



200 – 2006 West 10th Avenue
Vancouver, BC V6J 2B3
www.wcel.org

tel: 604.684.7378
fax: 604.684.1312
toll free: 1.800.330.WCEL (in BC)
email: admin@wcel.org

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Brief to Standing Committee on the Environment and Sustainable Development- Study on Federal Protected Areas and Conservation Objectives

Opportunities to Accelerate Creation of Marine and Coastal Protected Areas - Learning from Other Jurisdictions and Legal Innovations

Introduction

West Coast Environmental Law is dedicated to safeguarding the environment through law. Since 1974 our staff lawyers have successfully worked with communities, non-governmental organizations, the private sector and all levels of governments, including First Nations governments, to develop proactive legal solutions to protect and sustain the environment. We have participated in the development of many of Canada's federal environmental laws.

This brief focuses on marine protected areas (MPAs).

Witnesses testifying to this Committee have outlined the glacial pace of progress, and the complex policy and social environment in which MPAs are created. Many witnesses to this Committee have pointed out that MPA creation lags far behind terrestrial park creation, and far behind Canada's legal commitment, not only under the *Convention on Biological Diversity*, but also under the *UN Convention on the Law of the Sea (UNCLOS)*.¹ Some witnesses have underscored the need to go beyond the legal targets, fortunately re-committed to in the Ministerial mandate letters, to match the growing body of scientific evidence demonstrating that 30 or 35% coverage is needed to retain the incalculable benefits of the ocean's ecosystem services and to maintain marine biodiversity.

Progress on MPAs in Canada has been remarkably slow. However, where there's a will, there's a way.

Other countries have made astonishing progress in a short time frame. Some of those countries share significant legal and political similarities with Canada: Australia is a federal system, and a settler society on Indigenous land where Indigenous rights are legally recognized. California has a politically active litigious populace and a vocal fishing lobby. The United Kingdom's place in the European Union, its vast Overseas Territories, and its devolved states make it an even more complicated jurisdiction than Canada for MPA creation. South Africa has a post-apartheid legal

¹ UNCLOS, 1833 UNTS 3; 21 ILM 1261 (1982), requires all states to protect and preserve the marine environment (Art. 192), with no qualification to that duty. States also have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment (Art. 193).

system that is grappling with the integration of customary law and environmental rights for all citizens. All these places have rapidly increased their marine protected area coverage in recent years, at a faster rate than Canada.

Many of these places with successful records of MPA network expansion share a key feature: they have introduced a bold new law that compels action. Canada can learn from their experiences.

Summary of Recommendations

West Coast Environmental Law recommends that this Committee:

1. Examine the laws from other jurisdictions governing MPAs to see what can be learned and which legal features are associated with success.
2. Use this study to recommend that the government engage in a process of legislative rejuvenation for MPAs, which can proceed in tandem with the actions needed to reach the target of 5% protection by 2017. New and amended legal provisions can provide the jet fuel needed to reach the 10%- and beyond!- target by 2020.

Discussion

1. Progress on MPAs in Other Countries- What can Canada Learn?

Achieving conservation results depends on many factors, including maximizing the success factors or enabling conditions. Other countries have made great strides in ocean planning and protection. Studying their successful experiences can unearth these enabling conditions. A strong legal foundation is one of the enabling conditions for marine protection. Here are some examples:

- The Great Barrier Marine Park is an iconic MPA created in by a statute in 1975. Australia increased the proportion of no-take zones to more than 33 percent of the total marine area, making it the world's largest network of no-take zones.² Australia also completed a national system of MPAs in record time.
- California's statewide effort established a network of marine protected areas, which comprise approximately 60% of all no-take MPAs in the waters of the continental US, though California only encompasses about 7% of that coastline.³
- The European Union as a whole increased its proportion of MPAs to 5.9% of its waters, as of 2012.⁴
- The UK has designated 50 Marine Conservation Zones (MCZs), which along with other types of marine protected areas now cover 20% of all English waters, as of 2016,⁵ an increase from 6% coverage in 2012.⁶

² Day, Jon C. "Protecting Australia's Great Barrier Reef." *Solutions* 2.1 (2011): 56-66.

³ Kirlin, John, et al. "California's Marine Life Protection Act Initiative: supporting implementation of legislation establishing a statewide network of marine protected areas." *Ocean & Coastal Management* 74 (2013): 3-13 at 11.

