

## APPENDIX I: PROGRESS ON FEDERAL MARINE ENVIRONMENTAL LAW, 2019-2015

### I. NEW AND AMENDED STATUTES

Statute	Date of Royal Assent	Key Changes
<a href="#"><u>Ban on Shark Fin Importation and Exportation Act</u></a>	October 23, 2018	Amends the Fisheries Act to prohibit the practice of shark finning, and amends the Wild Animal and plant Protection and Regulation of International and Interprovincial Trade Act to prohibit the importation into and exportation from Canada of shark fins or shark fin parts.
<a href="#"><u>Canada Petroleum Resources Act</u></a>	May 27, 2019	Introduced through Bill C-55 as complimentary amendments to the renewed <i>Oceans Act</i> , establishes new tools to rescind oil and gases leases within <i>Oceans Act</i> marine protected areas (MPAs).
<a href="#"><u>Canada Shipping Act</u></a>	December 13, 2019	<p>Amendments allow the federal government to regulate shipping for environmental reasons and specifically “to deliver on commitments made under the Oceans Protection Plan to enable the Government to respond to marine pollution incidents faster and more effectively, and to better protect marine ecosystems and habitats”.</p> <p>The amendments provide significant new powers and authority that potentially change the marine safety and environmental protection framework in Canada.</p>
<a href="#"><u>Ending the Captivity of Dolphins and Whales Act</u></a>	June 21, 2019	This Act amends the Criminal Code, Fisheries Act, and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act. It is now a criminal offence to keep and breed dolphins, whales and porpoises in captivity, with exceptions for those that were in captivity before the new law was passed. And it is a regulatory offence to capture one of these marine mammals in the wild, or to import them from another country.
<a href="#"><u>Fisheries Act</u></a>	June 21, 2019	Amendments restore lost protections, including the prohibitions on habitat alteration, damage and destruction (HADD) and on causing the death of fish other than fishing, and add new modern safeguards such as recognition of Indigenous knowledge in decision-making a public registry for fish habitat proposals and decisions, a duty to maintain fish stocks “to or above” reference point, additional Ministerial powers to stop fisheries or other activities to address urgent situations such as whale entanglement in fishing gear, expanded powers to designate Ecologically Significant Areas, and new powers to protect areas for marine biodiversity.
<a href="#"><u>Oceans Act</u></a>	May 27, 2019	<p>The renewed Act improves ocean protection in through three key additions:</p> <ol style="list-style-type: none"> <li>(1) A new power to establish interim marine protected areas (MPAs) by ministerial order, and included timelines for converting interim MPAs into permanent MPAs. This will allow for faster ocean protection and greater certainty;</li> <li>(2) A definition ecological integrity for the first time in Canada’s marine conservation laws; and</li> <li>(3) A requirement that the precautionary approach be applied, which provides that precautionary measures should be taken even when there is a lack of scientific certainty about the risks posed by an ocean activity.</li> </ol>

Statute	Date of Royal Assent	Key Changes
<a href="#">Marine Liability Act</a>	December 13, 2019	The amendments update the Ship Source Oil Pollution Fund in several ways. First, they remove the per-occurrence limit to liability so that unlimited compensation is potentially available to responders and victims of ship-source oil spills. Second, it widens access to the Fund by allowing responders to apply for reimbursement from the Fund for any measures taken to prevent spills, and by allowing fishers and other ocean users to apply to the Fund for recovery for economic loss as a result of a spill; and introduce a levy on receivers and exporters of oil to replenish the Fund.
<a href="#">Oil Tanker Moratorium Act</a>	June 21, 2019	The new Act prohibits tankers carrying more than 12,500 tonnes of crude oil and certain other types of oil from docking, loading or unloading in Hecate Strait, Queen Charlotte Sound and Dixon Entrance.
<a href="#">Pilotage Act</a>	June 21, 2019	The amendments standardize pilotage regulation across the country and increase oversight and enforcement, with a focus on maintaining a high standard of safety. These changes will improve the overall organization and functionality of Canada's marine pilotage system.
<a href="#">Wrecks, Abandoned or Hazardous Vessels Act</a>	February 28, 2019	The new Act addresses the environmental hazards and the expense caused by abandoned vessels by making ship owners liable for wrecks and abandoned, dilapidated or hazardous vessels. It requires that the owners of vessels weighing more than 300 tonnes to maintain wreck removal insurance. The Act also implements the Nairobi International Convention on the Removal of Wrecks, 2007, which addresses wrecks located in countries' exclusive economic zones.

