



**PROJECT
FOSTERING THE
DEVELOPMENT OF
AN INDIGENOUS
REFLECTION AND
VISION REGARDING
MARINE PLANNING
AND CONSERVATION
INITIATIVES**

**Technical sheet for the topic
MARINE SPATIAL PLANNING
(MSP).**




The objective of this sheet is to support and inform the reflection of First Nations as well as the Department of Fisheries and Oceans Canada (DFO) within the framework of this project. DFO, and more specifically the Marine Planning and Conservation Division (MPCD), Quebec region, is the partner department of this project.

As a reminder, the objective of this project is to allow the communities concerned by the Estuary and Gulf of St. Lawrence Bioregion to develop a reflection and a vision on the topics of marine planning and conservation, in preparation for discussions with the government of Canada on these topics.

This sheet is a working document which aims to shed some light on the topic of "Marine spatial planning, particularly the participation in its governance."

This technical sheet was produced in April 2021 by the First Nations of Quebec and Labrador Sustainable Development Institute (FNQLSDI) with the contribution of the Society for Nature and Parks of Canada - Quebec section (SNAP Québec).



TECHNICAL SHEET FOR THE TOPIC MARINE SPATIAL PLANNING (MSP).

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Section 1.

Description of the topic

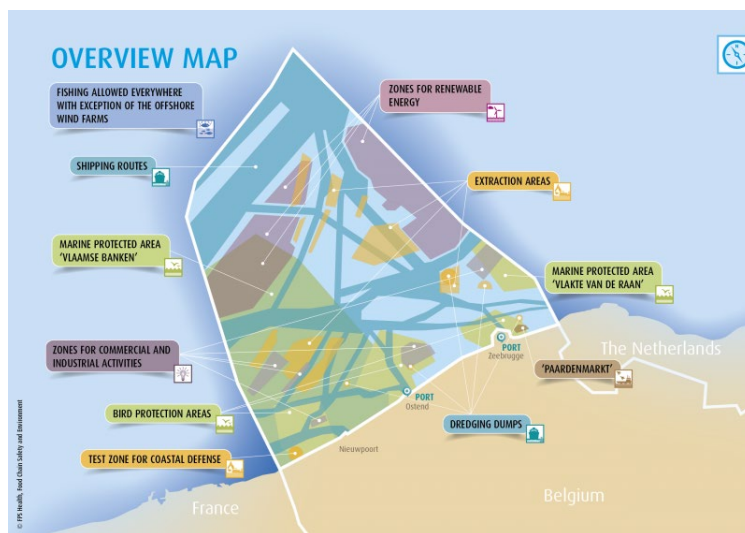
1.1 MSP: definition of the concept

The MPCD defines MSP as a process that aims to bring together the relevant authorities to develop a marine spatial plan.

The marine spatial plan is used to:

- Better coordinate the use and management of activities that may take place in different marine areas.
- Achieve ecological, economic and social objectives defined in consultation for the territory.

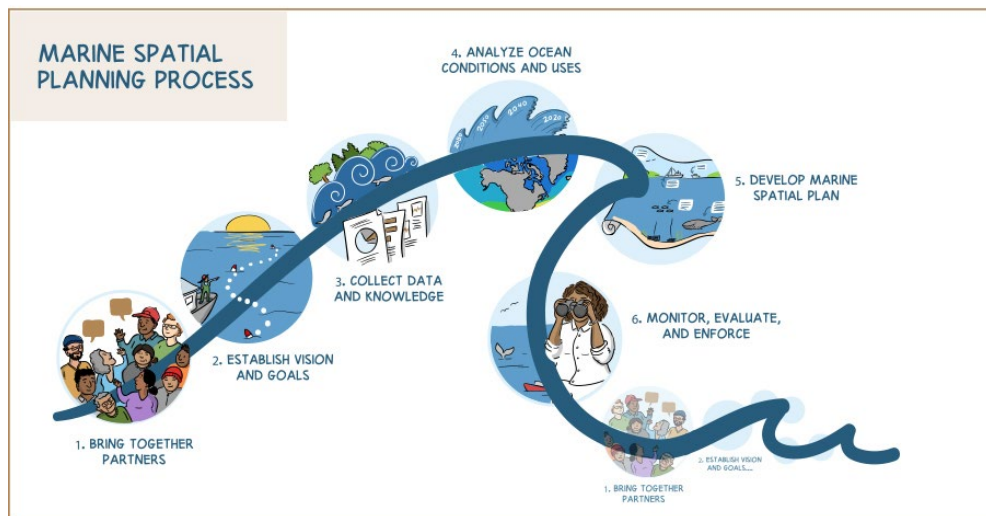
Example of a marine spatial plan (Belgian part of the North Sea)



Source: Belgium federal public service, 2020¹.

