

## MEETING NOTES

### Race Rocks Public Advisory Board Meeting #4

10:00 – 15:00, 28 May 2010

Pearson College, Victoria, British Columbia

#### Meeting Goal:

To receive feedback and input for the Race Rocks Public Advisory Board (the Board) in order to move the designation process forward.

#### Objectives:

1. To review the status of Board operations.
2. To finalize a number of designation inputs / instruments.
3. To provide an opportunity for DFO senior management to be involved in discussions.

#### Attendees:

Doug Biffard, BC Ministry of Environment  
Chris Blondeau, Pearson College  
Kevin Conley, Fisheries & Oceans Canada  
James Dale, Wildlife Viewing Community  
Mike Fenger, Friends of Ecological Reserves  
Garry Fletcher, Race Rocks Ecological Warden  
Darcy Gray, University of Victoria  
Hilary Ibey, Fisheries & Oceans Canada  
Sabine Jessen, Canadian Parks and Wilderness Society, BC  
Gabrielle Kosmider, Fisheries & Oceans Canada

Dan Kukat, Wildlife Viewing Community  
Kate Ladell, Fisheries & Oceans Canada  
Angus Matthews, Shaw Ocean Discovery Centre  
Ryan Murphy, Pearson College  
Rebecca Reid, Fisheries & Oceans Canada  
Aaron Reith, First Nations Liaison  
Danielle Smith, Department of Natural Defence  
Richard Taggart, Sports Fish Advisory Board and Boating Public  
Tomas Tomascik, Parks Canada Agency

**Facilitator:** Richard Delaney – Delaney and Associates Inc.

#### Items for Discussion

ITEM
<b>1. Welcome</b> <ul style="list-style-type: none"><li>- Thanks for coming</li><li>- Recognize the T'Sou-ke Nation, Songhees Nation, and Beecher Bay First Nation</li><li>- Recognize important input of advisors</li><li>- Appreciative of your presence today and goal today is to focus on designation of Oceans Act MPA</li><li>- There is more work to be done – important to be clear on what task is that we've set for ourselves – what the role of DFO is versus the role of Advisory Board, role of other governments, role of First Nations</li><li>- Thanks to Pearson College for hosting</li></ul>
<b>2. Introductions</b> <p>Round table – refer to list of attendees</p>
<b>3. Meeting #4 Agenda</b>
<b>a. Review</b> <ul style="list-style-type: none"><li>- Note that following last meeting, facilitator Richard Delaney interviewed 8 or 9 board</li></ul>

members, conducted evaluation and tabled recommendations for board operation to try and streamline/economize on peoples' time

**b. Discuss / amend / approve**

- Adopted with the following additions:
  - o First Nations update
  - o Terms of Reference discussion (including changes)
  - o DFO Race Rocks budget overview for this group

**4. Meeting #3 Minutes - discuss comments / amend / approve**

- Note that comments pertaining to the DFO response to the addition to the November 2009 meeting minutes were reflected in the March 2010 minutes – this was agreed upon by the Board so that the response would not be reflected as a rebuttal in minutes.
- Recommendation to have the summary that Dan Kukat provided at the March 2010 meeting of Action Items for Board Members and DFO (an itemized list) added to the March 2010 minutes.

Review of Action Items:

<u>Log Number</u>	<u>Responsible</u>	<u>Action</u>	<u>Status</u>
09-11-01	DFO	Investigate lower than 300m flights over Race Rocks as part of the DFO creel survey. (carried over)	Kevin sent to Paul Cottrell and will update
09-11-02	DFO	Ask for federal agency input to the table	complete
09-11-03	Veronica Lo	Consult with other ENGOs and resubmit ENGO input (carried over)	complete
09-11-04	RRPAB	Review completed Values Input document prior to next meeting (carried over)	complete
09-11-05	RRPAB	Finalize Values Input document at next meeting (carried over)	Ongoing – living document
09-11-06	DFO	Once RRPAB approved Values Input document, circulate to RRPAB members to distribute, as appropriate. (carried over)	complete
09-11-07	DFO	Follow up on non-sectoral activity entries (carried over)	complete
10-03-01	DFO	DFO to include a business case / plan outline on the agenda of the next meeting.	complete
10-03-02	DFO	TOR to be circulated to Advisory Board and posted on the Consultation Secretariat webpage upon approval.	complete
10-03-03	DFO	Kevin Conley to send out a map that shows only the proposed MPA boundary for confirmation.	complete
10-03-04	DFO	DFO is to provide updates the Board on a timely basis, so that they can report to constituents.	ongoing
10-03-05	DFO	DFO to add as an agenda item providing an explanation and clarification of the First Nations and Advisory Board Processes, including how they are linked (where advice goes and reporting back).	complete
10-03-06*	DFO	Kate Ladell to confirm with DFO Communications whether posting Race Rocks DFO documents to Racerocks.com is possible.	complete – sent out with email update
10-03-07	RRPAB	Board members to prepare a recommendation to state this (w.r.t to Socio-Economic Report)	carried over