⁴ Report from the Commission to the European Parliament and the Council on the progress in establishing marine protected areas (as required by Article 21 of the Marine Strategy Framework Directive 2008/56/EC).

⁵ Damian Carrington, "Number of England's marine conservation zones nearly doubles", *The Guardian*, Jan 17, 2016.

- Scotland designated 30 new Marine Conservation zones in a few short years.⁷
- The island nation of Palau has designated 80% of the nation's maritime territory as a no-take reserve.⁸
- South Africa recently proposed 22 new MPAs to increase ocean protection coverage to more than 5%, a dramatic increase from the current level of 0.5%.⁹
- New Zealand is consulting on a new marine protected areas law to uphold its international obligations to protect at least 10% of coastal and marine areas, which will entail significant increases in coverage as NZ's current marine reserves cover 0.29% of its marine estate.¹⁰

What do these stories have in common? In each place a new law was passed which mandated marine protection. While no single factor can be pinpointed as the most effective way to secure marine conservation, law plays a significant role. Careful study of the features of these laws that enabled rapid progress is warranted.

At a Forum convened by CPAWS on "MPAs and Fisheries on Canada's Pacific Coast" in April 2015, participants asked experts from California and Australia how important a factor law was in their record of establishing MPAs. All participants agreed the law was a critical factor, if not *the* most important factor.

"Without express statutory directives and the resources to fulfill these directives, therefore, existing regulatory agencies are unlikely to initiate more than marginal reform efforts," advise expert participants in marine law reform.¹¹ Ultimately, laws act as a guide for decision-making, and a fully developed legislative scheme provides the most well thought-out and detailed guide for decision makers.

2. Accelerating Action: Addressing Gaps in Canada's Marine Protected Area Legal and Policy Framework

This brief provides an overview of some gaps in the existing Canadian legal framework for MPAs, with examples of legal provisions from other jurisdictions that suggest possible solutions to modify and adapt into law in Canada. There are many lessons to be learned.

The IUCN is the world's largest global environmental organisation, with almost 1,300 government and NGO Members. Canada is a state member of the IUCN. As the Committee has heard, the IUCN

⁶ Jones, Peter, "Marine protected areas in the UK: challenges in combining top-down and bottom-up approaches to governance," (2012) *Environmental Conservation* 39: 248-258.

⁷ *Marine (Scotland) Act 2010* (2010 asp 5).

⁸ *Palau National Marine Sanctuary Act* (RPPL No. 9-49 of 2015).

⁹ "Draft regulations boost SA's ocean protection", Feb. 10, 2016, SANews.gov.za.

¹⁰ "New Zealand's international obligations and comparative progress regarding Marine Protected Areas" 18/06/15. Briefing Note for Minister for the Environment. Tracking #:15-B-01036.

¹¹ Sivas, Deborah A., and Margaret R. Caldwell. "New Vision for California Ocean Governance: Comprehensive Ecosystem-Based Marine Zoning, A." (2008) *Stan. Envtl. LJ* 27: 209 at 243.

has produced *Guidelines for Protected Areas to the Marine Environment*,¹² as well as a *Guide to Protected Areas Legislation*.¹³ Both documents provide guidance for amending MPA legislation.

(a) Designating Multiple MPAs with a Comprehensive Approach vs. Ad-Hoc One by One Approach

Witnesses to this Committee have catalogued the range of legal tools available to create MPAs in Canada and the various policy documents created to coordinate action using these tools. The evidence suggests that the “ad-hoc” approach to marine protected area designation has not worked well.¹⁴

An alternate approach is to designate multiple sites at once, following the example of places like South Africa, the UK, Scotland, and Australia. South Africa gazetted a proposal for a new 70,000 km² network of marine protected areas this winter,¹⁵ while the UK added twenty-three new MCZs, including seven offshore MCZs to its MPA network in January 2016.¹⁶ 30 Marine Protected Areas (MPAs) were designated at once in Scotland in 2014 to protect benthic species and habitats such as maerl beds and common skate¹⁷, and in 2012 Australia established a National Representative Network of Marine Protected Areas, covering one-third of Australia’s waters.¹⁸ New Zealand has proposed a new comprehensive *Marine Protected Areas Act* as the current approach has proven ineffective, complex, inflexible, with consultation and decision-making processes that “are overly long, costly, and cumbersome.”¹⁹

A legislated Canadian framework that ties together the various agencies, while setting common goals and objectives, could be one of the foundations for a successful new approach. In the interim, all agencies with a responsibility for MPA designation could agree to approach key geographic areas en masse and designate a series of MPAs at once.

