

**Eastern Shore Islands Area of Interest Advisory Committee**

**Meeting Summary**

January 22, 2019 – Sheet Harbour, NS

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| **Participants** |  |
| *In Attendance* | |
| **ORGANIZATION** | |
| Environment and Climate Change Canada - Canadian Wildlife Service | |
| Canadian Parks And Wilderness Society | |
| Eastern Shore Fishermen’s Protective Association (ESFPA) | |
| M’ikmaw Conservation Group/ KMKNO | |
| Assoc. of Eastern Shore Communities-Protecting Environment & Historical Access | |
| Oceans North | |
| NS Department of Intergovernmental Affairs | |
| Wild Islands Tourism Advancement Partnership | |
| Dalhousie University | |
| Acadian Seaplants Ltd. | |
| NS Seafood Alliance | |
| Tangier Lobster | |
| Musquodoboit Harbour & Area Chamber of Commerce | |
| Sheet Harbour & Area Chamber of Commerce | |
| NS Salmon Association | |
| Halifax Regional Municipality | |
| Municipality of the District of St Mary’s | |
| Eastern Shore Forest Watch Association | |
| Association for the Preservation of the Eastern Shore | |
| Eastern Shore Wildlife Association | |
| Maritime Aboriginal Peoples Council | |
| DFO - Oceans and Coastal Management Division (OCMD) | |
| DFO - Communications | |
| DFO - Science | |
| *Regrets* | |
| **ORGANIZATION** | |
| Transport Canada | |
| NS Federation of Anglers and Hunters | |
| Aquaculture Association of NS | |

*Note: Twenty-four observers also attended the meeting.*

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| ***Meeting Objectives*** |
| 1. Finalize the Terms of Reference. 2. Review proposed goals for an ESI MPA. 3. Review the draft risk assessment for the lobster fishery. 4. Receive advice on the proposed approach on addressing concerns regarding the zone of high protection. |

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| ***Agenda Items and Corresponding Discussion Notes*** | | |
| 1. | **Opening Remarks and Introductions**   * **Review of Agenda and Meeting Objectives** * **Updates** | Wendy Williams  Tanya Koropatnick |
| **Highlights/Outcome**:  Wendy Williams (Chair) opened the meeting and welcomed all participants. She reminded everyone that MPAs are part of how Canada manages its oceans, and they are meant to complement existing fisheries management and other oceans management measures, not replace them. The Eastern Shore Islands was selected as an Area of Interest (AOI) because the Department felt it would make an excellent MPA. The area is one of the most pristine stretches of coastline in the region and the major fisheries that occur there are low-impact and well-managed. For this reason, the Department is very confident that traditional fixed gear fisheries can not only co-exist but thrive in a future MPA in this area.  Announcing the Eastern Shore Islands as an AOI on March 22, 2018 initiated a process. DFO recognizes that this process is not perfect and the Department is always open to suggestions on how to improve it. With that said, everyone is encouraged to be patient and stay engaged in the process until all of the questions have been answered, and we have worked together to develop a proposed MPA design. At that point, you can decide if you support or oppose what is being put forward. DFO acknowledges that participation on this Advisory Committee is not being interpreted as support for the proposed MPA – this is an opportunity for committee members to share ideas, concerns, and to provide advice on how we might design a site that can help to protect the special natural features of the area while also ensuring that people can continue to use and enjoy the area.  One of the biggest concerns expressed about the process has been the 2020 target date for designating an MPA. To be clear, the Department is committed to taking whatever time is necessary to get this right, and ensure an open and transparent process.  Every voice around this table is important. In particular, the fishing industry – both commercial and Indigenous components – has a significant amount at stake in this process. Furthermore, the fishery is clearly the backbone of the local communities of the Eastern Shore.  Wendy concluded her opening remarks by expressing her hope that discussions today will help to move the conversation forward by addressing some of the outstanding concerns, such as the high protection zone and the level of risk posed by the lobster fishery.  Tanya Koropatnick then provided an update on work that has been conducted since the last Advisory Committee meeting (see attached presentation).  **Discussion:**   * One representative asked for further information about the Fishermen and Scientists Research Society (FSRS), which is an organization that DFO has contracted to provide support for some of the industry-led surveys conducted within the AOI. The FSRS is an organization whose purpose is to create and maintain partnerships between fishermen and scientists in support of sound science and sustainable fisheries. More information about the FSRS and some of the projects they are involved with can be found on their [website](https://fsrsns.ca/). * It was observed that the majority of available information about the AOI comes from work involving the fishing industry. It was recognized that going forward, it is imperative to continue to involve fishermen in research and monitoring activities in the area. | |
| 2. | **Finalize Terms of Reference** | Glen Herbert |