10-03-08	RRPAB	Board members to prepare a recommendation that gaps be identified and prioritized and a commitment be made to research	carried over
10-03-09	DFO	DFO to review and report on progress with Esquimalt First Nation with respect to consultation.	complete
10-03-10	Dan Kukat	Dan will report any information back to the Board (w.r.t. conversation with Chief Andy Thomas)	complete – Chief Thomas was not at meeting
10-03-11	DFO	DFO will research the steps and rationale leading to the previous decision to pursue MPA designation.	complete – sent out with email update
10-03-12	DFO	DFO to send out a web link for the Oceans Act.	complete
10-03-13	DFO	DFO to put out Draft Vision and First Order Conservation Objective as a working document	complete
10-03-14	DFO	DFO to review the 2000 Proposal document to consider the conservation objective documented there in updating the vision and conservation objective.	complete – sent out as email update
10-03-15	DFO	DFO to check with Rebecca Reid, Regional Director, Oceans, Habitat and Enhancement, on the addition of the “human” component to the CO; does this fit with the mandate?	complete
10-03-16	DFO	DFO include presentation by Garry Fletcher of expenditures on Race Rocks on the agenda next meeting.	complete

\* During review of this action item, the following discussion occurred:

- A Board participant expressed concern with the status of DFO’s Oceans website and identified the value of Racerocks.com in providing a complete record for the Race Rocks MPA
- Identified need for public transparency and a means to notify each other when documents are created that might affect the designation process.
  - Gabrielle Kosmider was identified as a contact for any new/updated documents.
- Identified importance of minimizing confusion around status of documents.
- Board agreement: Drafts must be marked as “draft”, if posted on Racerocks.com.

### **Minutes from Meeting #3 adopted.**

#### **5. First Nations Update**

- DFO and First Nations Memorandum of Understanding has been signed by Chiefs of T’Sou-ke Nation, Beecher Bay First Nation and Songhees Nation and the Regional Director General of DFO, Pacific Region.
- Chiefs understand there are concerns from Board regarding the level of commitment of First Nations to process – therefore the MOU will be released to DFO today.
- DFO is pursuing a meeting with Esquimalt to hear any interests they have with respect to engaging on the Race Rocks MPA process.

#### **5. Meeting #3 Evaluation Review / Status Assessment**

- Evaluation looked at ToR and objectives of Meeting #3 – considered process and whether people were able to participate.
- A board participant clarified that response to survey came from 6 board members and 1 DFO employee – a slim sample that may not be a true reflection of group.
- In addition to the evaluation results, facilitator presented 10 process recommendations to help the Board move forward on their mandate. Facilitator will be refining his recommendations as part of the meeting follow up. Facilitator contact for comments (By July 2, 2010):
  - **Richard Delaney – Delaney and Associates Inc. Ottawa: 613-837-5890/Vancouver: 778-371-4073. Delaney@rmdelaney.com**

- Facilitator recommended including mechanism for minute structure to concisely reflect Board recommendations, and recommendations on meeting structure, and a meeting cycle.

**Action Item – 10-05-01: Board members to review recommendations from Richard Delaney’s summary report and provide feedback – he will then provide all this feedback to DFO.**