## II. NEW AND DEVELOPING REGULATIONS

Regulation	Status/Date	Key Changes
<a href="#">Arctic Shipping Safety and Pollution Prevention Regulations</a>	Established December 19, 2017	New regulations introduce safety measures and pollution prevention measures in Arctic waters, and brings the International Code for Ships Operating in Polar Waters, or Polar Code, into Canada's regulatory framework.
<a href="#">Marine Mammal Regulations</a>	Established June 22, 2018	Amendments to the regulations define what qualifies as disturbance of marine mammals, and sets approach distances for vessels to better protect marine mammal species.
<a href="#">Navigation Safety Regulations</a>	Draft regulations in Canada Gazette I on June 15, 2019	Proposed regulations would expand the number of vessels required to have radio communication equipment and AIS on board. Increasing ship tracking will help decrease the number of spill incidents, decrease response time to spills that do occur, allow monitoring for compliance with speed restrictions and no-go zones, and allow the collection of data on shipping routes and traffic that will help us better understand the acoustic impacts of ships in the ocean.
<a href="#">National Marine Conservation Areas</a>	Consultation closed July 10 2019	Parks Canada is updating its 1994 policy and developing regulations on zoning, enhancing marine protection, protecting cultural resources, managing land use and marine tourism, and managing research activities.
<a href="#">Transport of Hazardous and Noxious Substances</a>	Consultation closed February 28, 2019	Consultation on the transport of hazardous and noxious substances (HNS) by ship, in order to address unique challenges and impacts associated with marine spills of these types of substances. The government released a discussion paper on the issue, suggesting it may take a "formal approach" to HNS preparedness and response, as well as liability and compensation.

### III. POLICY DEVELOPMENTS

Policy	Status/Date	Key Changes
<a href="#">Operational Guidance for Identifying OECMs</a>	June 2017	Guidance for identifying and designating “other effective area-based conservation measures,” or OECMs, which are conserved areas in the ocean that are not marine protected areas. For example, fisheries closures, marine refuges, and Indigenous Protected Areas, can all be considered OECMs in international marine conservation. This document lays out the requirements for an OECM to count towards international conservation targets. These are: (1) A clearly defined geographic location; (2) Conservation or stock management objectives; (3) Presence of ecological components of interest; (4) Long-term duration of implementation; (5) Effective conservation of ecological components of interest.
<a href="#">Proactive Vessel Management</a>	Consultation closes September 30, 2019	Consultation on the National Framework for Proactive Vessel Management, and two pilot projects on the issue. The framework will reduce conflicts between local waterway users. It will also protect environmentally and culturally sensitive areas.
<a href="#">Protection Standards for MPAs</a>	April 25, 2019	The federal government announced that it will exclude oil and gas development, bottom trawl fishing, mining and dumping in all of Canada’s new (defined as those that are designated from 2019 onwards) marine protected areas (MPAs), adopting the recommendations of the National Advisory Panel on Marine Protected Area Standards. If MPAs overlap with existing oil and gas licences, the federal government will seek the voluntary relinquishment of these licences. The government also announced that all activities in marine refuges will continue to be assessed on a case-by-case basis to ensure that the Minister of Fisheries and Oceans is satisfied with the risks to the conservation objectives.
<a href="#">Species At Risk Act Policy for Listing Aquatic Species</a>	Adopted November 2017	The federal government committed to a 36-month timeline for listing aquatic species under Schedule 1 of the <i>Species at Risk Act</i> after the Minister receives a species status assessment from the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). There is no timeline laid out for this part of the process in the <i>Act</i> . The policy requires that the Minister seek to obtain a Governor-in-Council decision within 36 months on whether an aquatic species should be listed under the <i>Act</i> .

