

**House of Commons Standing Committee on Environment and Sustainable Development
Study on Federal Protected Areas and Conservation Objectives
Submission from Nature Canada**

Summary

Canada urgently needs a realistic and comprehensive implementation strategy for protected areas in order to achieve the Aichi targets under the Convention for Biological Diversity of protecting 17% of Canada's land and 10% of our oceans by 2020. For Canada to reach these targets, federal, provincial, territorial and indigenous governments must work hand-in-hand; this brief focuses on opportunities for the federal government. Nature Canada recommends that the implementation strategy contain the following elements:

1. **Ramp up efforts to establish new and expand existing National Wildlife Areas and Migratory Bird Sanctuaries.** Provide Canadian Wildlife Service with significant new resources to take full advantage of these underutilized tools to established protected areas. A straightforward starting point for these efforts is to provide legal protection to Important Bird and Biodiversity Areas (IBAs) where appropriate.
2. **Stop losing federal protected areas.** The Government of Canada is currently transferring 700,000 hectares of mainly native grasslands in 62 community pastures formerly managed by the Prairie Farm Rehabilitation Administration (PFRA) to the government of Saskatchewan; Saskatchewan has stated that it will sell this land once transferred. Nature Canada recommends a pause to these transfers until a strategy is prepared to protect the 28 former PFRA grasslands that have not yet been transferred.
3. Ensure that Parks Canada Agency and Department of Fisheries and Oceans have sufficient resources to meet their objectives for establishing, managing and enforcing **new and expanded National Parks and National Marine Conservation Areas, and Marine Protected Areas**, respectively.
4. **Negotiate establishment of new protected areas with indigenous governments** as part of the negotiations relating to the nation-to-nation process that the federal government is committed to.
5. **Demonstrate federal leadership on the use of Aichi Target 11 "other effective area-based conservation measures" (OEABCMs)** to protect important terrestrial and marine ecosystems (including habitats for species at risk), in concert with Indigenous and local governments, private landowners and non-governmental organizations responsible for their stewardship and management.



About Nature Canada

Nature Canada is the oldest national nature conservation charity in Canada. For more than 75 years, we have helped protect over 63 million acres of parks and wildlife areas in Canada and countless species that depend on this habitat. Today, Nature Canada represents a network comprised of over 45,000 members and supporters and more than 350 nature organizations across the country and with affiliates in every province.

Nature Canada focuses on effecting change on issues of national significance including protection of species and habitat, urban nature initiatives, building a network of volunteers to care for critical natural habitat sites across Canada, and being a voice for nature at the federal level. Nature Canada is proud to be a founding member and host of the Green Budget Coalition, which presents positive, viable solutions on how the federal budget can become more environmentally friendly. Nature Canada nurtures partnerships in our operations because we believe collective action is always more effective than a lone voice. Internationally, Nature Canada is proud to be a member organization of the International Union for Conservation of Nature (IUCN) as well as a Canadian co-partner of BirdLife International.

Protected Areas in Canada

Canada has a rich biological capital of forests, freshwater, marine habitats, and grasslands that make a significant contribution to the world's ecosystem services. The opportunity still exists to make a strong contribution towards the protection of this biodiversity for generations to come. One component of this protection must be the designation of areas strictly protected for biodiversity, integrated into broader conservation oriented landscapes. The need for protected areas for wildlife conservation in Canada remains great, given the threatened status of many species in Canada, the still relatively poorly understood impacts of climate change on wildlife populations, and the pace of industrial development and urbanization. The opportunity is also great: many of Canada's wild spaces remain intact – but action must be swift in order to preserve this biodiversity.

In some areas of the country Canada has made good progress towards the protection of sites for wildlife conservation. Protected areas in Canada include those designated by a variety of governments: federal, provincial/territorial, and regional/ municipal. In 2010, Canada agreed to the Aichi Targets to conserve at least 17 per cent of Canada's terrestrial and inland waters, and 10 per cent of coastal and marine areas by 2020, a goal adopted by provincial and territorial governments in the *2020 Biodiversity Goals and Targets for Canada*. So far Canada has protected 10.7% of its land and only 1.1% of its oceans—so there is a long way to go to achieve the targets in just 4 years.

Although over half of Canada's protected areas are under federal jurisdiction, significant conservation will only be realized by federal, provincial, territorial and indigenous governments working hand-in-hand on a comprehensive implementation strategy to expand our national protected areas. The need for collaboration is not a reason for inaction or inactivity, the federal government should move rapidly to protect Canada's land and waters. Nature Canada has five specific recommendations for actions the Federal government can take to meet its Aichi targets.

Recommendation 1:

Ramp up efforts to establish new and expand existing National Wildlife Areas and Migratory Bird Sanctuaries. Provide Canadian Wildlife Service with significant new resources of to take full advantage of these underutilized tools to established protected areas. A straightforward starting point for these efforts is to provide legal protection to Important Bird and Biodiversity Areas (IBAs).