### **6. Race Rocks Draft Recommendations**

- Facilitator undertook a quick exercise to quantify level of consensus over Board recommendations. Based on a “show of fingers”, there was a reasonably good level of understanding and agreement.
  - One participant expressed concerns with the exercise and underscored that all people who attended the recommendations meeting were in agreement.
- Angus Matthews provided overview/background of Draft RRPAB Recommendations document.
    - Some frustration identified by participants of the RRPAB that there is too much process and not enough discussion of issues.
    - Would have liked DFO presence and technical support at April meeting.
    - Interest by Board members to provide something for DFO to respond to, and document provided Board’s perspective, on their requirements for Race Rocks to become an MPA.
    - Appreciate acknowledgement that this is living document.
    - Acknowledge that Chris Bos ran meeting and Judy Scott volunteered her time to record the information.
  - Facilitator response re: process:
    - Some language in document not consistent with Board value of consensus-building, but exercise gives benchmark to move forward.
    - Acknowledgement from Board participants that the language of the report could be reworded to better reflect the collaborative nature of the Board.
  - Province noted that recommendations have been discussed with management. Some subtleties need to be fixed but overall this is a good piece of work.
  - Other Board participants agreed that this is a good piece of work although some areas need more work.
  - Concern from CPAWS – could not attend the meeting and recommendations make it seem as though it’s conditional that all these things are in place before Board will agree to go ahead with MPA. CPAWS is not in total agreement with this document, has questions around what these recommendations mean, and hasn’t yet taken this to others in ENGO community.
  - Parks Canada did not participate in meeting;
- document good starting point. Race Rocks should be seen as part of regional network of MPAs. Agrees that language of “must and shall” needs to be changed.
- Discussion around “must and shall” language – some members of the Board viewed the April 14, 2010 meeting as drawing a line in the sand due to discontent with progress thus far. Want to see tangible progress if to continue volunteering time.
  - Matthews noted:
    - The three procedural recommendations at beginning of the document are most important.
    - Some agenda items coming up may provide clarity around how we address some recommendations. Board needs to understand what scope of designation and management is.
  - University of Victoria – take some issue with wording of some of the recommendations.

- DFO not to provide full response to recommendations at this meeting and some recommendations will take longer than others to respond to..DFO identified questions for clarification from Board to ensure does not work off wrong assumptions.
- DFO general comments/clarification points on recommendations:
  - Hear overwhelming interest in moving forward and desire to understand end result; Appreciate effort that has gone into document.
  - Have done a preliminary analysis – recommendations speak to Board’s interest to clarity re: outcomes.
  - DFO’s work plan consistent with this vision which involves getting regulations prepared. Certain pieces of information needed from Board to develop the regulatory intent package. Note the wiring diagram which clarifies those needs.
  - Re: Management Plan drafting – DFO needs to do regulatory piece but can also start drafting management plan. In reviewing recommendations, identified Management Plan recommendations and will put them into an initial draft, pull out others that fit with regulations.
  - Note the Value-Added/ Business Case document – p. 5 Table of Contents for Management Plan. Hope that this provides some comfort and clarity to those that want to see big picture before designation.
  - What is it that *Oceans Act* MPA designation actually does? Mandate: conservation and protection of key features including fisheries, endangered species, habitats.
  - DFO can’t accomplish a number of these recommendations on our own, and as a Board may not be able to accomplish everything. Will be clear about what we can and cannot do.
- Feedback from Board participants:
  - DND: The MPA Management Plan will lay out operational aspects of the MPA.
  - DFO: The *Oceans Act* doesn’t impact on the jurisdiction/mandate of any other agency. Will need to work collaboratively and agree on objectives that are consistent with the Board’s views.
  - Board participant: How will the existing ecological reserve Management Plan be modified?
    - o DFO Response: Management plan for a provincial Ecological Reserve is different from a Management Plan for an *Oceans Act* MPA. Will not be an amendment to the existing plan, although MPA Conservation Objectives should complement those for the ER.
  - Province: The management plan for ER is a statement of provincial interest/intent of management of that area, which goes beyond legislative requirements of the Ecological Reserves Act.
- Three procedural requests from the Board:
  1. Recommendation in favour of designation is conditional on reaching understanding on these recommendations. Want to get all issues on table now so Board will be comfortable with management intent, prior to designation.
  - DFO: DFO will start draft Management Plan and will begin to populate so Board can start to provide input.
  2. Education and outreach – ecotourism has a role, and it’s an important concern that Board shares that the MPA mandate include these human values. May not be in conservation mandate but should be in MPA mandate.
- Discussion of DFO website and MPA Strategy:
  - DFO clarification: DFO website referred to last updated in 2006 –MPA Strategy identified on

site was a federal-provincial draft MPA Strategy in the form of a Discussion Paper, not a DFO document, and was never finalized. The Strategy proposed objectives for a MPA strategy for entire coast, some of which went beyond scope of *Oceans Act* MPAs and include objectives related to the mandates of other federal and provincial agencies (i.e. Parks Canada, Environment Canada, BC Parks, etc.). Old DFO website identified the objectives in this Strategy without clarifying that they were joint objectives – therefore misleading because it was unclear that these were not *Oceans Act* MPA objectives but objectives inclusive of several agencies’/ ministries’ mandates.

