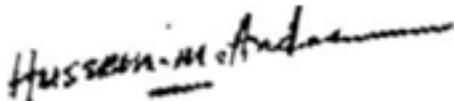
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⁷ <https://www.cbd.int/marine/precautionary.shtml>