### IV. LEGAL DEVELOPMENTS IN OCEAN PROTECTION AND GOVERNANCE

Legal Mechanism	Status/Date	Key Changes
<a href="#">Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean</a>	Signed October 3, 2018	All five nations with Arctic coastlines signed the Agreement, along with five other states with significant Arctic interests. The Agreement places a 16-year moratorium on unregulated commercial fishing within the high seas portion of the central Arctic Ocean.
<a href="#">Coastal First Nations Fisheries Resources Reconciliation Agreement</a>	Signed July 26, 2019	The Government of Canada and 7 First Nations that are part of the Coastal First Nations signed the Coastal First Nations Fisheries Resources Reconciliation Agreement. The agreement will increase the role of First nations in fisheries management decisions within their traditional territories. It also provides the First Nations with better access to community-based commercial fishing opportunities.

Legal Mechanism	Status/Date	Key Changes
<a href="#">G7 Ocean Plastics Charter</a>	Signed June 9, 2018	Initiated by Canada, the Charter recognizes the need for urgent action to address the devastating impacts of marine litter on the ocean, and calls for governments to act to eradicate plastic. The Charter now has 21 government and 63 business and NGO signatories.
<a href="#">High Seas Treaty for Biodiversity Beyond National Jurisdiction</a>	Draft released June 25, 2019	The Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction will create an international treaty to protect marine life on the high seas, filling a several major gaps in the international ocean legal regime for the majority of the world's ocean that falls outside of the control of any state. These gaps include marine protected areas, environmental impact assessments, access and benefit sharing to marine genetic resources, and capacity, development and technology transfer related to these legal gaps. The treaty is expected to be finalized in 2020.
<a href="#">Imappivut – Nunatsiavut Marine Plan</a>	In progress	The Nunatsiavut Government is creating a marine plan that will fully implement Chapter 6 of the Labrador Inuit Land Claims Agreement and will cover the full extent of the coastal and ocean areas of Nunatsiavut. Imappivut will include a co-management plan for the entire marine area out to the 200 nautical mile limit.
<a href="#">Agreement on Port State Measures to Prevent, Deter, And Eliminate Illegal, Unreported and Unregulated Fishing</a>	Ratified June 20, 2019	Canada signed the first binding international agreement to target illegal, unreported and unregulated (IUU) fishing, which is a major contributor the destruction of marine habitat and global fish stock decline. The objective of the Agreement is to deter and eliminate IUU fishing by allowing ports to deny entry to vessels that have engaged in IUU fishing, and to prevent them from landing their catches. The Agreement came into force in Canada on July 20, 2019.
<a href="#">Post-2020 Biodiversity Framework under the Convention on Biological Diversity</a>	In progress	Canada is part of the development of new terrestrial and ocean conservation targets under the Convention on Biological Diversity. The current targets, known as the Aichi targets, will expire in 2020. To this end, the G7 Environment Ministers signed the Metz Charter on Biodiversity on May 6, 2019. The non-binding agreement recognizes the value of biodiversity and the importance of protecting it, and supports the development and implementation of the post-2020 biodiversity framework.
<a href="#">Quebec-Canada Collaborative Agreement on MPAs</a>	Signed March 19, 2018	This Agreement facilitates the creation of an MPA network in the Estuary and Gulf of the St Lawrence. The Agreement recognizes the overlapping jurisdiction that the parties share in marine areas, and creates a legal framework under which they can work together to establish new protected areas. The areas will be jointly selected, planned, implemented and designated, and they will be recognized as aquatic reserves under Quebec law, and as MPAs under the Oceans Act.
<a href="#">Reconciliation Framework Agreement</a>	Signed June 21, 2018	The Government of Canada and 14 First Nations have signed the Reconciliation Framework Agreement for Bioregional Oceans Management and Protection on the Pacific North Coast. The Agreement will support the development of the Marine Protected Area (MPA) Network Planning Process in the Northern Shelf Bioregion, and will help create a more coordinated and efficient approach to ocean governance in the Pacific North Coast.

