

ONTARIO FEDERATION OF ANGLERS & HUNTERS



Ontario Conservation Centre

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The Ontario Federation of Anglers and Hunters (OFAH) is Ontario's largest non-profit, conservation-based organization representing 100,000 members, subscribers and supporters, and 740 member clubs. We have reviewed the Proposed Zoning Policy and Regulations for Canada's National Marine Conservation Areas (NMCAs) within the scope of the Great Lakes. The Great Lakes support sustainable use activities such as hunting and fishing, which contributes heavily to Ontario's economy, society, and environmental management. Please consider the following comments when developing legislation around National Marine Conservation Areas for the Great Lakes.

A. Overall policy objectives for NMCAs

The OFAH supports the general intent of the policy objectives and agrees that clearly defined objectives for NMCAs are important for their management. Collaboration on the planning and management of NMCAs is essential for stakeholder support - there is a place in the management process for all involved parties and they should be engaged from the beginning of the planning process. This is especially important in the zoning process, which will determine where sustainable use will be permitted. It is important to note that regulated sustainable resource use, informed by scientific information, rarely poses a threat to biodiversity or ecosystem health. This fact should be explicitly captured and explained in Objective 3, "Ensure that marine uses are ecologically sustainable."

The OFAH supports the need to ensure that activities in NMCAs are ecologically sustainable; however, activities such as hunting and recreational angling are already monitored and regulated to ensure sustainability. It should be assumed that these are sustainable unless it can be demonstrated otherwise, and therefore compatible with the overall objectives of NMCAs. If a concern arises in a particular NMCA, then it should be addressed through one of several pieces of existing legislation that regulate hunting and fishing.

Objectives 4, 6, and 7 (Conserve cultural heritage in NMCAs; Support the social, cultural and economic well-being of Indigenous peoples and coastal communities adjacent to NMCAs; and Foster visitor experiences that build strong connections to and enjoyment of NMCAs) showcase the need to support hunting and fishing in NMCAs. Hunting and fishing are traditional heritage activities (recognized in federal law under the National Hunting, Trapping and Fishing Heritage Day Act, 2014) that have tremendous social and cultural significance for many Canadians and support local, provincial, and federal economies. The description of these objectives in the background document elaborate on geographic and physical features that contribute to cultural heritage, but fail to recognize the value of hunting and fishing as opportunities to maintain cultural heritage and enhance the enjoyment of NMCAs. Hunters and anglers are highly engaged stewards and have a vested interest in ensuring the resources they utilize continue to thrive in perpetuity. They have developed strong connections and enjoyment of these natural areas and we are concerned that some of these areas will become off-limits without sufficient justification.

B. A revised NMCA zoning framework

Without fully outlined criteria for what constitutes Zones 1-4, it is challenging to anticipate and comment on whether or not they are the most appropriate options and what impact these zones will have on the economy, society, and improving these ecosystems. The discussion paper states that every NMCA would fully protect a portion of the area (in Zone 1 or 2) and allow sustainable use in other areas (Zone 3 or 4), but does not explain how these proportions will be determined. Boundaries for protection zones versus sustainable use zones should be evidence-based and not arbitrary. For example, if an NMCA is in place for the protection of a unique open water ecosystem, then the shoreline should be available for sustainable use such as migratory bird hunting. Since public consultation is the first policy objective proposed for NMCAs, it is essential that the criteria for zoning is consulted on and open for public comments prior to implementation. Any restrictions on existing sustainable uses must be accompanied by evidence that the use is incompatible with one of the objectives of the policy if an area is slated to be zoned 1 or 2. We consider it unacceptable to protect an area simply for the sake of meeting an arbitrary target. There are many instances where protection of ecosystems can exist in conjunction with sustainable use activities such as hunting and angling. Also, it appears that Zone 2 would allow for recreational activities and tourism, but not for hunting and angling. The discussion paper mistakenly assumes that there are no associated negative ecological impacts with tourism and other recreational activities, and that there would be negative impacts with hunting and angling (which are both recreational activities that drive important tourism). These blanket assumptions are far too generalized, not evidence-based, and inappropriate for determining sound policy. This decision-making framework will unnecessarily restrict low-impact, compatible, and sustainable activities.