The Canadian Wildlife Service (CWS) of Environment and Climate Change Canada manages a network of 12.4 million hectares of federal protected areas for wildlife conservation – National Wildlife Areas (NWAs) and Migratory Bird Sanctuaries (MBSs). The goal of these terrestrial and marine protected areas is not ecosystem representation, but the protection of native wildlife populations, particularly migratory birds and species at risk, as well as wildlife habitat. There are 54 national wildlife areas in this system with an area totaling over 1 million hectares, and 92 migratory bird sanctuaries with a total size of over 11.5 million hectares. These sites comprise approximately 11% of the terrestrial and marine protected area sites in Canada, second in size only to Parks Canada and encompassing more marine area than Fisheries and Oceans Canada's marine protected areas. Indeed, a majority of Canada's MBSs encompass marine and aquatic sites and in addition to fulfilling part of Canada's commitments under the 1916 Migratory Birds Treaty and the Parksville Protocol of the 1994 Migratory Birds Convention Act.

This network of NWAs and MBSs suffers from a low profile, a lack of sufficient funding (around \$0.25 per hectare), and several conservation shortcomings including significant threats to site ecological integrity. Nature Canada envisions a network of CWS protected areas that is ecologically robust, includes broader application of the Canada Wildlife Act, strong management and enforcement, and effective legislative and regulatory protection. This vision for the network includes increasing resources for NWAs and MBSs and for expanding the network with new sites. We recommend immediate action to designate the following candidate NWAs: Scott Islands Marine (BC), Edhézhie (NWT), Ts'ude niline Tu'eyeta (NWT), Dinàgà Wek'èhodi (NWT), Ka'a'gee Tu (NWT) and Samba K'e (NWT).

NWAs and MBSs are generally easier to create than new National Parks and offer more management flexibility, making them appealing in meeting the timeline of the Aichi targets. And significant work has already been done by Nature Canada and other partners in identifying sites in most need of protection as NWAs and MBSs. With BirdLife International partners in over 100 countries, we've created a global network of sites that provide essential habitat for birds and biodiversity. We have recognized approximately 600 Important Bird and Biodiversity Areas (IBAs) across Canada's diverse landscapes. Acting with regional conservation partners, we've built an exhaustive IBA database, finalized almost 100 site conservation plans, and initiated a network of hundreds of volunteer stewards who conserve IBAs by collecting bird data, restoring habitat, and raising awareness. IBAs are the backbone of a new Key Biodiversity Area (KBA) standard being developed by IUCN, BirdLife and others. These IBA/KBA sites provide a template for expansion of the network of NWAs and MBSs.

In its 2016 budget recommendations, the Green Budget Coalition, including Nature Canada, recommended that the federal government invest \$3 million in 2016 increasing to \$5 million by 2017 to create and manage at least three new national wildlife areas, and develop a clear plan for the future of the NWA system. The Coalition also recommended an investment of \$10 million in 2016, ramping up to \$30 million ongoing annually by 2019 to better manage the existing system of NWAs and MBSs.

Recommendation 2:

Stop losing federal protected areas. The Government of Canada is currently transferring 700,000 hectares of native grasslands in 62 community pastures formerly managed by the Prairie Farm Rehabilitation Administration (PFRA) to the government of Saskatchewan. These areas are collectively home to 31 federally-listed species at risk. Saskatchewan has stated that it will sell these lands once transferred. Nature Canada recommends a pause to these transfers until a strategy is prepared to protect the 28 former PFRA grasslands – and the critical habitats for species at risk they encompass – that have not yet been transferred.

Given Canada's active commitment increasing protected areas, transferring ecologically sensitive habitat that currently enjoys some protection into private hands without binding rules to protect ecological values simply doesn't make sense.

In 2012, the former federal government decided made to terminate the Agriculture and Agri-Food Canada's Community Pastures Program and transfer management of 85 federal pastures (62 of which are in Saskatchewan) to provincial governments. This decision was made without stakeholder consultation or prior discussion with the provinces. There was no plan or program to provide for the continued protection of the public benefits derived from these lands, including: soil and water conservation; carbon sequestration and storage; protection of species at risk; and support to the livestock industry and rural communities. As well, the current Government of Saskatchewan, with its stated policy of divesting itself of Crown lands, has offered all of the pasture lands up for sale to patron groups, although to date none have been purchased.

Temperate grasslands are among the most endangered ecosystems in Canada and globally. The federal Community Pasture Program invested hundreds of millions of dollars over 80 years to restore and manage more than 1 million hectares of native grasslands. These community pastures include some of the most significant remaining tracts of native grassland in Canada, and are home to some of the highest concentrations of species at risk on the continent. These and other ecological, social and economic benefits are at risk unless the new federal government halts these transfers until a strategy is developed for protecting these grasslands.

Recommendation 3:

Ensure that Parks Canada Agency and Department of Fisheries and Oceans have sufficient resources to meet their objectives for establishing new and expanded National Parks and National Marine Conservation Areas, and Marine Protected Areas, respectively.

National Parks and National Marine Conservation Areas are the jewel in the crown of Canada's protected areas and sufficient resources need to be provided to Parks Canada to develop new areas and manage those that exist. In particular, Nature Canada recommends that urgent action be taken to create a new National Park Reserve in the South Okanagan Similkameen and a National Marine Conservation Areas in the Southern Strait of Georgia and Lancaster Sound.