- New website is clear: *Oceans Act* MPA objectives are tied to conservation and protection of key features including fisheries, endangered species, and habitat. Purpose of *Oceans Act* MPAs has not changed. DFO cannot establish *Oceans Act* MPAs with education/outreach conservation objectives identified in regulations, however, education/outreach are key components to managing and implementing the MPA, and should be identified/expanded upon in the Management Plan.
- Draft 1998 federal/provincial strategy is currently being updated, with intent to finalize it.
- Parks Canada proposed briefing for RRPAB on updated MPA Network Strategy by someone from MPAIT.

**Action Item – 10-05-02: DFO to request MPAIT provide the RRPAB with a briefing on the updated Marine Protected Areas Strategy.**

- Angus Matthews comments:
    - Education and outreach is not identified in *Oceans Act* as a core regulatory need. DFO says it’s covered somewhere else and we support that.
    - When started work on Race Rocks, David Anderson said that education and outreach was part of MPA and a whole part of our buy-in was around that.
    - Have a desire to see education and outreach formalized.
    - Question whether an NMCA, not an MPA is the better tool.
  - DFO - Education and outreach are valuable management tools for *Oceans Act* MPAs, they just can’t be written as conservation objectives within regulations. Refer to Gully Management Plan.
  - Parks Canada: Race Rocks has never been and will not be considered as a National Marine Conservation Area. Education and outreach will be addressed in management.
  - Marine Wildlife Viewing – Given the proximity to an urban area, education and outreach meets the bigger picture conservation objectives. Should use MPA as an educational tool internationally to increase awareness for Race Rocks. DFO’s response is extremely helpful, and lays out a timeline that includes starting work on draft Management Plan. Our ability to understand projected outcomes of the MPA is important. Would also like to see a draft MPA Network Strategy.
  - DFO - the regional strategy is going up for approval internally and will then go out for external consultation. In the absence of approval, DFO will relay MPAIT briefing request.
3. Seeing final version of the regulations, before they go to Gazette.
- DFO - government is bound by certain constraints – there are restrictions on seeing advice to Ministers, or documents going to Parliament. Board cannot see regulations before published in Canada Gazette I, but can see all the pieces of the Regulatory Intent beforehand.
  - Next steps for Recommendations:
    - Angus to provide response in writing by Monday, he will discuss with DFO Tuesday, 10 days

- for other board members to provide further clarification (to Kate and Gabrielle)
- DFO will respond to the document over the summer.
- Recommendations will be used as a basis for developing products in the future.

### **7. MPA Vision/Objectives/Compatible/ Incompatible Activities**

- DFO provided background/context for discussion :
  - Last meeting DFO presented draft vision and 1<sup>st</sup> order conservation objective (CO) based on values input table. Looked at recommendations document and have provided examples for 2<sup>nd</sup> order conservation objectives “unpacked” from 1<sup>st</sup> order CO. Circulated to Board; no comments received.
  - COs used to inform Ecological Overview which supports regulatory intent for MPA
- Question to Board: Feedback on the draft Vision and 1st order CO?
- Board discussed and provided feedback which will be summarized in the next CO document circulated to Board.

#### **Action Item – 10-05-03: DFO to revise draft Vision to reflect Board input.**

- DFO provided overview of feedback needed from Board re: Compatible/ Non-compatible Activities Table and how it fits into process:
  - Table will be used to derive list of compatible and incompatible activities for MPA and develop 2<sup>nd</sup> order COs. Input will inform section of Ecosystem Overview, prohibitions or exceptions, and regulation development.
  - Legacy documents from past process and recommendations used to populate Table.
  - Desire for Board to review table and verify content.
- Board discussed and provided feedback which will be summarized in the next compatible/incompatible uses document circulated to Board.

#### **Action Item – 10-05-04 : Board to review Incompatible/Compatible Activities document over the next two weeks and provide input to DFO.**

- Note a concern with rushing the process ahead – how does this connect to Management Plan?
- DFO response: Conservation Objectives and Compatible/Incompatible Activities feed into different components of the MPA process (i.e. Science will use this to develop monitoring protocols and monitoring plans (including knowledge gaps), regulations will be based on compatible and incompatible activities, and the 2<sup>nd</sup> order conservation objectives will be further refined into actual management objectives). Once feedback received, we can get to addressing the Board’s interests (drafting the management plan, addressing knowledge gaps, etc.) as soon as possible.
- Note from Aaron Reith – Synergy exists here with First Nations’ conservation objectives.

### **8. Expenditures to date (including budget)**

- G. Fletcher provided background and rationale for report:
  - Concern with duplication of efforts between past and current processes and questions regarding costs to taxpayers.
  - Concerned with long term process of creating a protected area. Some created efficiently, some delayed.
  - All resources should be available to members of the Board – ongoing expenditures since 2000.
  - Haven’t made document public, although it exists on the website.