| **Highlights/Outcome**:  Glen Herbert started the discussion on the Terms of Reference (ToR) for the Advisory Committee. Glen reminded everyone that the ToR was discussed at the first Advisory Committee and the membership’s recommendations were incorporated prior to recirculating the document. This was an opportunity for the Committee to discuss the ToR and suggest any final revisions. One issue that DFO wanted to focus on was membership criteria. The current wording is based on ToRs that the Department has established for other similar committees. However, the Department is open to suggestions to help make the section on “Structure and Membership” stronger. Typically, one seat is provided per interest/constituency but variance in the number of seats can occur after an assessment based on numerous factors including: geography, diversity of knowledge and interest, and size of sector. For this discussion, the focus will be on principals rather than individuals.  **Discussion**:   * One representative recommended adding that the ToR was collaboratively developed and that since it was decided that the Advisory Committee would remain in place if an MPA was designated, “management” should be added to the list of topics the Advisory Committee provides feedback and advice on. * One representative asked about the role of the Advisory Committee given that it is neither a decision-making body nor is consensus required from the membership when providing advice.   + DFO responded that the Advisory Committee will strive to achieve consensus whenever possible but, given it is not always possible to achieve this, all perspectives are recorded and taken into consideration when advice is developed. The Advisory Committee is meant to provide the broadest possible range of interests and expertise. DFO also reminded everyone that the Advisory Committee is a primary mechanism for recommendations in this process but it is not the only tool (e.g., First Nations and Provincial consultation tables, working groups, public open houses, etc.).   + One representative reminded the membership that while DFO ultimately runs the process, the job of the Advisory Committee is to collaboratively create a proposal for an MPA in this area.   + DFO will ultimately have to compile all the advice into a recommendation for the Minister, but this will be done as collaboratively and with as much transparency as possible. * A concern was raised about the flexibility in the membership and the process, specifically the need for more certainty on what is agreed upon and that it will not change for political reasons or with changing membership. It was further observed that the legal framework is very important as a way to ensure changes cannot happen “on a whim.”   + DFO explained that once an MPA is in place, any change to the regulations would involve extensive consultation with the Advisory Committee and others. A regulatory change cannot be done easily or quickly. The regulations provide certainty and consistency. * A recommendation was made to change “marine plant harvesters” to “marine plant industry.” * It was recommended that a local buyer/processor be given a seat on the Advisory Committee.   + A discussion ensued about the role of the NS Seafood Alliance representing all the seafood buyers/processors on the Eastern Shore but it was pointed out that, within this association, there are companies with different perspectives and interests. This sector provides an important role in the local community in terms of infrastructure and jobs so there are benefits to the seat going to a local person to ensure local perspectives and input are shared. The Seafood Alliance representative committed to working with his membership to ensure a local buyer is at the table. He will follow up with DFO on this advice.   + DFO explained that wherever possible local interests are favored, but given that it is important to have a range of interests, perspectives, expertise and knowledge at the table, there is also the need for non-local organizations/sectors to be involved. In addition, some aspects of the public interest are regional, national and international in scope. Going forward DFO will continue to strive to provide balance, and ensure local interests continue to have a strong voice. * It was recommended that a youth seat be added to the Advisory Committee for a forward looking perspective of what the local community wants/needs for its future. Another suggestion was to engage local teachers/students in the discussion. The International Ocean Institute was identified as a good resource to look into this idea further. * It was recommended that additional marine industries be incorporated into the Advisory Committee.   + This recommendation resulted in a discussion on what particular industries would be included, if they would have organizations/associations, and whether they would be interested in making the commitment of being on the Advisory Committee. It was pointed out that this sector would be most interested in the socio-economic considerations with respect to a potential MPA. Committee members were encouraged to participate in the upcoming opportunities related to the socio-economic study, including scoping in industries such as boat builders, etc. The outputs of this work might also present a good starting point for engaging broader industry interests in the AOI, perhaps through a special meeting or working group.   **For Action**:   * Advisory Committee members to provide Leah McConney specific wording recommendations for the ToR in writing. * DFO to incorporate suggestions and circulate the ToR to Members for final review. * DFO will work closely with the processing sector to figure out their membership on the Advisory Committee. * DFO and Committee members to explore options to engage local youth organizations/high schools in the AOI discussion. | |