Budget 2016 allocated \$42.5 million over five years for new national parks and marine conservation areas. While this is a significant commitment, the Green Budget Coalition, including Nature Canada, recommended \$25 million be allotted annually on an ongoing basis by 2018 to create and manage new parks.

Establishment of Marine Protected Areas through Fisheries and Oceans Canada is also urgently needed to meet Canada's Aichi targets, help recover fish stocks, boost nature-based tourism, buffer the impacts of climate change and acidification by ensuring resiliency, and maintain stable jobs for the future. Budget 2016 allocated \$81.3 million over five years for new marine protected areas. While this is a significant commitment as well, the Green Budget Coalition, including Nature Canada, recommended that \$45 million be allotted annually on an ongoing basis to create a national network of Marine Protected Areas as well as \$8 million annually for ocean planning and integrated oceans management.

Recommendation 4:

Negotiate establishment of new protected areas with indigenous governments as part of the nation-to-nation process that the federal government is committed to.

Indigenous communities, governments and organizations have often led efforts to protect ecologically or culturally important lands and waters in their traditional territories. Proposals for most new national parks established in the past few decades (e.g., Ukkusiksalik, Vuntut, Ivavik, Aulavik, Tukut Nogait, Sirmilik, Auyuittuq, Quttinirpaaq, Gwaii Haanas, Torngat Mountains, Nahanni expansion) have been led or supported by local indigenous communities, and are sustained through co-management agreements with those communities. Lacking a more appropriate legal instrument, the Deline First Nation in the Northwest Territories led efforts to protect the ecological and cultural integrity of the Sayoue and Edacho peninsulas on Great Bear Lake as a National Historic Site.

National Wildlife Areas are emerging as a preferred instrument by First Nations for protecting ecologically significant areas, such as Edézhie plateau in the Mackenzie Valley, due to the flexibility of the *Canada Wildlife Act*. NWAs do not generally exclude traditional activities such as hunting and trapping and can more easily tailor conservation solutions to meet the needs of specific communities.

Nature Canada is currently working with the Moose Cree First Nation to create a First Nations protected area in the North French River watershed (the North French River empties into the Moose River just south of Moosonee). Nature Canada is also working with the Moose Cree First Nation to protect Important Bird Areas along the James Bay south shore and to create a shorebird reserve under the Western Shorebird Habitat Reserve Network (WSHRN). Canada's seven existing WSHRN sites are an important contribution to our national commitments under the Ramsar Convention on Wetlands.

Nature Canada believes that the federal government's commitment to a nation-to-nation approach to engaging indigenous governments and people provides an opportunity to create more protected areas that are led or managed, jointly or solely by indigenous governments themselves. This would be the case especially if the federal government launched modern treaty processes with self-identified indigenous communities similar to northern comprehensive claim processes.

Recommendation 5:

Demonstrate federal leadership on the use of Aichi Target 11 "other effective area-based conservation measures" (OEABCMs) to protect important terrestrial and marine ecosystems (including habitats for species at risk), in concert with Indigenous and local governments, private landowners and non-governmental organizations responsible for their stewardship and management.

Indigenous governments, local communities, municipal governments, private landowners and NGOs each make important contributions to Canada's terrestrial and marine protected areas through a mosaic of land use planning tools and/or property stewardship mechanisms. Some of these approaches are legally supported, such as conservation easements and gifts of "ecologically significant" lands, whereas other approaches are supported by management policies, voluntary measures or by virtue of their traditional cultural or religious significance.

Despite contributing toward the conservation of Canada's lands and waters, including habitats for species at risk and migratory birds, a number of these conservation areas are absent in calculations of progress toward Canada's Aichi Target 11 goals. Most provincial governments provide laws that facilitate the creation of conservation easements or covenants on private lands (e.g., Ontario's *Conservation Land Act*) and, in some cases, the federal government may provide tax relief to land donors under the Income Tax Act. However, those lands are not universally included in reporting systems and therefore are not counted toward Target 11. Also not fully represented in reporting systems are land use planning tools put in place by Indigenous or local governments, and cultural land protections recognized by Indigenous governments and local communities across Canada, which can fall outside of the existing legal definitions of "protected areas".

To address this opportunity for real gains toward Aichi Target 11, Nature Canada recommends that the federal government demonstrate leaderships in the use of existing scientific guidance on the assessment and application of OEABCMs – provided by the Canadian Council on Ecological Areas – to assess and recognize appropriate conservation lands and waters as "Other Effective Area-based Conservation Measures" under Target 11. Qualifying sites would have to meet the fundamental requirement to be 'effective in conserving biodiversity', with the conservation of nature foremost among their management objectives. The federal government could demonstrate further leadership in the application of OEABCMs by taking advantage of largely unused federal legal mechanisms for land conservation, including section 11 Conservation Agreements under SARA and agreements under the Canada Wildlife Act. There is no shortage of tools and opportunities to explore in making dramatic, effective progress toward achieving the Aichi Targets.

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