The relevant authorities that will participate in the MSP are not yet explicitly defined. To date, however, the MPCD appears to refer specifically to federal, provincial, territorial governments and Indigenous peoples.

The MSP process



Source: *National Indigenous Fisheries Institute, 2019²*.

REFLECTION:

We should still question, in the diagram presented above, why the stage of determining the vision and objectives occurs before collecting and analyzing data. Normally, though it should be knowledge that informs a decision-making process, it's the reverse that happens.

1.2 Key elements to consider on the topic of MSP

Element 1 - Governance

As part of this project, the MPCD wishes to discuss MSP with the First Nations, particularly from the point of view of governance, especially about the roles and responsibilities desired by the First Nations.

Notes on the concept of governance:

As part of the St. Lawrence Action Plan 2011-2026, governance is defined as follows: “all the organizational structures and operating procedures agreed to in order to achieve integrated management of the St. Lawrence³.”

“Governance is about who makes decisions, how they are made and who ensures that they are implemented; this includes decisions on the objectives and the means of management. An institution/entity is held responsible for exercising authority and power. On the other hand, management refers to what is done in the given territory to achieve the specific management objectives, which thus includes all the activities or the means that are carried out⁴.”

Element 2 - The technical aspect of MSP, in particular the data

Participating in MSP implies technical knowledge of the marine space for which a plan is to be drawn up. Data, especially geospatial, is a decision-support tool.

The MPCD indicates its willingness to integrate Indigenous knowledge and science into the MSP process. In addition, the MPCD considers that the **Atlas of Marine St. Lawrence Mi'gmaq and Maliseet Sites and their Uses** could ultimately support the First Nations communities in their participation in MSP. These projects have been implemented by the Mamu Innu Kaikusseht Agency (AMIK) and the Mi'gmaq and Maliseet Fisheries Management Association (AGHAMM).

However, it should be noted that originally, these atlases were more aimed at increasing the capacity to collect and organize georeferenced data on important uses and sites in coastal and maritime environments⁵.

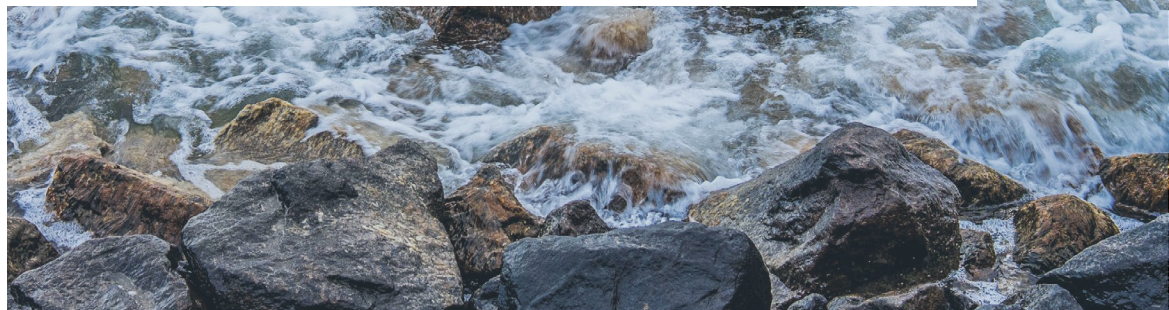
Data on the St. Lawrence:

Currently, the most integrated data source on the St. Lawrence is the [St. Lawrence Global Observatory](#) (SLGO). “Created in 2005 by a group of federal and provincial government organizations as well as academic and community organizations, SLGO is the first integrated ocean observing system in Canada. Its concept makes it possible to maximize the benefits of data collection by integrating multidisciplinary data from multiple partners on a single web portal, thus promoting data discovery and re-use⁶.”

The SLGO also publicly disseminates geospatial data on sites of conservation interest from the [Atlas of sites of conservation interest in the Estuary and Gulf of St. Lawrence coastal regions](#)⁷. The FNQLSDI organized a webinar in March 2021 to discuss this atlas in more detail. The presentation can be viewed by following this [link](#) and the recording will be posted [here](#).

Note also that the organization Aquatic Habitat Canada (AHC) is exploring the potential of developing an open online database of the Aquatic Habitat Restoration Opportunities Database (AHROD). This initiative would aim to centralize information on aquatic and marine habitats in order to better inform communities, governments and industries about restoration opportunities. A survey and an interview process for potential users of this database was scheduled to start in April 2021.