(b) Using Existing Processes to Accelerate Protection

British Columbia is a good place to start. In April 2015, the Marine Planning Partnership (MaPP) co-led by the Government of British Columbia and eighteen coastal First Nations formally approved sub-regional marine spatial plans for the BC North Coast, the same area covered by the Pacific North Coast Integrated Management Area (PNCIMA). The MaPP protection management zones were intended to make important contributions to the MPA network planning process for the Northern Shelf Bioregion. These zones can accelerate the process of formal ocean protection in

¹² Day J., Dudley N., Hockings M., Holmes G., Laffoley D., Stolton S. & S. Wells, *Guidelines for applying the IUCN Protected Area Management Categories to Marine Protected Areas*, (Gland, Switzerland: IUCN, 2012).

¹³ Lausche, Barbara J., and Françoise Burhenne-Guilmin, *Guidelines for protected areas legislation*, No. 81. (IUCN, 2011).

¹⁴ The 2014 Canada-BC MPA Network Strategy uses the phrase ‘ad-hoc’ to describe the MPA designation process.

¹⁵ “More protection for country’s ocean zones” Cape Times, 29 Feb. 2016.

¹⁶ “‘Blue Belt’ extended to protect 8,000 square miles of UK waters” DEFRA, Jan. 17, 2016.

¹⁷ 2014 MPA Designation Orders, The Scottish Government.

¹⁸ Australia’s Marine Protected Area Network, Marine Reserves Coalition, online at <http://www.marinereservescoalition.org/resources/marine-reserves-around-the-world/australias-marine-protected-area-network/>.

¹⁹ Ministry for the Environment. 2016. *A New Marine Protected Areas Act: Consultation Document*. (Wellington: Ministry for the Environment, 2016) at 12.

Canada's Pacific, by establishing scientifically justified candidate sites that embody First Nations, community, ecological, and cultural values, and are supported by local stakeholders (though not all sectors chose to participate in MaPP after PNCIMA reduced its scope).

(c) Indigenous Reconciliation, Co-management and Co-governance in Revitalized MPA Laws

Indigenous laws and aboriginal rights and title are a key factor in any discussion of ocean jurisdiction. The Supreme Court of Canada has affirmed in a number of cases that the goal of s. 35 of the *Canadian Charter of Rights and Freedoms* is one of fair and just reconciliation between Canada's aboriginal peoples and Crown's sovereignty. Aboriginal rights and title are evolving in marine space in Canada.²⁰ Some land claim and treaty settlements and negotiations involve marine territory and ocean uses. Many First Nations have claimed Aboriginal title over their marine territories.²¹

A stronger *Oceans Act* can be a vehicle for reconciliation, through express provisions that, for example, recognize Indigenous co-management rights. An 'important purpose' of the proposed new NZ Marine Protected Areas Act is to 'recognise the Treaty of Waitangi appropriately and strengthen iwi/Maori involvement in marine protection processes.'²² This new Act will also take account of the *NZ Marine Coastal Area (Takutai Moana) Act* of 2011 which contains a section on protected customary rights, and customary marine title.

Whether a fully shared governance model is adopted, or existing governance systems are modified, MPA law should define the relative authority, responsibility and accountability of each group that participates in governance.

Empirical evidence shows the value of legislation that incorporates local and indigenous governance. Jurisdictions with legislation including provisions for protected area co-management with local or aboriginal/indigenous communities had, on average, a higher rate of park establishment after versus before legislation enactment, compared to those without such provisions.²³

West Coast Environmental Law recommends that a rejuvenated MPA legal regime explicitly address Indigenous rights, and formally recognize Indigenous Peoples' and Community Conserved

²⁰ Canada's *Oceans Act* states that it does not abrogate or derogate from existing aboriginal and treaty rights s 2.1. For discussion of this issue, see Quig, Paula. "Testing the Waters: Aboriginal Title Claims to Water Spaces and Submerged Lands-An Overview." (2004) *C. de D.* 45: 659; Brown, C. Rebecca, and James I. Reynolds. "Aboriginal Title to Sea Spaces: A Comparative Study." (2004) *UBC L. Rev.* 37: 449.

