

CANADIAN MARINE SHIPPING RISK FORUM



Webinar: Managing Shipping Risk in Marine Protected Areas

Additional Questions & Answers

In the future, I expect to see more of an approach to develop MPA networks to support multiple conservation objectives in a region (Eg. MPATT); this makes complete sense. How do we best plan for shipping in such regions aside from saying no to shipping?

Transport Canada:

I agree that, especially as we work toward 25% and 30% protection of Canada's ocean estate, regional perspectives and approaches will be helpful. I note as well that marine shipping is not among the industrial activities prohibited in federal marine protected areas under the minimum protection standards announced by the Government in April 2019 – so no outright interdiction on shipping.

I think the best way to plan for shipping in this context is for MPA planners and lead departments to engage with shipping stakeholders and Transport Canada early in the process. I can assure you that since at least 2018, behind the scenes, there has been significant increase in TC's involvement in MPA policy and planning as evidenced, for example, by TC's important role in Tallurutiup Imanga National Marine Conservation Area in the Arctic and departmental funding announced as part of the marine conservation targets work in Budget 2021.

Have any of the panel done any work on vessel wake effects due to increased marine shipping?

Transport Canada:

While not specifically related to marine protected areas, Transport Canada is involved in work to mitigate impacts of wake. Examples include collaborating in the development of the voluntary vessel speed reduction zones in the St. Lawrence between Montreal and Sorel (<https://www.st-laurent.org/bim/en/get-to-know-the-marine-industry/environment/marine-industrys-environmental-performance/best-practices/>) and proposed regulation of small craft in the Richelieu river for both

increased safety and shoreline protection purposes at the request of the province of Québec and local authorities Canada Gazette, Part 1, Volume 155, Number 24.

Have you encountered difficulties in bridging cultural differences in reaching out to Indigenous communities to understand their concerns not necessarily related to fishing activities?

Transport Canada:

In the context of marine protected area establishment and management, Transport Canada (TC) has not typically led engagement with Indigenous Groups, as this is the role of MPA lead departments such as Fisheries and Oceans Canada, Parks Canada, and Environment and Climate Change Canada. That being said, we are often at the table for and active participants in these discussions. Furthermore, some Indigenous groups and communities are asking for engagement and consultation specifically with TC in the context of marine transportation issues in MPAs.

For example, the establishment of Tallurutiup Imanga National Marine Conservation Area (TINMCA) required the negotiation of an Inuit Impact and Benefit Agreement (IIBA) between the Government of Canada (GC) and the Qikiqtani Inuit Association (QIA). Transport Canada was one of the negotiating departments for the Crown. The IIBA includes explicit recognition of the importance of Inuit cultural values and identity, and contains provisions to support the preservation of Inuit cultural practices, expression and customs, and encourages the use of Inuit initiatives for cultural maintenance and renewal in the establishment, management and operation of TINMCA.

Within the Northern Shelf Bioregion Marine Protected Area network planning process on the West Coast, Transport Canada is an active participant at various tables with Indigenous communities. This ensures that the department is able to provide support and advice on our full range of activities as these intersect with Indigenous interests, including those that are not related to fishing and other marine activities, for example: cetacean strikes and acoustic disturbance.

Interestingly, the panelists all related risk to emissions, but did not speak to the types and volumes of cargo. Is anyone working in this space (e.g. MARPOL annexes, IMDG code, etc.)?

Transport Canada:

Transport Canada is engaged work on risk reduction related to carriage of cargo on several fronts including MARPOL and IMDG Codes. If you have specific questions about the nature of some of this work, please send them along and I will happily connect you with the experts within the department.

Some stakeholders are equating dumping to all ship emissions (recent WWF campaign). How will the GoC better define the difference between dumping and regulated emissions?

Transport Canada:

Based on the recommendations of a National Advisory Panel on Marine Protected Area Panel, in April 2019 the Government announced new MPA protection standards that prohibit four key industrial activities: 1) oil and gas activities, 2) mining, 3) bottom trawling, and 4) dumping. In January 2020, a Federal Marine Protection Standards Task Group was created in order to support advance work on these prohibitions. The Task Group is mandated to define and scope the four activities to be prohibited in all new federal MPAs and TC is an active participant in this ongoing work.

Garbage and plastic waste is a big problem in coastal areas and a significant proportion comes from shipping, whether it's cruise ships, tugs, commercial fishing vessels or others. How is this regulated now and what could be done to improve traceability and to ensure polluters are taken to task?

Transport Canada:

The International Convention for the Prevention of Pollution from Ships (MARPOL) Annex V contains requirements for placards, garbage management plans, garbage record keeping, disposal of garbage, and reception facilities. Canada is signatory to this Convention and the provisions set forth in MARPOL Annex V are implemented in Canadian legislation through the *Vessel Pollution and Dangerous Chemicals Regulations* (VPDCR). The VPDCR prohibits the deliberate discharge of garbage, which includes plastics and fishing gear, into Canadian waters and specifies requirements around the discharge of certain types of garbage, which excludes plastics, into the oceans. The regulations also specify garbage record-keeping requirements for commercial carriers that are 400 gross tons or above or that carry 15 persons or more. These requirements apply to all ships in Canadian waters and to all Canadian ships everywhere.

In regards to tracing the garbage back to the polluter, at this time, there are no established methods to track the specific origin of garbage waste. In fact, there are no established methods to determine whether or not the garbage comes from land or aquatic activities. This is a knowledge gap that has been recognized globally and to which the international community, including Canada, strives to address.

In regards to fishing gear, Canada introduced new requirements in 2020 that requires all commercial fisheries in the Atlantic regions (Quebec, Newfoundland and Labrador, Maritimes and the Gulf regions) to mark all non-tended fixed gear, and the mandatory reporting of all lost fishing gear in commercial fisheries across Canada. These new requirements are part of the government of Canada's continuing efforts to improve tracking of gear, address ghost gear and further identify management measures for the threats to marine mammals.

In addition, pursuant to subsection 36(3) of the Fisheries Act, deposit of any deleterious substance in waters frequented by fish is also prohibited unless authorized by regulations. Enforced by Environment and Climate Change Canada, this general prohibition would apply to wastewater from cruise ships, for example.