## V. MARINE PROTECTED AREAS

Protected Area	Date	Conservation Benefits
<a href="#">Anguniaqvia niqiqyuam MPA</a>	Established October 28 2016	Located in the Arctic, this MPA provides critical habitat for Arctic char, cod, beluga whales, ringed and bearded seals, polar bears and sea birds. Culturally important for the Inuvialuit and supports subsistence harvesting.
<a href="#">Banc-des-Américains MPA</a>	Established March 7, 2019	Located off the eastern tip of the Gaspé Peninsula, this area protects the endangered Leatherback sea turtle, as well as Atlantic blue whales, and Atlantic, Spotted and Northern Wolffish.
<a href="#">Gwaii Haanas Gina 'Waadluxan KilGulGa Land-Sea-People Management Plan 2018</a>	Completed November 19, 2018	This plan sets the direction for the Archipelago Management Board, which is made up of an equal number of representatives from the Haida Nation and the Government of Canada, to manage Gwaii Haanas National Marine Conservation Area from mountaintop to seafloor as a single, interconnected ecosystem.
<a href="#">Hecate Strait/Queen Charlotte Sound Glass Sponge Reef MPA</a>	Established February 13, 2017	On the Pacific Coast, these areas conserve the biological diversity, structural habitat, and ecosystem function of the glass sponge reefs, which are over 9,000 years old. Glass sponge reefs link the benthic and pelagic environments, and play a role in processing marine carbon and nitrogen.
<a href="#">James Bay Cree - Parks Canada MOU</a>	Signed June 27, 2019	An agreement between the two parties to assess the feasibility of establishing a National Marine Conservation Area in Eastern James Bay.
<a href="#">Laurentian Channel MPA</a>	Established April 25, 2019	Protects a submarine channel off the southwest coast of Newfoundland and Labrador that is habitat for corals, porbeagle sharks, Leatherback sea turtles, black dogfish, Northern wolfish, and smooth skate. The provincial and federal governments agreed to restrict oil and gas activities within the boundaries of the MPA.
<a href="#">Northern Shelf Bioregion MPA Network Planning Process</a>	In progress	The collaborative planning partnership between the Government of Canada, the Province of BC, and Coastal First Nations is working on a draft scenario for a network of marine protected areas in this region of the Pacific Coast.
<a href="#">Scott Islands marine National Wildlife Area</a>	Established September 13, 2018	Scott Islands marine National Wildlife Area is the first protected marine area established under the Canada Wildlife Act. It conserves key breeding and nesting habitat for millions of seabirds on the Pacific coast, including tufted puffins, common murre, cassin's auklets, and rhinoceros auklets. As part of the protection process, Shell agreed to relinquish 171 offshore oil and gas permits that it had in the area
<a href="#">St. Anns Bank MPA</a>	Established June 8, 2017	Located in the Estuary and Gulf of St. Lawrence, this area protects Endangered and threatened marine species, such as leatherback turtles, Atlantic wolffish, Atlantic cod, American plaice, and redfish, are also present in the area. In addition, St. Anns Bank is part of an important migration corridor for fish and marine mammals, including whales.

Protected Area	Date	Conservation Benefits
<b>SGaan Kinghlas-Bowie Seamount MPA Management</b>	<a href="#">Bottom Contact Agreement</a> – January 19, 2018	An agreement between Fisheries & Oceans Canada and the Council of the Haida Nation to close all bottom contact fishing within the MPA, in order to protect the delicate corals and sponges that grow on the underwater volcano and support marine life.
	<a href="#">Management Plan</a> – signed July 10, 2019	The SGaan Kinghlas Gin Siigee Tl'a Damaan Kinggangs Gin K'aalaagangs MPA Management Plan was completed and signed after 10 years of work.
<b><a href="#">Tuvaijuittuq Interim MPA</a></b>	Established August 21, 2019	The first interim MPA designated by ministerial order under the renewed Oceans Act, this area protects areas in the Arctic Ocean off the northwest coast of Ellesmere Island, Nunavut. The area was protected in collaboration with the Government of Nunavut and the Qikiqtani Inuit Association. Tuvaijuittuq means “the place where the ice never melts” in Inuktitut.
<b><a href="#">Tallurutiup Imanga National Marine Conservation Area</a></b>	In progress, IIBA signed August 2019	The Government of Canada and the Qikiqtani Inuit Association announced the boundary for the NMCA in August 2017. Two years later, they signed an Inuit Impact and Benefit Agreement (IIBA), which is a step required before establishing the NMCA. Tallurutiup Imanga is located in the northeastern region of Nunavut, between Devon Island and Ellesmere Island.