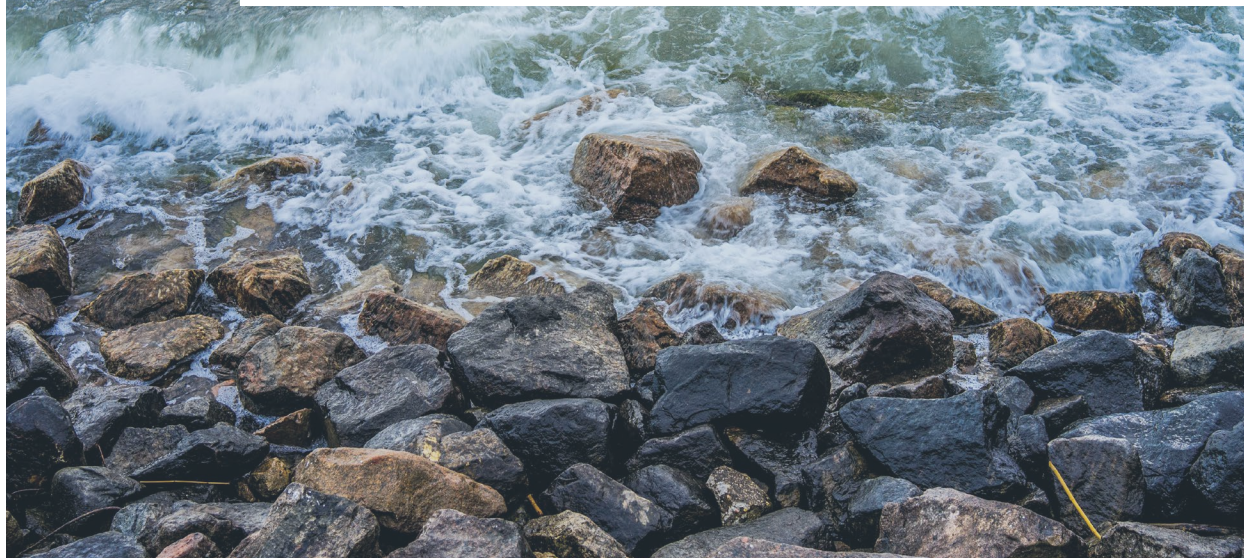
Finally, there are other data sources, such as [Open Government Canada](#) and [Données Québec](#).





REFLECTION:

How can we avoid getting lost in the volume and scope of the data and target data that is relevant for First Nations communities in their reflections on MSP or on any conservation project?



Section 2.

Portrait of the situation

This section begins with a presentation of the existing mechanisms and tools (strategies, plans, etc.) that structure the governance and management of data, uses and some types of conservation projects in coastal and marine environments in the St. Lawrence. The section ends with the presentation of the approaches of MSPs and their distinction from what already exists.

2.1.1 The St. Lawrence Action Plan (SLAP) 2011-2026

Currently, the consultation of decision-makers and users of the St. Lawrence is mainly overseen by the [St. Lawrence Action Plan \(SLAP\) 2011-2026](#).

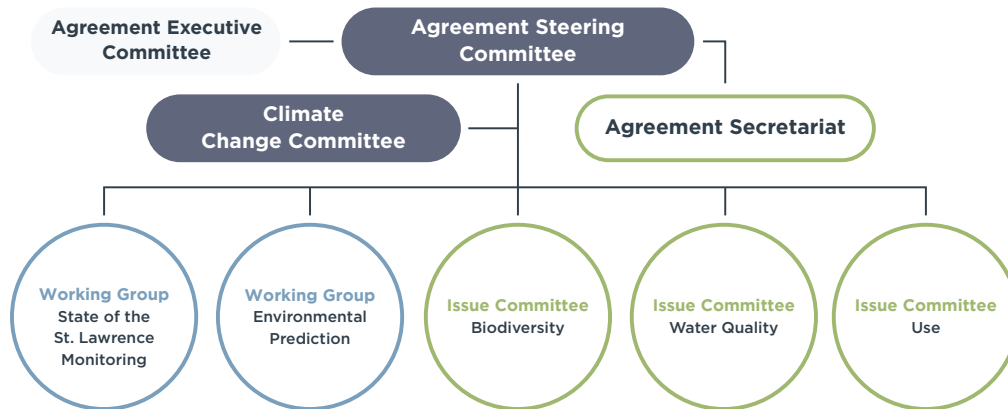
Also known as the [Canada-Quebec Agreement on the St. Lawrence](#), signed in 1988 and reiterated in 2011 by the 2016-2021 Agreement, the SLAP aims “to conserve, restore, protect and enhance the St. Lawrence⁸.”

