

30 January 2017

Hon. Catherine McKenna
Minister of Environment and Climate Change Canada

cc: Caroline Ladanowski, Director, Wildlife Management and Regulatory Affairs Division,
Canadian Wildlife Service

By Email

Dear Minister McKenna,

We the undersigned scientists urge the Government of Canada to improve the proposed protection measures for the Scott Islands marine National Wildlife Area, for both the seabirds and for the other marine species that inhabit the waters in this ecosystem.

The draft regulations state that the conservation objective of the Scott Islands marine National Wildlife Area is to “conserve migratory seabirds, species at risk, and the habitats, ecosystem linkages and marine resources that support these species...” However, as currently proposed the Scott Islands marine National Wildlife Area omits a significant portion of known seabird foraging habitat, fails to address known threats, ignores the needs of other species— including *Species At Risk*, and fails to acknowledge the cumulative impacts of anthropogenic threats against a background of climate change.

As the largest seabird-breeding colony in Pacific Canada the Scott Islands is a globally significant site, worthy of strict protection. According to the Regulatory Impact Assessment, the population of breeding seabirds on the Scott Islands has declined from 2.2 million to 1.4 million since the 1990s.¹ Furthermore the effects of the 2014/2015 mass stranding of juvenile Cassin’s Auklets on the breeding population have yet to be fully determined. Recent studies have demonstrated the effectiveness of using seabird data to identify ecologically significant areas and have recognised seabirds’ role as sentinels for ocean health and ecosystem changes.^{2 3 4 5} Therefore declines in their numbers, like those observed at the Scott Islands, and mass die offs are a cause for

¹ <http://www.gazette.gc.ca/rp-pr/p1/2016/2016-12-31/html/reg1-eng.php>

² Thaxter, C. B., Lascelles, B., Sugar, K., Cook, A. S. C. P., Roos, S., Bolton, M., et al. (2012). Seabird foraging ranges as a preliminary tool for identifying candidate Marine Protected Areas. *Biol. Conserv.* 156, 53–61. doi:10.1016/j.biocon.2011.12.009.

³ Croxall, J. P., Butchart, S. H. M., Lascelles, B., Stattersfield, A. J., Sullivan, B., Symes, A., et al. (2012). Seabird conservation status, threats and priority actions: a global assessment. *Bird Conservation International*. 22, 1–34.

⁴ Montevecchi, W. A., Hedd, A., McFarlane-Tranquilla, L., Fifield, D. A., Burke, C. M., Regular, P. M., et al. (2012). Tracking seabirds to identify ecologically important and high risk marine areas. *Biological Conservation* 156, 62–71. dx.doi.org/10.1016/j.biocon.2011.12.001

⁵ Hooker, S., and Gerber, L. (2004). Marine reserves as a tool for ecosystem-based management: the potential importance of megafauna. *Bioscience* 54, 27.

significant concern and flag the need for strong protection of the ocean ecosystems on which these animals rely.

Threats at sea pose a serious risk to seabirds and other marine animals. Global assessments of the conservation status of seabirds and other marine species have repeatedly found declines in biomass and biodiversity, and have identified commercial fishing and shipping as primary threats, mainly through oil spills and chemical pollution, noise pollution, bycatch and entanglement, and loss of prey.^{3 6 7} We are therefore concerned that under the current proposal for the Scott Islands marine National Wildlife Area, commercial fishing and vessel traffic are subject to only minimal regulation, and that activities like bottom trawling, long-lining and shipping will be allowed to continue in the area without limitation despite the known risks and impacts.^{7 8} The only prohibitions are for fisheries that do not actually occur in the designated area, and for vessel traffic in close proximity to the islands. These prohibitions will do little to protect seabirds or other animals at sea.