## VII. SPECIES PROTECTION MEASURES

Species	Measure	Date	Summary
<b>Beluga Whale</b>	<a href="#">Species At Risk Act Critical Habitat Order</a>	2016, 2017 and 2018	Protects parts of the St. Lawrence Estuary and the lower reaches of the Saguenay River. The critical habitat is important for calving and rearing young belugas, which requires access to food sources and an acoustic environment that permits communication.
	<a href="#">Boating restrictions</a>	June 22, 2018	Parks Canada announced an annual no-boating zone in the Saguenay-St. Lawrence Marine Park. The Baie Sainte-Marguerite area of the Saguenay Fjord will be closed to all boating between June 21 and September 21. The restriction applies to all boats, including kayaks, canoes and sailboats.
	<a href="#">Whale-watching restrictions</a>	June 10, 2019	Parks Canada closed 44% of the Saguenay-St. Lawrence Marine Park to commercial whale-watching excursions in order to protect belugas.
<b>Lac les Loups Harbour Seals</b>	<a href="#">Species at Risk Act Critical Habitat Order</a>	December 5, 2018	Protects critical habitat of Harbour seals, which comprises permanent open water areas, such as rapids and water flow areas, (necessary for the seals to breathe in the winter) and areas of prey abundance.
<b>North Atlantic Right Whale</b>	<a href="#">Species At Risk Act Critical Habitat Order</a>	December 4, 2017	Protects critical habitat in the Grand Manan Basin, in the Bay of Fundy, and Roseway Bain, south of Nova Scotia. These are important areas for foraging, feeding, calf nursing and rearing, socializing and resting.
	<a href="#">Rolling fisheries closures</a>	February 7, 2019	Adjusting snow crab, lobster, and all other fixed-gear fisheries closures in Atlantic Canada and Quebec to include an area of high concentration of North Atlantic Right Whales, and carrying out temporary fixed-gear fisheries closures when there is a right whale sighting.
	<a href="#">Speed restrictions</a>	2017, 2018, 2019	Mandatory seasonal speed restriction of 10 knots for vessels of a certain length traveling in the western Gulf of St. Lawrence, according to where North Atlantic Right Whales are sighted.

Species	Measure	Date	Summary
Northern Abalone	<a href="#">Species At Risk Act Critical Habitat Order</a>	December 13, 2017	Protects critical habitat along the Pacific coast, which is on hard substrate in intertidal zones, and shallow coastal waters.
Northern Bottlenose Whale	<a href="#">Species At Risk Act Critical Habitat Order</a>	July 6, 2018	Protects areas with water depths of more than 500 metres in Haldimand Canyon and Shortland Canyon as critical habitat for the Scotian Shelf population.
Northern Resident Killer Whales	<a href="#">Species At Risk Act Critical Habitat Order</a>	December 13, 2018	Expanded SRKW and NRKW critical habitat to include the waters of the western Dixon Entrance and southwest of Vancouver Island. This built on the 2009 NRKW Critical Habitat Order, which included the waters of Johnstone and southeastern Queen Charlotte Straits.
Roseate Tern	<a href="#">Species At Risk Act Critical Habitat Order</a>	October 28, 2016	Protects the habitat of this seabird, including sea areas around Country, North Brother and South Brother Islands in Nova Scotia, and nesting colonies on Sable Island.
Southern Resident Killer Whales	<a href="#">Species At Risk Act Critical Habitat Order</a>	December 13, 2018	Expanded SRKW and NRKW critical habitat to include the waters of the western Dixon Entrance and southwest of Vancouver Island. This built on the 2009 SRKW Critical Habitat Order, which included the Southern Strait of Georgia, Haro Strait and Juan de Fuca Strait
	<a href="#">Conservation Agreement with Shipping Sector</a>	May 10, 2019	The marine transportation industry and federal government signed a conservation agreement under s. 11 of the Species at Risk Act to take measures to support the recovery of SRKWs. The agreement is voluntary and industry expects 80% compliance. It will last for 5 years
	<a href="#">Ministerial Order under the Canada Shipping Act</a>	May 27, 2019	The Minister of Transport issued an Interim Order setting out a mandatory approach distance of 400m while within SRKW critical habitat. It also creates three Interim Sanctuary Zones where vessel traffic is prohibited from June 1 to October 31