Ministries responsible for the joint implementation of the SLAP: the Ministère de l’Environnement et de la Lutte contre les changements climatiques (MELCC) and the Department of Environment and Climate Change Canada (ECCC). About 20 provincial and federal departments are signatories to the SLAP.

The main components of SLAP

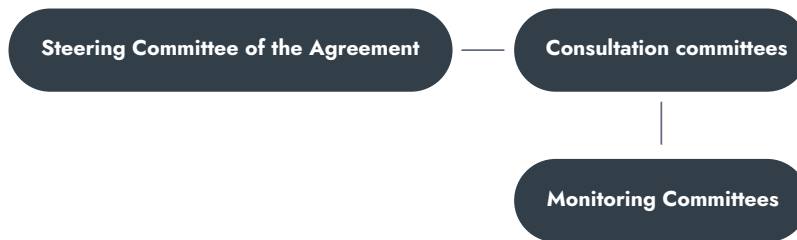
- The management of SLAP
- The Integrated management of the St. Lawrence (IMSL)
- 2 decision-support tool programs:
 - | Monitoring of the state of the St. Lawrence
 - | Numerical environmental forecast on the St. Lawrence
- 2 project funding programs deployed by environmental organizations or First Nations communities and organizations:
 - | Community Interaction Program
 - | Priority Intervention Zones Program (ZIP)
- Programming of joint actions on the St. Lawrence
 - | Protection of biodiversity
 - | Water quality
 - | Sustainability of uses

SLAP management structure (Agreement)



Source: St. Lawrence Action Plan, 2021.

* The thematic consultation committees are set up by the Steering Committee of the Agreement to address issues of a cross-cutting or more specific nature. These committees are made up of members of the federal and provincial governments as well as of collaborators concerned (civil society and users) by the problem in question. These committees have an advisory role to the Steering Committee of the Agreement. Currently, 3 committees are in place: climate change, agriculture and navigation.



The **composition** of the various structures is mainly made up of representatives of the federal and provincial governments. As for the working groups, monitoring committees and consultation committees, employees can also sit on them.

2.1.2 The Integrated Management of the St. Lawrence (IMSL) approach

The IMSL is the basic approach as to how SLAP functions to promote and ensure a climate conducive to concertation between all the stakeholders concerned⁸.

Definition: "Permanent process based on the concertation of all decision-makers, users and civil society. It is established for planning and better harmonization of measures to protect and use the resources of this important ecosystem⁸."

The 2 main mechanisms for concertation of the IMSL⁸

1. Annual holding of the Forum on the St. Lawrence: A by-invitation event bringing together stakeholders from the St. Lawrence from the First Nations, municipal, economic, community, environmental, recreational, research and education sectors as well as governments that have responsibilities or interests related to the management of its ecosystem, its resources and its uses.

2. Regional concertation tables (RCT): Permanent and autonomous, the mission of the RCTs is to enable the various regional stakeholders concerned with the management of the resources and uses of their portion of the St. Lawrence to plan and harmonize their actions in order to contribute to the integrated management of the St. Lawrence.

Note that the RCT reference framework is provincial only, under the MELCC⁹.

2 main mandates of RCTs:

- | Foster concertation between regional stakeholders concerned by the issues of the St. Lawrence;
- | Contribute to the development, adoption, implementation and monitoring of a regional integrated management plan (RIMP), with the collaboration of various stakeholders, including ZIP committees.

Currently, 6 RCTs have been established out of 12 scheduled: 1 RCT/area of integrated management of the St. Lawrence¹⁰.

***Central role of the ZIP committees in the IMSL:** Under the responsibility of the RCT, the ZIP committees are mandated to coordinate the development and drafting of the regional integrated management plan (RIMP) that they help to implement. However, in the regions of Montreal and Quebec, the ZIP committees are invited to participate in the RCT and will be given mandates to be determined with the latter. In sectors where the RCTs have not yet been set up, the ZIP committees will continue their activities of concertation in order to prepare the community for the eventual establishment of the RCT.

2.1.3 The MSP

The MSP is recognized internationally as a tool for planning and managing the oceans. Currently, 70 countries have marine spatial plans or are working on their development. DFO also indicates that the MSP is a tool allowing certain international commitments to materialize, including:

- (2015) The United Nations 2030 Agenda for Sustainable Development, including Goal 14, which is to conserve and sustainably use the oceans, seas and marine resources;
- (2018) The G7 Charlevoix blueprint for healthy oceans, seas and resilient coastal communities.