²¹ For example, a 2002 Haida Nation claim asserts Aboriginal rights and title to "the land, inland waters, seabed, archipelagic waters, air space, and everything contained thereon and therein comprising Haida Gwaii". Council of the Haida Nation, Statement of Claim, Action No L020662, Vancouver Registry.

²² Ministry of the Environment. *A New Marine Protected Areas Act: Consultation Document*. (Wellington: Ministry for the Environment, 2016) at 26.

²³ Leroux, Shawn J., et al. "Legislative correlates of the size and number of protected areas in Canadian jurisdictions." (2015) *Biological Conservation* 191: 375-382.

Areas (ICCAs.) ICCAs have the potential to qualify as “other effective area based conservation measures” according to Aichi Target 11.²⁴

We applaud the government’s commitment to fully implement the UN Declaration on the Rights of Indigenous Peoples.

(d) Obligation to Designate and Manage MPAs with Timelines

Next year will mark the 20th anniversary of the *Oceans Act*, which tasked DFO with leading and coordinating the development and implementation of a national network of marine protected areas. “Yet there is no national network of marine protected areas,” wrote the Commissioner of Environment and Sustainable Development (CESD) in a 2012 audit. DFO responded to a 2012 petition to the CESD about the lack of progress on a national MPA network by stating there was no timeline in the *Oceans Act* to complete this task. The new timeline announced by the government is therefore very welcome.

Setting out milestones and key deliverables in law in the European Union has proven to be successful in accelerating action. EU Member States are required to deliver a well-managed network of marine protection sites by the *Marine Strategy Framework Directive’s* deadline of 2016.

Without legislative accountability, management of MPAs can fall into limbo, as demonstrated by the case of the Bowie Seamount MPA. The Department of Fisheries and Oceans committed to having a management plan developed by April 2010, two years after designation. At present, the management plan for the Bowie Seamount MPA is still in draft form, eight years after designation. There are no timelines in the *Oceans Act* for implementing management plans for MPAs. This obvious defect is easily cured. An amended law should contain deadlines for actions.

(e) Embed Conservation Objectives for the MPA Network into Law

The *Oceans Act* refers to a ‘national system’ of MPAs rather than a network, and should be amended to reflect scientific best practice.

Further, this *Act* lacks guiding objectives for an MPA network, contrary to the IUCN’s advice:

“Protected areas legislation usually contains provisions identifying specific objectives (or objects) of the law. Objectives spell out the main purposes and intent of the law. Normally, objectives are sufficiently clear to guide implementation and serve as the framework for judging whether actions and decisions are in accordance with the law, both at the administrative level and where there may be a legal challenge requiring judicial review.”

California’s *Marine Life Protection Act* incorporates marine ecosystem objectives into law. For example, the first of six objectives listed in the Act is to “[p]rotect the natural diversity and abundance of marine life, and the structure, function and integrity of marine ecosystems.”

New Zealand’s proposed new *Marine Protected Areas Act* will be based on six objectives, including recognition of customary rights and upholding the Crown’s treaty obligations, as well as ensuring that the country’s international obligations in relation to the marine environment are met.

²⁴ Lausche, Barbara J., and Françoise Burhenne-Guilmin, *Guidelines for protected areas legislation*, No. 81. (IUCN, 2011) at 108.

These laws provide examples of legislation that clearly identifies guiding objectives. Similar provisions could be incorporated into the *Ocean Act*, and other significant marine protection legislation in Canada.

(f) Procedural Obligations

The IUCN *Guide to Protected Areas Legislation* recommends that public notice, consultation and nomination based on scientific analysis should be legislated.²⁵ While the National Framework on MPAs addresses these topics, in addition to various policy documents from the agencies responsible for MPA creation, these documents lack timelines and clearly communicated decision points. WCEL recommends that these procedural steps be legislated to ensure consistency across agencies and levels of government.

Other jurisdictions provide more legislative guidance. Under UK law, marine conservation zones (MCZs) must be designated to contribute to the objective of forming an MPA network which satisfies three conditions: that the network contributes to the conservation or improvement of the marine environment in the UK marine area; that the features which are protected by the sites comprised in the network represent the range of features present in the UK marine area; and that the designation of sites comprised in the network reflects the fact that the conservation of a feature may require the designation of more than one site.²⁶

These provisions offer an example of the kinds of procedural measures that could be incorporated into Canada's existing legislative regime.