| 3. | **Proposed goals for an ESI MPA** | Marty King |
| **Highlights/Outcome**:  Marty King presented a set of draft overarching goals for the potential MPA. These goals were initially created in Fall 2018 and were shared at the October meeting of the ESFPA Working Group, the public open houses and included in the December update to the email distribution list. Although this first draft was proposed by DFO, the goals for the future MPA should be developed collaboratively, therefore DFO is looking for input from the Committee. Goals 1 and 2 are standard wording used in other MPAs. Goal 3 was developed to reflect the importance of the traditional fixed gear fisheries and the need to protect and support these fisheries as part of the design and management of an MPA. Goal 4 highlights the importance of the ocean to the local communities and the need to preserve that connection to the sea. Goal 5 reinforces the opportunity presented by an MPA for industry, science, community, and government collaboration in support of understanding and better managing local resources and the ecosystem.  **Discussion**:   * Representatives were generally supportive of the draft goals. Some of the specific recommendations included:   + Re-ordering the goals to heighten the focus on the fisheries and the local communities.   + Include “resilience” in Goal #1.   + Incorporate greater emphasis on the collaborative nature of the protection of the area.   + Addition of a goal focused on the Mi’kmaq perspective.   + Addition of a goal focused on capitalizing on non-fishery economic potential of the area.   + Include language regarding the resilience of local (coastal) communities and helping to grow the local economy.   + Include protection of the broader marine environment and non-living resources within the area. * DFO asked the Committee on how best to continue this discussion and how the members would like the discussion on potential site objectives to proceed (e.g., DFO drafts and circulates for feedback, bring in a facilitator and draft in collaborative manner, create a working group, etc.) * One representative recommended the development of a broader vision statement to highlight commonalities among representatives, which could be referenced during challenging discussions. * One representative asked for a definition of the term “ecological integrity.”   One representative observed that only a subset of activities that occur in the AOI (e.g., fixed gear fisheries) are mentioned in the goals and requested that activities to be excluded should also be stated. Members were reminded that the risk assessment is still in progress and the results will be used to inform which activities are compatible and which will need to be restricted or excluded.  DFO reminded participants that the goals are meant to serve as an overarching guide for what is trying to be achieved with an MPA. While the MPA could benefit the Eastern Shore in a variety of ways, it is important to remember that the main purpose of an MPA is conservation.  **For Action**:   * Advisory Committee members are to provide their specific wording suggestions to Leah McConney for consideration. * DFO to re-circulate an updated list of draft goals to the membership for further review and feedback. * DFO to provide definitions of terminology to ensure everyone has a common understanding when contributing to the goals (e.g., vision statement, goal, objective, ecological integrity, etc.). * DFO to explore interest from Advisory Committee members in developing a working group or convene a special meeting to develop a vision statement for the MPA. | |
| 4. | **Risk assessment** | Leah McConney |
| **Highlights/Outcome**:  Leah McConney introduced the topic with a brief presentation on the risk assessment methodology and the draft results of the lobster pot fishery assessment, followed by an opportunity for Advisory Committee representatives to provide feedback on the draft report.  **Discussion**:   * One representative asked how the risk assessment was actually conducted and who was spoken with when drafting the assessment. DFO explained that the assessment was primarily focused on published literature and expert reviewers, including DFO Resource Management and Science. The ESFPA was approached about being involved in the risk assessment but advised DFO that they did not wish to contribute. The report is still draft and DFO would welcome the opportunity to collaborate with the fishing industry on the risk assessment; one idea was to use the ESFPA working group as a venue for DFO to receive input into the scoping of fisheries under assessment and for review of the draft results. The ESFPA representatives said that they would talk to their membership about this suggestion. It was observed that the Association is still awaiting a response from the Minister to a letter sent in late October. This response may help the membership with decision making on next steps for their involvement with the AOI. * One representative questioned the peer-reviewed process of the draft document and asked that feedback from expert reviewers be made public. DFO responded that the input from experts is iterative and would be cumbersome to compile for sharing publically but DFO will explore options for making this