In addition, in 2018, some recommendations concerning MSPs were made to the Government of Canada by a committee. This committee, called the National Advisory Panel on Marine Protected Area Standards (NAP), was set up to gather reflections and make recommendations on the protection standards to be adopted in federal MPAs. However, the NAP has gone beyond its mandate to also include other elements relating to marine governance and management, including the MSP.

The NAP's recommendation regarding MSP is as follows: That the federal government consult Canadians on possible approaches to marine spatial planning in each of Canada's ocean regions¹¹.

In its response to the NAP, the Minister of Fisheries, Oceans and the Canadian Coast Guard said:

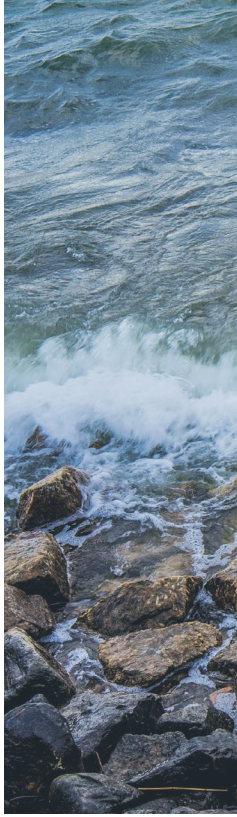
“ Future expansions of marine spatial planning beyond the Pacific North Coast are being explored and would be initiated in partnership with provinces, territories, and Indigenous peoples. This is one way the Government of Canada intends to meet its mandate commitment to better co-manage Canada's three oceans¹². ”

According to the FNQLSDI, the MSP is the same as integrated management, only expressed with a different concept. The essential difference between the MSP for the Estuary and the Gulf of St. Lawrence and the IMSL lies in the targeted actors and their roles and responsibilities.

- While the MELCC and ECCC are the responsible ministries for IMSL, DFO is responsible for MSP. The Oceans Act gives DFO a leadership role in integrated oceans management.
- The vision of DFO/MPCD, Quebec region, for MSP insists on the notion of bringing together the **relevant authorities**. Until now, it seems that Indigenous peoples are seen as an integral part of these relevant authorities. **Compared to the IMSL, the MSP seems to offer a more important role to the First Nations communities. Moreover, in comparison with the IMSL, the ZIP committees would not have a central role in the MSP. Note also that the MSP as well acts independently of the SLAP.**

In 2019, the National Indigenous Fisheries Institute, whose mission is to maximize the potential of the oceans, fisheries and other aquatic management programs and activities for the benefit of Indigenous peoples, took a number of steps¹³ to support reflections on MSP and in particular on the technical capacities of Indigenous groups and communities to exercise a real and significant role in decision-making in the ocean environment.

The work of this Institute has been commissioned by DFO for all of Canada. Some of the highlights of the Institute's efforts are presented a little later in this sheet.



REFLECTIONS:

- For each marine spatial plan, it will be necessary to monitor the management approaches of areas where socio-economic development activities are permitted. Be careful not to approach the limit of the capacity for support: no “free for all” in the areas targeted for development. What MSP is looking for is to implement good management of 100% of the territory, not to give development a privilege.

- We must also monitor how the [Blue Economy Strategy](#) (see the technical sheet on this subject) positions itself among other ocean management initiatives, of which MSP is a part.

2.2 Upcoming changes/Next steps

The MSP is only in its infancy for the Estuary and Gulf of St. Lawrence Bioregion. **The MPCD is planning an external mobilization for the fall of 2021.**

The MPCD is making a **budget envelope available to the First Nations communities and organizations** of the Estuary and Gulf of St. Lawrence Bioregion for 2021-2022 and 2022-2023 in order to support their efforts to participate in the MSP process. The FNQLSDI asked the MPCD for an official document of this envelope so that the communities and organizations of the First Nations can obtain the necessary details in order to prepare their projects related to the MSP if they wish.

With regard to data, it should be noted that DFO is moving towards putting online, in the spring of 2022, a first version of an interactive geospatial data atlas for Eastern Canada. DFO is currently working on the development of:

- the inventory of the types of data required for the project;
- templates to be offered to partners for data sharing;
- the exploration of the possibilities of hosting shared data.

Currently, it is expected that the MSP will be set up in parallel with the IMSL, framed by the SLAP 2011-2026.



REFLECTION:

As much as we have to wonder how the various federal ocean management initiatives such as MSP, the Oceans Protection Plan and the Blue Economy Strategy will interact, we must ask ourselves how the MSP will interact with the IMSL.

Section 3.

