



Race Rocks Public Advisory Board 2010

Recommendations for DFO April 24, 2010 (Draft 1)

Background

The Department of Fisheries and Oceans has reactivated a 1999 proposal to establish Race Rocks as a Marine Protected Area (MPA) under the Oceans Act. As a consequence, a new round of community consultations was launched in September of 2009. The RRPAB is composed of community representatives and Race Rocks stakeholders including Pearson College who presently funds and provides the Ecoguardian at Great Race, private businesses, recreational users, the education sector, research interests, the Ecological Reserve Volunteer Warden and several conservation/environmental protection groups. Various government departments and agencies at the federal and provincial levels are also included.

Community based members of the RRPAB donate their time to the process. Most are volunteers or are obliged to take time off from their regular work to participate. They receive no compensation or expense recovery.

A similar Board was established to advise DFO in the failed 1999-2002 designation process. Many members of the previous Board also sit on the current Board and have gained extensive knowledge of Race Rocks and the MPA designation process over a period of many years. The racerocks.com website is a comprehensive and authoritative repository of information regarding all aspects of Race Rocks and the entire MPA process.

BC Parks, through existing Ecological Reserve (ER) protection at Race Rocks, has been involved for over 30 years. A comprehensive management plan for the ER is in place. While the ER includes the islets and sea floor it does not include the federally controlled water column. It is assumed that DFO and the province are engaged in government to government discussions to link the existing ER and proposed MPA management protocols.

First Nations consultation is being conducted in an entirely separate process by DFO. A First Nations consultant sits on the RRPAB as a liaison. Invitations have been extended by the members of the Board for First Nations to participate directly in the RRPAB process but the consultant reports that these invitations have been declined at this time.

Meetings of the RRPAB have taken place on September 25, 2009, November 26, 2009 and March 24, 2010. The primary focus of these meetings has been on updating a values/use table from the perspective of each RRPAB member and outlining the details of the MPA process. While some comments and advice from RRPAB members have been injected into the discussions there has not yet been an opportunity for the RRPAB to provide comprehensive advice and recommendations to DFO.

On April 19, 2010 an informal meeting of the RRPAB was convened by board members to draft a set of recommendations for DFO staff to consider. The purpose was to gather information to advance the MPA process in a constructive and efficient manner. All members of the RRPAB, including DFO staff, were invited to attend. These notes are intended to outline the written submissions and discussions arising from this effort. These recommendations are in draft form only and subject to revision and further discussion.



Procedural Requests

There are three procedure related requests that are relevant to the ongoing process of the RRPAB. These recommendations are provided on the understanding that these requests will be accepted by DFO. For some reason none of these issues were complications in the previous round of consultations in 1999-2002 which occurred under the same legislation.

- We have been told by DFO staff that the management plan cannot be developed until after designation. Some of the recommendations are large picture management issues. It is the view of the majority of the RRPAB, and especially the current users of the area, that these issues must be discussed in advance of designation. It would be unreasonable for those currently engaged in activities at Race Rocks to agree to designation without some understanding of the impact of MPA regulations on long established businesses, recreation, research and education activities. The RRPAB will require a response to each recommendation from DFO with comment and a summary of regulatory intent in advance of designation. The Draft ER/MPA Management Plan adopted by DFO and the RRAB as a result of the pre-designation discussions in 2002 is a good example of appropriate documentation.

A recommendation in favour of designation will be conditional upon reaching an understanding on these recommendations.

- Some confusion has emerged regarding the DFO policy objectives for an MPA. It is our view that research, education, public awareness and outreach are all important aspects of a successful MPA strategy. This is in accordance with materials the Government of Canada has published as the declared MPA strategy for the past 10 years. **If the MPA Strategy has changed we request an explanation and justification.**
- Given the fact the previous designation legislation was changed without the knowledge of the RRAB in 2002 we think it is important that once all consultations are complete, if the designation proceeds, the **RRPAB has an opportunity to examine the final version of the legislation before it proceeds to the gazette stage.**

The Next Steps

We ask that discussion of these draft recommendations be placed on the agenda as a priority item with an adequate time allocation at the next meeting of the RRPAB. As the recommendations are in draft form only it is important that all members have the opportunity to comment, revise and add to the recommendations. The objective should be to produce a comprehensive set of recommendations that are adopted by consensus.

It is not expected that DFO staff will respond to the recommendations at this meeting as it is likely staff will require time to consider the implications. It would be very worthwhile for RRPAB members to provide clarification for DFO staff at this meeting if there are any questions or concerns.