process as transparent as possible. * A discussion was held about tourism. Concerns were voiced about the potential environmental impacts associated with tourism and fears of having local access restricted only to bring in tourists who do not respect the area. DFO explained that for the Eastern Shore Islands AOI risk assessment, the marine activities associated with tourism are being assessed as part of the marine transportation section. It was also noted that in existing MPAs commercial tourism activities in the marine environment are subject to an activity approval process, which involves review and input from the Advisory Committee. A similar model could also work for a future Eastern Shore Islands MPA, but that would not address land-based tourism activities. * One representative asked about the permanency of MPA regulations and if risk assessments are conducted on a set schedule given that human uses and activities change. It was explained that this risk assessment is conducted for site design purposes and once a site is established, risk assessment continues to be part of site management (e.g., activities that are reviewed through the activity approval process are subject to a risk assessment; fisheries are subject to adaptive management as part of the sustainable fisheries framework, etc.). * Several representatives underscored the importance of DFO working collaboratively with the local resource users on the risk assessment. The need to work together in the spirit of collaboration was also stressed as an essential component of a functional Advisory Committee. One representative expressed confusion about why the ESFPA will not provide DFO with information that would help ensure a fair and accurate assessment is conducted. In response the ESFPA explained that there is distrust of government due to past mis-uses of industry-owned information. * It was suggested that sewage be included as a pressure for non-motorized vessels as not all sail boats have holding tanks.   **For Action**:   * DFO to explore options regarding the peer-review process for the risk assessment. * Representatives from the ESFPA will discuss with their membership how they would like to proceed with working with DFO on the risk assessment. | |
| 5. | **High protection zone discussion** | Tanya Koropatnick |
| **Highlights/Outcome**:  Tanya Koropatnick began this topic by providing an overview of messaging to date on considerations for inclusion of a zone of high protection (i.e., no-take or no commercial extraction zones) in MPA design, as well as feedback received to date on this topic through consultation with the fishing sector and the broader community. Given the level of concerns raised, the low-impact nature of traditional fixed-gear fisheries in this area, and the draft results of the lobster risk assessment, DFO is confident that an Eastern shore Islands MPA can be effective without a zone of high protection. DFO is therefore willing to remove this type of zone as a design consideration for a future MPA in this area. DFO has raised the issue of the zone of high protection with the ESFPA working group, the Province of Nova Scotia, and First Nations, and is now bringing the topic to the Advisory Committee table to allow for the Committee to provide advice on this topic, as per our AOI process.  **Discussion**:   * All members had an opportunity to comment. There was unanimous support for moving forward without including high protection zone(s) as a potential design element in the site. * One representative asked for clarification on whether this means that all activities will be allowed to continue without restriction within a future MPA. DFO clarified that the risk assessment will help us to identify activities that are not compatible with conservation objectives, and incompatible activities will still need to be managed, through restrictions or exclusion, to ensure the area is protected. The high protection zone is an additional design consideration separate from the risk assessment results. * Another representative pointed to the costs of closing an area and that there are other mechanisms under the *Fisheries Act* that could be used for closures if needed in the future. * One representative from the fishing industry explained the territorial nature of the inshore lobster fishery and the way that displacement would result in displaced effort and conflicts on the water. It was observed that a “no take zone” would be “a sanctuary for poachers”. * Several representatives observed that the lobster fishery is the largest and most widely distributed extractive activity within the area. With existing fishery management measures and the short fishing season, a very high level of protection in a future Eastern Shore Islands MPA can be achieved without affecting this fishery. * Concerns were raised regarding requirements to comply with international (e.g., IUCN) standards in MPA design. In response, it was explained that international guidance for MPA design includes a range of design strategies, including MPAs, that have strict protection measures with no commercial resource extraction, and MPAs that allow for a variety of low impact, sustainable resource uses. The latter is consistent with what is envisioned for the Eastern Shore Islands MPA. Another representative advised all participants to remain focused on what is best for the local area, including the environment and Eastern Shore communities, and stop being so concerned about international influences. * One representative expressed concern that even if high protection zones are not part of the design now, changes could be made later. DFO explained that while changes to existing MPAs can occur, it is rare, and would need to be well justified. The process to make such a change to an MPA regulation is lengthy, and would include extensive consultations.   **For Action**:   * DFO staff will report up to senior management on the proceedings of this meeting. Based on advice received, the Department will advise that the process proceed without the zone of high protection component of site design for a potential future Eastern Shore Islands MPA. | |