Avenues for reflection – Indigenous experiences from here and elsewhere

3.1 Experience 1: The steps taken by the National Indigenous Fisheries Institute

3.1.1 Portrait

TAs mentioned previously, in 2019, DFO mandated the National Indigenous Fisheries Institute (hereinafter Institute) to support reflections on the MSP. This approach enabled the holding of 5 regional workshops during which approximately 40 participants from Indigenous governments, Indigenous communities and organizations of the Aboriginal Aquatic Resource and Oceans Management (AAROM) program had the opportunity to speak on the MSP¹⁴. Some thoughts brought to light during these exercises are listed below.

As a complement, it could be interesting to consult:

- This [technical capacity assessment report](#) produced by the Institute to report on the interest, capacities, expertise and issues shared during the workshops.
- This [document](#) prepared by the Institute which deals with certain technical aspects of participation in the MSP, in particular the functions and skills required in human resources (pages 6 to 8 of the document).

3.1.2 Some highlights¹⁴

The groups and communities interviewed have expertise in documenting Indigenous knowledge and gathering technical data.

Participants identified that they have capacity gaps in marine ecosystem science and data analysis.

Expertise may be held by a “traditional use coordinator” or “community coordinator,” communications officers, guardians, fishing masters, research assistants, etc. who are guided by an elder or a matriarch, or by committees. Depending on the needs, certain groups or communities also have access to one or more professionals in the biological or ecological sciences.

MSP requires technical capacities in terms of geographic information systems (GIS) and cartography which were not always present or accessible in the communities encountered.

Indigenous knowledge has been identified as a key tool necessary for the MSP process.

Certain groups and communities interviewed have developed strategies, protocols or guides to provide a framework for the protection of their data and Indigenous knowledge.

3.1.3 Recommendations¹⁴

Optimize and diversify funding by deploying stable funding sources, whether they come from the government or other organizations: continuous funding could in particular ensure the sustainability of jobs; the development of technical or other knowledge, awareness and training with young people (workshops or mentoring); access to better computer tools and software, to linguistic and interpretation services, to a human resources service, to the acquisition of weather stations and automatic identification systems;

Put in place more partnerships with governments, educational institutions, non-governmental organizations with a view to improving the sharing of available knowledge and tools, as well as training;

Support, pursue and improve coordination efforts between the different actors of the MSP.

3.2 Experience 2: Marine Plan Partnership for the North Pacific Coast

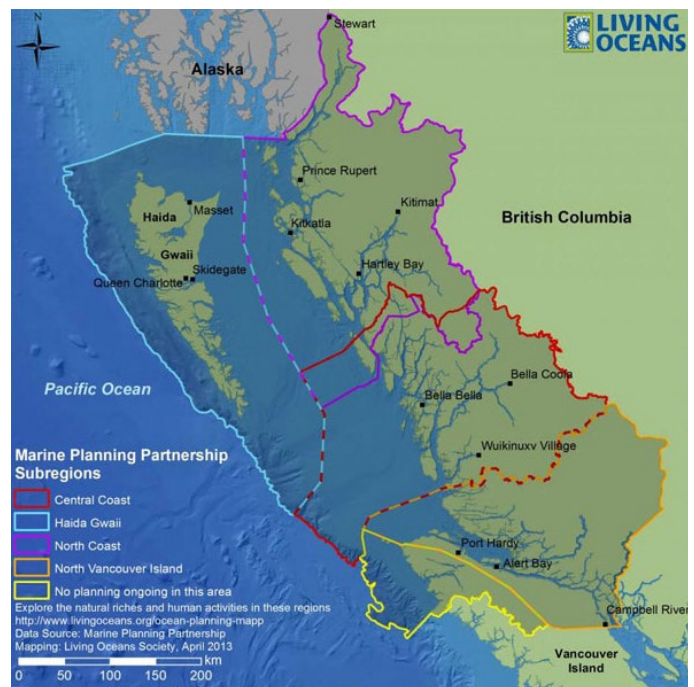
3.2.1 Portrait

The Marine Plan Partnership for the North Pacific Coast (MaPP) was co-developed by the Province of British Columbia and 17 First Nations. This partnership was designed to produce and implement marine plans relating to current and future uses and activities in the *Great Bear Sea* region (covering an area of nearly 102,000 km² ⁽¹⁵⁾). To do this, the Great Bear Sea has been divided into 4 sub-regions (see image)¹⁶.

The MaPP's creation process began relatively quickly in 2011 with the filing of a letter of intent. There followed, 4 years later, the signing of a memorandum of understanding, then the development and signing of 4 sub-regional plans. Note that the regional action framework encompassing all of these plans was finalized the following year, in May 2016. The agreements relating to the implementation of these plans were announced in the month of August 2016¹⁶.