Future consideration should be given to a 1-2 day facilitated workshop to wrap up the consultation process. This major investment of volunteer Board member time should only occur once the First Nation's consultation reaches a satisfactory conclusion.



Recommendations

1. General Recommendations

1. a The present level of environmental protection at Race Rocks must not be diminished in any way as a consequence of the MPA designation.
1. b All business, recreation, education and research activities presently occurring at Race Rocks must be allowed to continue within the MPA boundaries and such activities must be allowed to adapt with emerging methods and technologies. Any proposed restrictions on these existing activities in the future may only be implemented once evidence of need is provided and consultation with stakeholders takes place.
1. c The MPA management plan must be patterned on and integrated with the existing Ecological Reserve management plan to maximise efficiency, streamline management procedures, avoid overlapping regulations and minimise bureaucracy.
1. d The key roles of BC Parks and Pearson College and the existence of the Ecological Reserve must be recognised in the future operation of Race Rocks MPA. In addition, there should be an ongoing role for community advisors from the stakeholder groups in the development and evolution of the ER/MPA management plan through a permanent Operations Advisory Board.
1. e The continued human presence of an Eco-Guardian in residence on Great Race Rock is an essential requirement for continued protection of the MPA. DFO should also commit to additional enforcement resources through DFO officers and RCMP.
1. f DFO should share in the on-site costs of maintaining the Eco-Guardian at Race Rocks as a key element of the enforcement plan. It is important that this funding be applied to enhance the programs on the 'ground' within the MPA.
1. g Given the high priority placed on the precautionary principle in the Oceans Act a permanent moratorium should be put in place on all harvesting of any resources within the MPA. First Nation's treaty rights to harvest should be respected provided adequate levels of research first show clear evidence such harvesting is ecologically sustainable and will have negligible impact on the MPA baseline inventory. If First Nations conduct any harvest all take should be reported.
1. h It should be recognised that the sports fishing community as represented by the Sports Fishing Advisory Board voluntarily gave up the opportunity to fish in the MPA as part of their commitment to preservation of ecosystems and regeneration of stocks through the concept of refuges as valued sources of high productivity.
1. i The MPA should remain open to public users with reasonable limitations on appropriate use defined in the management plan in consultation with the Operations Advisory Board.
1. j If possible, personal watercraft and hovercraft should be banned from the MPA. If this is not possible they should be subject to strict speed and proximity limits.



1. k Given the financial constraints facing government, the RRPAB should be consulted before future contracts are awarded to consultants. Some of the past work DFO has contracted related to Race Rocks is inadequate and considerable data and expertise based on local knowledge is available from members of the RRPAB.

2. Science and Education Recommendations

2. a DFO should support ongoing research within the MPA to advance the understanding of the ecosystem. This should include such basic practices as monitoring baseline inventories, permanent plots or observation sites and a commitment to long term studies.
2. b Knowledge gap assessments are an important element of an MPA scientific strategy. DFO equipment and resources or contract specialists should be allocated to this purpose on a periodic ongoing basis.
2. c DFO should provide a summary of the current science and research programs and priorities related to the MPA strategy including the resources available to implement these projects.
2. d Current education and outreach efforts, including racerocks.com, should be continued and supported within the scope of the MPA strategy. Provision should be made to incorporate new technologies and methods.
2. e At the first opportunity, First Nations should be invited to become a partner in sharing and adding to the science and conservation knowledge base.
2. f The permit system for research and education activities, including all media activities, should be integrated with the existing Ecological Reserve permit system to allow rapid turn-around of applications. This permit requirement should include the outlying islets as well as the intertidal and sub tidal zones of the MPA.
2. g Adaptive management principles in addition to the precautionary principle should be factored into a systematic management plan.

3. Conservation Recommendations

3. a For information purposes it would be of interest for the RRPAB to understand DFO's larger coast wide strategy for MPAs and the timeline for implementing this strategy.
3. b DFO should commit to including Race Rocks in the context of future MPA initiatives on the coast rather than seeing it as a 'one off'.
3. c Consideration should be given to establishing a suitable (several kilometre) buffer zone around the MPA to exclude commercial fishing, dumping and development that could impact the MPA.



- 3. d Efforts to develop alternate and sustainable energy sources for the operation of infrastructure on Great Race Island must be continued with the objective of using green technology and reducing operating costs.
- 3. e Improve opportunities for data sharing such as wildlife observations from professional ecotour guides and divers.