(g) Public Participation

Strong public participation in environmental decision-making makes for better decisions that are more robust, more widely accepted, and more likely to be implemented. The same empirical study noted above found that legislation that includes explicit provisions for public donations and many types of stakeholder involvement had, on average, larger protected areas after versus before legislation enactment, compared to those without such provisions.²⁷ Though the *Oceans Act* refers to collaboration, public participation rights should be more clearly identified and participation opportunities should be legislated.

(h) Employ Multiple Approaches to MPA Designation: Collaborative and Adjudicated

While collaborative processes build support and trust in the process, it is also evident that such processes can lead to inefficiency and gridlock in certain circumstances.

Canada could emulate NZ's proposed approach of establishing two different ways to make decisions on MPA proposals. One is to follow the tried and true multi-stakeholder approach. The other is to establish a separate decision-making body to rule on MPA proposals. This would not be a substitute for public consultation, but would empower the decision-making body to make decisions in situations where an MPA is of national significance, or where a collaborative process

²⁵ Lausche, Barbara J., and Françoise Burhenne-Guilmin, *Guidelines for protected areas legislation*, No. 81. (IUCN, 2011) at 151.

²⁶ *Marine and Coastal Access Act 2009*, c. 23, s. 123(3).

²⁷ Leroux, Shawn J., et al. "Legislative correlates of the size and number of protected areas in Canadian jurisdictions." (2015) *Biological Conservation* 191: 375-382.

appears unlikely to reach consensus.²⁸ Though Canada has no equivalent to NZ's Environment Court judges, it is easy to envisage a federally appointed Board of members with expertise and skills in fishing, marine science, conservation, Indigenous law, and economics.

(i) Interim Protection

Witnesses have testified to this Committee about the urgent need for interim protection for proposed MPAs, given the slow rate of designation, and the even slower rate of establishing management plans. The IUCN also recommends that MPA laws be used to provide interim protection measures for proposed sites.²⁹ Amendments should fill this gap.

(j) Incorporate IUCN Protected Area Categories Directly into Canadian Law and into MPA Management Plans

Canadian law should make it mandatory to state the purposes for which an MPA is declared and to assign the MPA an IUCN category.

An example of this approach is found in Australian law.³⁰ Management principles for each IUCN reserve category (like those provided in *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth) Sch 8) could be prescribed and management plans required to adhere to these principles.³¹ In the event that a management plan has not yet been prepared for an MPA, the Canadian law should prescribe that activities in the MPA must nevertheless be consistent with the IUCN principles for its IUCN category, providing a strong level of interim protection before the completion of a management plan.³²

Incorporating the IUCN categories and defining them in the legislation would allow each MPA to be clearly identified in an IUCN category and would set automatic restrictions on activities. It would also encourage greater internal management consistency and help with international reporting obligations, by bringing Canada's marine protection regime into line with international standards.

(k) Reviews, Reports to Public, Other Accountability Mechanisms

In 2012, Bill C-38 weakened existing accountability measures regarding progress reaching protected area goals. The amendments introduced in this Bill reduced the review requirement for management plans under the *Canada National Parks Act* and the *Canada National Marine Conservation Areas Act* from every 5 years to every 10 years, and eliminated other accountability requirements such as the duty to submit a corporate plan and annual report to the Minister under

²⁸ Ministry of the Environment. *A New Marine Protected Areas Act: Consultation Document*. (Wellington: Ministry for the Environment, 2016) at 21-26.

²⁹ Lausche, Barbara J., and Françoise Burhenne-Guilmin, *Guidelines for protected areas legislation*, No. 81. (IUCN, 2011), at 156.

³⁰ *Environment Protection and Biodiversity Conservation Act* ("EPBCA") s. 346(1)(e) and *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth) Sch 8).

³¹ EPBCA s 367(3).

³² EPBCA s 357.

the *Parks Canada Agency Act* and undergo an annual audit of the Parks Canada Agency by the Auditor General of Canada.³³

These amendments could be reversed, and other mechanisms could be incorporated into the legislative framework to increase accountability.