The MaPP was designed in a spirit of sustainable development. Indeed, marine plans have been developed to meet 3 objectives: create opportunities for sustainable economic development, support the wellness of communities affected by or dependent on the ecosystems of the Great Bear Sea and finally, protect this marine environment¹⁶.

Marine Plan Partnership for the North Pacific Coast Sub-Regions



Source: Living Oceans Society, 2013¹⁷.

To achieve these goals, marine plans have been designed under the ecosystem management approach. They have also been informed by both local and traditional knowledge and data from Western science. Their development identified 3 types of areas within the Great Bear Sea: general management areas, special management areas and management for protection purposes¹⁶.

Overall, this initiative helps build the technical and response capacities of communities. It is also used to consolidate and increase knowledge of marine ecosystems and to reduce conflicts of use in the territory.

3.2.2 Observations

Since the federal government is not part of this partnership, only uses and activities under provincial jurisdiction are currently addressed by the MaPP¹⁶.

The governance of the MaPP is structured as follows¹⁸:

For the implementation of sub-regional plans:

4 technical teams (one for each sub-region) made up of representatives of the government of the province and of the Indigenous nations concerned.

For the implementation of the regional plan:

A technical team made up of the co-presidents of each sub-region.

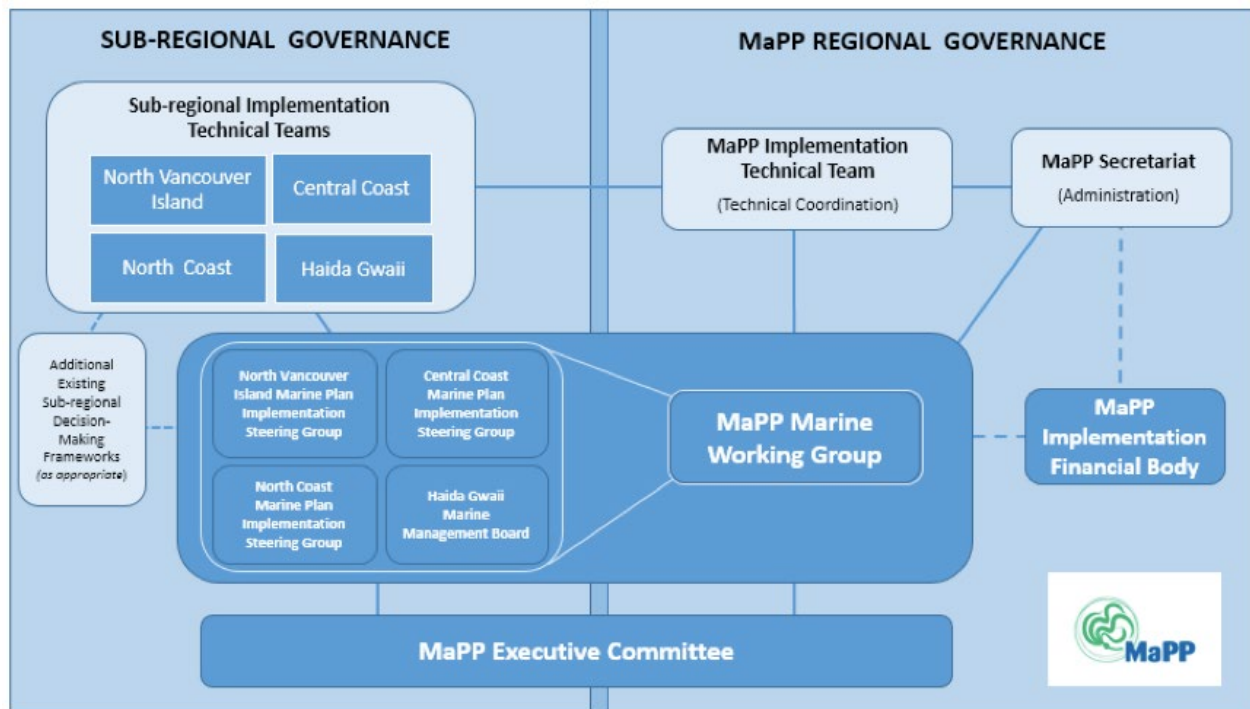
To guide and supervise the implementation by the technical teams of the partnership, a senior working group in the marine environment has been created. This is made up of representatives of partner organizations in the MaPP process.

If issues relating to the implementation of the MaPP cannot be resolved by the senior working group, an executive committee made up of the management of the partners involved in the MaPP will be responsible for dealing with them.

A secretariat is also in place to support the technical teams for the administrative aspect of the implementation of the marine plans.