4. Cultural and Heritage Recommendations

- 4. a Cultural and heritage values at Race Rocks include the lighthouse, First Nations artefacts and shipwrecks. The 150 year old lighthouse is an important historic feature and a designated structure. It is operated by DFO and it is important that there be a long term commitment to proper maintenance of the structure.
- 4. b Known and as yet undiscovered underwater artefacts should be properly documented and protected throughout the MPA.

5. Outreach and Profile Recommendations

- 4. a DFO should partner with user groups to raise the national and international profile of Race Rocks as a MPA and promote the unique significance and accessibility of the ecological and educational resources at Race Rocks. The close proximity of an urban centre and the key location of Race Rocks allows this MPA to become an icon in the Salish Sea.
- 4. b DFO should promote the MPA strategy and Race Rocks in particular as an example of cooperative action to protect the marine environment. Promoting this widely is the best way to encourage awareness and appreciation of Race Rocks and MPAs.
- 4. c DFO should provide MPA use guidelines in a range of languages in addition to English and French to support public awareness and enforcement.

6. Commercial Operator Recommendations

- 6. a The MPA should remain open to the general public. The same user regulations should apply to all users.
- 6. b There should not be a permit fee charged for access to the MPA. Commercial operations are important to the local economy and already make considerable contributions to government revenues through taxes. There should not be major expenditures on a build up of DFO bureaucracy around operation of the MPA. Supporting Pearson College's present very efficient operation would be a much more effective use of limited DFO funds.



- 6. c Anchoring or tying up to kelp should be prohibited except in the case of approved facility maintenance or in emergency situations.
- 6. d The Pacific Whale Watch Association Guidelines for operation of vessels within the MPA includes stringent standards for the speed and proximity of vessels to marine mammals and islets. These standards should be adopted by all users and enforced by DFO.
- 6.e An annual meeting with the user groups, vessel operators and the Race Rocks Ecoguardian should be arranged to improve communication.
- 6. e It is proposed that no vessels enter the MPA boundary when whales or dolphins are present in the MPA. This is an existing voluntary measure established by the Pacific Whale Watch Association operators.
- 6. f The dive community already focuses diver education on specific buoyancy training, a no take policy and the industry program Project Aware. These measures should be adopted as the standard rather than DFO adding another layer of regulations.
- 6. g Dive masters and dive vessel skippers should receive specialised training focused on speed control, close approach points for safe diver recovery and restrictions on vessel approaches to marine mammals. These procedures are in place now.
- 6. e It should be recognised that seals and sea lions may approach divers on their own free will and this cannot be controlled or regulated.

7. Recommendations to Other Departments/Agencies

- 7. a DFO should take on an advocacy role for Race Rocks MPA in assisting other government departments and agencies to meet their obligations under the Oceans Act.
- 7. b Aircraft over flights should be restricted to altitudes above 1500 metres which is also the accepted US standard. Coast Guard flights should be restricted to essential services and mitigation guidelines should be developed.
- 7. c DFO should work with DND to further mitigate the acoustic impacts of explosive discharges at the nearby Rocky Point Base and restrict other operational activities such as vessel movements, aircraft operations and military exercises in the proximity of the MPA.
- 7. d A protocol should be in place for emergency assistance in case a pollution event or marine incident occurs that could threaten Race Rocks MPA. This should include the allocation of Navy and Coast Guard assets including tractor tugs and containment booms located at the nearby Esquimalt Base.
- 7. e The MPA should be clearly marked on all charts with accompanying notes in such a way that it is clear that special regulations apply in the area. This could be done in the same way that military exclusion zones such as Whiskey Golf off Nanoose Bay are identified.



8. Recommendations Regarding First Nations

- 8. a The community, including the First Nations community, has a history of a positive working relationship related to Pearson College and Race Rocks. The dedication ceremony at Pearson College and the burning ceremony at Beecher Bay created the foundation of a cooperative working relationship around Race Rocks in 1999-2002. The RRPAB is disappointed that the most recent First Nations consultation has been entirely separate until this point. We recommend that there be transparency regarding the consultation process and the entire community be given the opportunity to work together on the protection of Race Rocks.
- 8. b Before proceeding with a great deal more detailed work on the MPA process, especially when considering the volunteer time involved, it is important that DFO and First Nations are confident that a suitable agreement between the government and First Nations is emerging.
- 8. c Ideally any agreements made by DFO and First Nations should be made public before designation. We have been told this will not occur. As a minimum, any impacts on the current users and the contractual agreement between BC Parks and Pearson College or future operations of Race Rocks MPA that arise as a consequence of an agreement between DFO and First Nations should be presented to the RRPAB before designation occurs.

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