An intriguing idea is NZ's proposal for a 'generational review' for MPAs "to recognize the Maori view that decisions made by contemporary generations should not tie the hands of future generations."³⁴

The UK *Coastal and Marine Access Act* requires publication of a detailed report containing specific information on 'indicators' of conservation status and management effectiveness. These reports include such information as the number of MCZs which the authority has designated during the relevant period; and the extent to which, in the opinion of the authority, the conservation objectives stated for each MCZ which it has designated have been achieved; as well as any further steps which, in the opinion of the authority, are required to be taken in relation to any MCZ in order to achieve the conservation objectives stated for it.³⁵

(l) Need for Minimum Standards: Compatibility of Activities with Purposes of Marine Protected Areas

The *Oceans Act* is skeletal legislation that allows the existence of inconsistent protection schemes across each MPA.

Last year's report from CPAWS examines the inconsistent level of protection in each MPA as well as the difficulty in unearthing information about what is and is not allowed in each MPA.³⁶

The *Canada National Parks Act* clearly defines the first priority for park management as "the maintenance or restoration of ecological integrity" yet case law illustrates that the judiciary has yet to give full effect to the clear language in this provision.³⁷

Consistent minimum standards of protection are needed for all MPAs in Canada.

(m) Growing threat of climate change warrants legislative response

³³ Powell, Brenda, *An Overview of Bill C-38: The Budget Bill that Transformed Canada's Federal Environmental Laws*, (Edmonton: Environmental Law Centre, 2012).

³⁴ Ministry of the Environment. *A New Marine Protected Areas Act: Consultation Document*. (Wellington: Ministry for the Environment, 2016) at 28.

³⁵ *UK Coastal and Marine Access Act*, s. 124(2).

³⁶ CPAWS. *Dare to be Deep – Are Canada's Marine Protected Areas really 'protected'? Annual report on Canada's progress in protecting our ocean*. (Ottawa: Canadian Parks and Wilderness Society, 2015).

³⁷ Section 8(2) of the *Canada National Parks Act*, S.C. 2000, c. 32, states that "Maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, shall be the first priority of the Minister when considering all aspects of the management of parks." Shaun Fluker, a professor of environmental law at the University of Calgary describes the fate of this provision: "To say that section 8(2) has not lived up to this promise is an understatement." *Chronicles of the Canadian High Court of Environmental Justice: Canadian Parks and Wilderness Society v Maligne Tours*, ABlawg, Feb. 16, 2016. See also, Shaun Fluker, "Ecological Integrity in Canada's National Parks: The False Promise of Law," (2010) 29 Windsor Rev Legal Soc Issues, 89.

WCEL recommends that the legal framework of MPAs explicitly recognize climate change. Scotland provides an example of a law with this consideration: the *Marine (Scotland) Act* requires Scottish Ministers and public authorities to take the best course of action to mitigate, and adapt to, climate change when exercising any function under this Act, the *Climate Change (Scotland) Act 2009* or any other enactment (so far as it is consistent with the purpose of the function concerned).³⁸

(n) Clarification of relationship of MPA Laws with Other Legislation

The IUCN recommends that “The legislation should contain a section (either in a preliminary or concluding part, or in a schedule) identifying the application of the protected areas legislation in relation to other legislation.”

Normally, protected areas legislation is to be applied in a manner consistent with other umbrella environmental legislation unless there is a conflict, uncertainty about specific applications, or outdated environmental legislation, in which case the protected areas legislation would prevail.³⁹

The different Acts governing MPAs in Canada currently do not, but should, provide direction on DFO or ECC’s authority to compel compliance with MPA restrictions or prohibitions by other federal agencies.

3. Legislative Renewal for Marine Protected Areas

There are many legal topics that deserve further examination as Canada proceeds with completion of a national MPA network. WCEL would be pleased to continue to work with the government on a process of legislative rejuvenation for MPAs.

Contact: Linda Nowlan, Staff Counsel. Linda_Nowlan@wcel.org. 604-684-7378, ext.217.

³⁸ *Marine (Scotland) Act 2010* (2010 asp 5) s. 4. And see Frost, M., Bayliss-Brown, G., Buckley, P., Cox, M., Dye, S. R., Sanderson, W. G., Stoker, B., and Withers Harvey, N. “A review of climate change and the implementation of marine biodiversity legislation in the United Kingdom.” (2016) *Aquatic Conserv: Mar. Freshw. Ecosyst.*, doi: [10.1002/aqc.2628](https://doi.org/10.1002/aqc.2628).

³⁹ Lausche, Barbara J., and Françoise Burhenne-Guilmin. *Guidelines for protected areas legislation*. No. 81. (IUCN, 2011).