| 6. | **Membership perspectives roundtable to help inform next steps** | All participants |
| **Highlights/Outcome**:  Two topics were posed to the Advisory Committee membership to guide the membership perspectives roundtable and to support the development of the forward agenda: 1) Key next steps from your perspective, and 2) Outstanding concerns after the discussions held during the meeting.  **Discussion**:  Below is a summary of what was heard from the Advisory Committee membership during the roundtable discussion:  **Key next steps:**   * Finish risk assessment (as participatory, transparent as possible – include peer review) * Maintain openness and transparency (Need for regular/frequent communication and engagement) * Address the “why?” – better understand habitat, food web, more evidence, research * Vision, objectives, goals – look into facilitation with interested members – what do we have in common? Look for examples from elsewhere * Member presentations on topics of interest * Socio-economic study results to be shared and discussed through targeted community engagement * Greater public outreach (including using member networking opportunities); community engagement is key * Presentation on the geological resource assessment * Ensure the topics presented at the Advisory Committee are also discussed at the Mi’kmaq of Nova Scotia Consultation Table (i.e., KMKNO). * Need to discuss legal framework, *Oceans Act* vs *Fisheries Act*, MPA Regulations 101 * ESFPAs is awaiting a Ministerial response to concerns * Need to find creative solutions for building bridges with the fishing sector * Establish sub-working groups for various topics of interest * Finalize Terms of Reference and resolve membership issues * Assess increased tourism - socio-economic benefits, environmental risks * Provide minutes or summaries of DFO meetings with other groups * Ask members to update their written perspectives that were provided at first meeting   **Outstanding concerns:**   * Unclear on the benefit of an MPA over fisheries management measures * Fair treatment of marine industries * How to bridge the issue of distrust of government * How to continue process collaboratively (participation) * Membership of the Advisory Committee * Disagreement – need to work together * Community sustainability, maintaining access * Impacts of increasing tourism * Process of risk assessment * IUCN vs. what works for our area (e.g., any guarantees that DFO will not impose a category 2 MPA in this area)   At the end of the day, there was some time to open up the floor for questions and comments from observers.   * One observer had a Committee Member ask, “Why an MPA?”   + Tanya responded that Eastern Shore Islands was selected based on conservation value and potential feasibility. The conservation priorities for the site illustrate the conservation value. Potential feasibility considerations included the compatibility of the majority of existing activities, the opportunity to build on existing terrestrial protection measures (e.g., the provincial wilderness area and private conservation efforts by the NS Nature Trust), the significant investments by the province and NS Salmon Association towards Atlantic salmon conservation and habitat restoration, the current interest in an expansion of nature-based tourism for the Eastern Shore, scientific/academic interest in the area, and the opportunity for collaboration and expansion of existing fishing industry-based research and monitoring. * Another observer asked a series of questions including why there was a need to rush to complete the risk assessment, and clarification on whether the no-take zone is for all species and all gear types. The observer also reiterated a request expressed earlier in the day regarding to have meeting summaries from working groups and bilateral consultation tables shared openly.   + DFO responded that the risk assessment remains a top priority to provide more certainty about what activities are of particular concern from an MPA perspective and therefore may be restricted or excluded from the site.   + A “no-take” zone is no longer being considered as a design element for this site. When a “no-take” zone is part of an MPA it applies to all species and all gear types. But, again, there will not be a “no-take” zone in any future Eastern Shore Islands MPA. * An observer asked if a no-take zone could be added to a site after it was designated.   + DFO explained that it is possible to make changes to an MPA regulation but such changes are extremely rare, require compelling reasons, and would involve extensive public consultation.   **For Action**:   * DFO will circulate the draft summary report from the meeting, as well as priority next steps shortly. * DFO will talk with other bilateral consultative bodies/working groups for the Eastern Shore Islands AOI about sharing meeting summaries with the Advisory Committee members. | |