Advisory committees (one made up of stakeholders with relevant experience and interests in marine environments and one made up of scientific experts) were also created to support and advise the technical teams in the development of the marine plans. The public was also called upon to revise and comment on the marine plans of the sub-regions¹⁹.

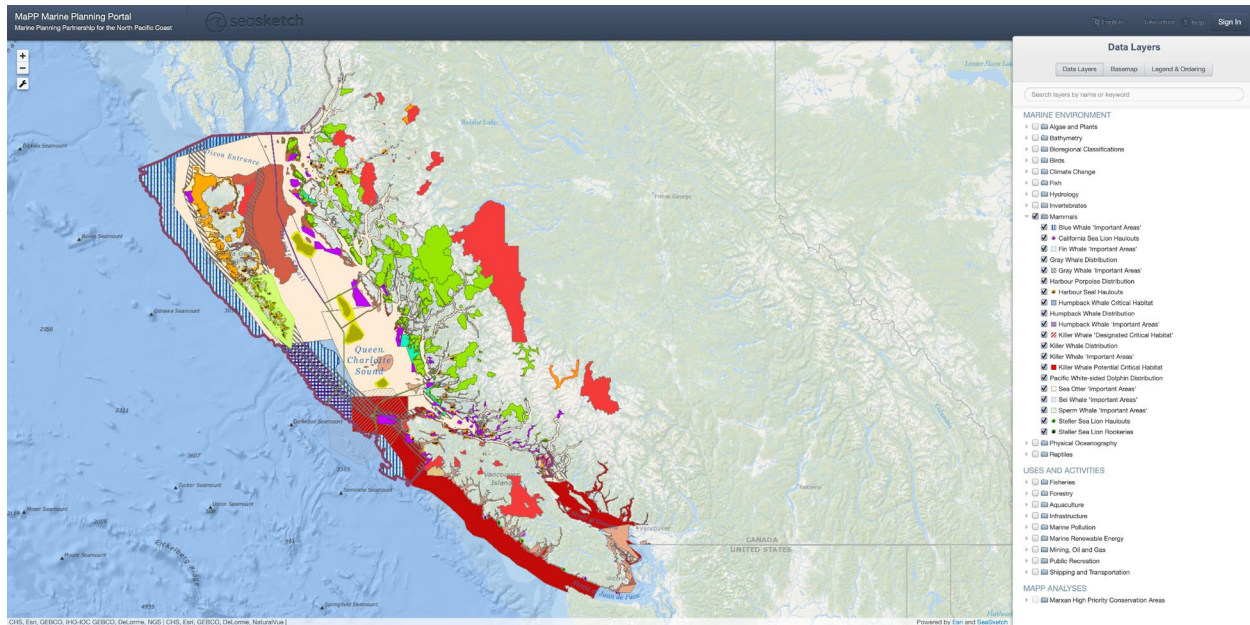
Governance structure of the Marine Spatial Plan Partnership for the North Pacific Coast



Source: Marine Plan Partnership for the North Pacific Coast, 2021¹⁸

Public data available and acquired in the territory of the Great Bear Sea has been compiled in an online spatial planning tool called *Sea Sketch*. This interactive platform, which currently hosts more than 250 geospatial data layers relating to the MaPP, is used as a decision-support tool, both by technical teams, advisory committees and the public. It is possible to observe data relating to the ecological, social, cultural, economic and administrative aspects of the study area. A representation of the MaPP project accessible on Sea Sketch is illustrated here²⁰.

MaPP interface on Sea Sketch



Source: Sea Sketch, 2021²¹

3.2.3 Recommendations

In light of this approach, a few recommendations have been proposed to consider a similar process²². These are quite general and are presented below:

First, to complete the various projects planned within a marine plan, it is necessary to clearly define the scope of the approach from the beginning of its development. Indeed, limiting oneself to a certain number of priorities or projects during the first phases of the MSP increases the effectiveness of this approach. In addition, since revision phases are normally envisaged, additions can be made as the projects are completed. So MSP can truly become an evolving and dynamic process.

Second, it is essential to define, upstream of any MSP and in collaboration with all the stakeholders concerned by this process, conflict resolution mechanisms. As MaPP is a partnership, this approach works on the basis of consensus. However, when this proves difficult to achieve, conflict resolution mechanisms are deployed in order to allow the various projects to move forward despite everything.

Since stakeholder involvement is a key element in the MaPP process, it is essential to support stakeholder participation through stable and sufficient funding.

Finally, it is necessary to develop clear and precise objectives allowing long-term monitoring of the performance of the implementation of the marine plans developed within the framework of the MSP.



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