Given the known risks, and in keeping with Canada's commitment to the United Nations Convention on Biological Diversity, we recommend that the precautionary approach⁹ be applied to all current and future activities, until sufficient data are available to demonstrate that there are no negative impacts on seabird populations or marine ecosystems. In this respect, we offer the following recommendations:

1. Commercial fishing activities should be prohibited within the Scott Islands marine National Wildlife Area until it can be proven that they have no harmful effects on seabird populations, species at risk, or marine ecosystems.
2. Bottom trawling should be permanently prohibited throughout the proposed marine National Wildlife Area, and all other marine protected areas, due to the significant impacts to benthic marine ecosystems, the potential risk of bycatch and entanglement, and the removal of non-target prey species.^{7 8}
3. Gillnet fisheries should be explicitly and permanently prohibited due to the significant risks of bycatch, especially to alcids.^{7 10 11} Gillnet fisheries do not currently occur within

⁶ http://awsassets.panda.org/downloads/lpr_living_planet_report_2016.pdf

⁷ Chuenpagdee, R., Morgan, L. E., Maxwell, S. M., Norse, E. A., and Pauly, D. (2003). Shifting gears: Assessing collateral impacts of fishing methods in US waters. *Front. Ecol. Environ.* 1, 517–524. doi:10.1890/1540-9295(2003)001[0517:SGACIO]2.0.CO;2.

⁸ Boutillier, J. 2016. Characterization and Analysis of Fisheries Related Risks to Significant Species, Habitats and Ecosystem/Community Properties within the Proposed Scott Islands marine National Wildlife Area. DFO Can. Sci. Adv. Sec. Res. Doc. 2016/015. viii + 71 p.

⁹ <https://www.cbd.int/marine/precautionary.shtml>

¹⁰ Zydels, R., Bellebaum, J., Osterblom, H., Vetemaa, M., Schirmeister, B., Stipniece, A., et al. (2009). Bycatch in gillnet fisheries - An overlooked threat to waterbird populations. *Biol. Conserv.* 142, 1269–1281. doi:10.1016/j.biocon.2009.02.025.

¹¹ Regular, P. M., Montevecchi, W.A., Hedd, A., Robertson, G.J., Wilhelm, S. I. (2013). Canadian fishery closures provide an large scale test of gillnet bycatch on seabird populations. *Biology Letters* 9 dx.doi.org/10.1098/rsbl.2013.0088

the proposed boundary but have historically and do occur nearby. The same precautionary approach that was applied to fisheries for Pacific saury, sand lance and krill should be extended for gillnet fisheries.

4. Create navigation lanes and channels for ships and other vessels away from key feeding areas and migratory corridors of seabirds and other species, particularly whales, and establish speed limits throughout the marine National Wildlife Area to reduce disturbance and the risk of collision.

5. Expand the proposed boundary to include all known key foraging habitat for seabirds. The current boundary excludes a large area of known Cassin's auklet foraging habitat.¹

There is a wealth of scientific research that demonstrates that strongly protected MPAs produce much greater benefits in terms of both biodiversity conservation and benefits to fisheries.^{12 13} With no restriction of commercial and industrial activities, the Scott Islands marine National Wildlife Area will provide limited benefit for seabirds and any other marine species.

As Canada's first marine National Wildlife Area, this proposal should set a strong precedent. The proposed regulations fail to provide any meaningful protection to seabirds and ignore the broader ecological values of the area. This approach contradicts the best available science and guidelines on MPA design and management.¹⁴

We strongly urge Environment and Climate Change Canada to improve the proposed regulations to provide effective in situ conservation and protection of both seabirds, other species at risk (which include sea otters, Steller sea lions, and several species of whales and leatherback sea turtles) and the broader marine ecosystems of the Scott Islands.

Yours Sincerely,

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and

¹² Lester, S., and Halpern, B. (2008). Biological responses in marine no-take reserves versus partially protected areas. *Mar. Ecol. Prog. Ser.* 367, 49–56. doi:10.3354/meps07599.

¹³ Edgar, G. J., Stuart-Smith, R. D., Willis, T. J., Kininmonth, S., Baker, S. C., Banks, S., et al. (2014). Global conservation outcomes depend on marine protected areas with five key features. *Nature*. doi:10.1038/nature13022.

¹⁴ Jessen, S., Chan, K., Côté, I., Dearden, P., De Santo, E., Fortin, M.J., et al. (2011). Science-based Guidelines for Marine Protected Areas and MPA Networks in Canada. Canadian Parks and Wilderness Society (CPAWS), Vancouver 58 p. http://cpaws.org/uploads/mpa_guidelines.pdf

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