C. Enhanced protection of marine biodiversity and ecosystems within NMCAs

The discussion paper indicates that there is not adequate legislation to protect species at risk (SAR) or their habitats within NMCAs, but federal and provincial legislation already exists for the protection of species and risk and their habitats (e.g. Species at Risk Act, Ontario's Endangered Species Act, etc.). If there is inadequate protection of SAR in Canada, then the Species at Risk Act and/or its regulations should be strengthened. Layering species at risk legislation in the Canada National Marine Conservation Areas Act is unnecessary, duplicative, and has the potential to complicate SAR management and recovery. Additionally, if there is concern that there is not adequate legislative power to prevent and combat aquatic invasive species (AIS), then existing legislation, such as the Aquatic Invasive Species Regulations and the Ontario Invasive Species Act, should be improved and fully implemented. Only after the existing invasive species legislation has been fully utilized should other pieces of legislation be used to fill in the gaps. Additionally, wording needs to be built into the NMCA legislation to ensure that AIS control takes precedence regardless of the NMCA zone to allow for management to take place even if it would normally be a prohibited activity. NMCAs are not the only aquatic habitat that should be protected from AIS and a national strategy with accompanied legislation, budget, and resources should be developed in order to protect all of Canada's marine ecosystems from these threats.

Temporary closures for the protection of specific, sensitive life stages (such as marine mammal calving seasons) is a balanced approach to provide protections while allowing for use of the NMCA for much of the year. Allowing access by default while enacting temporary protections provides an efficient way to meet all of the policy objectives outlined in Section A. Closures should be associated with explicit timelines to ensure that there is clarity on how long any access restriction would be in place.

D. Ecologically sustainable land use in NMCAs

There is too much uncertainty about how "ecologically sustainable land use" would be permitted in NMCAs. The discussion paper does not outline what types of projects would be approved, only that Zones 2 and 3 would still allow infrastructure by permit. Does the Zone affect what type of land use could be permitted? It is counterintuitive to allow the building of infrastructure in protected areas where recreational hunting and fishing is prohibited. These resource-based activities are low impact activities in comparison to the construction of infrastructure which has the potential to cause serious harm to ecosystems (especially when considering cumulative impacts).

E. Protection of cultural resources in NMCAs

Restricting activities to protect cultural resources should be done on a case-by-case basis rather than through blanket restrictions. If an activity has the potential to cause damage to a specific cultural resource the NMCA is intended to protect, then it should be restricted or controlled. Activities that do not harm that resource should be permitted. In an instance such as this, where there is an easily cultural resource, that area can be fully protected while still allowing sustainable use in the surrounding areas. However, as previously mentioned, the boundaries of these zones must be realistic. For example, if the cultural resource is a shoreline formation where public access could cause it to deteriorate, then the protection zone should only encompass that shoreline.

F. Promotion and management of marine tourism and recreation in NMCAs

The discussion paper shows a lack of appreciation and acknowledgement of the cultural and ecological benefits of recreational fishing and hunting, and it appears to overemphasize the importance of “high-quality visitor experiences – for activities such as whale watching, kayaking and cruise ship tours, and for special events, including private functions.” It also underestimates the potential impact that these “high quality visitor experiences” could have on the environment, simply because they are non-consumptive. Restricting consumptive use and promoting tourism without actually comparing the potential for ecological harm is another example of protection for the sake of meeting targets as opposed to protection for the good of the resource. Hunting and fishing are significant economic drivers, are low impact, and compatible with the goals of this policy.

G. Management of research and collection activities in NMCAs

Using the existing Parks Canada permitting systems for research and collection in NMCAs will maintain consistency and reduce confusion among applicants and permittees. These sites should be monitored by Parks Canada in some meaningful way to determine if protections are actually doing an effective job at increasing ecosystem health and biodiversity. Long-term monitoring will show if the protections that are put in place are succeeding in their intended purpose or if they are unnecessary due to larger issues. Understanding the threats to biodiversity and ecosystem health are essential to implementing actions to benefit them, which can’t be done without proper research and monitoring.

Conclusion

The OFAH sees the importance of NMCAs as a means to protect environmentally and socially significant areas, but wants to ensure that sustainable use activities are not unnecessarily excluded. There are existing methods of sustainably managing hunting and angling in specific areas that should be used instead of blanket restrictions such as the use of NMCA zones. In fact, we actually believe that NMCAs have an opportunity to actively promote and encourage these low-impact, high value activities to ensure these areas are enjoyed sustainably. NMCAs should focus on protecting valued areas from infrastructure and development, which have the potential to cause serious harm to sensitive ecosystems.

Yours in Conservation,



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