- There has been an ongoing budget since 1999 – was not aware of any work going on since 2001.
- Concern with amount of time to achieve MOU, how DFO tracked, reports, and budgets funds available: suggestion that Pearson College’s ongoing expenditures should have been supported during this time period.
- .
- Reith clarified that costs identified in his name are not necessarily profits to him, but expenses to keep First Nations work going. His work should be classified as First Nations facilitation – must feed, provide honoraria, rent buildings, pay for firekeepers, etc. Money spent on First Nations work is good value for dollar.
- DND questioned purpose of presentation, seemed inflammatory in nature, emphasized that interactions between Board members need to be done respectfully, and with open communications, in order to build trust.
- DFO Response to presentation:
  - Appreciate comments. ATIP requests can lead to incomplete understanding of a complicated issue or question: existing information is provided, but may not be organized to answer specific questions. Often get an incomplete picture of the story.
  - Government has procedures and due process around how money is spent; Overseen by Annual Report to Parliament (reports available on website).
  - Since 1992, DFO in Pacific Region spends \$25M (+)/year towards advancing relations with First Nations via Aboriginal Fisheries Strategy. New program funding added subsequently to fund capacity building,.
  - Money DFO spends on working with First Nations is worthwhile. When attributed to Race Rocks because we are talking about cooperative management in a meaningful way. The funds spend will advance objectives of Race Rocks and Government of Canada in the future.
  - This year: Race Rocks has a budget of \$35K – Broken down into \$20K for First Nations interests, \$5K for meeting facilitation, \$5K for a socioeconomic report to be prepared by Pearson College, and \$5K towards two more RRPAB meetings. There are also some unbudgeted pieces like translation.
  - Overall, the Government of Canada looking to reduce deficit – need to work with what we have and make best use of our money to move the MPA forward.
- Note from the Board: Have already been through process once – what reports do you need? Is there a role for Board participants to review and report in terms of value for money?
- DFO: Reports required are presented in the table provided earlier in day (from Wiring Diagram).
- Note from A. Matthews re: earlier concern expressed about reasons for doing report:
  - What DFO is doing for Race Rocks is serving as a model for other MPAs. We want to assess \$ value per hectare protected, and couldn’t assess that without Garry’s report.
  - Concern for many of the people on Board to figure out where this underlying mistrust came from between DFO and RRPAB.
  - Going forward: we need to have financial transparency.
- S. Jessen - When a group of people working in a public process want financial accountability – that’s not negative and helps to advocate for new resources for this type of work. If we don’t know what it costs, we can’t be effective.
- Facilitator closed off discussion on this item to keep the agenda on time

**Terms of Reference Discussion**

- There was discussion about how participants are identified in ToR in terms of categories vs.

organization names.

- **Decision:** ToR to be amended to include names of organizations who participate on the Board (under the interest or sector they represent).
- Suggestion from Board participant to change wording in ToR re: Provincial interest.
  - BC Parks response: Fine with wording in ToR as-is.
- There was a question from the Board re: Board role at end of year.
  - DFO response: Goal to get regulatory intent in by March 31, 2011. Can't finalize Management Plan until MPA designated. Once regulatory intent is in, the Board is disbanded. Once the MPA is designated, a post-designation advisory board formed to finalize Management Plan. Understand that post-designation MPAs cost money and it is our intention to have budget for that, barring unforeseen circumstances.
- **Decision:** ToR will be amended to add reference to considering interests of First Nations – suggested language agreed upon. In the Roles and Responsibilities Section the following amendment will be made: "**DFO will endeavour to engage other departments, First Nations, and levels of government as appropriate...**"
- **Amended Terms of Reference Adopted**

**9. Business Case/Value Added/Wiring Diagram Review / Discussion**

- Questions on wiring diagram to go through Gabrielle.
- May be useful to walk through in future meeting what a regulation for an MPA looks like so that group is clear on pieces that go into regulation.
- **Action Item – 10-05-05: DFO to include “What an MPA Regulation looks like” as an agenda item for the next meeting.**

**10. Next Meeting / Adjournment**

- Vision and conservation objectives will be the focus of next meeting.
- Will address the Recommendations Document, draft EOAR (includes compatible and incompatible activities) and a skeleton draft Management Plan.
- Next meeting will be held in the fall.
- Anticipate two more meetings before the regulatory intent is finalized
- Facilitator’s evaluation of meeting:
  - What went well: Facilitation; beneficial to have Rebecca Reid and Kate Ladell here; objective of having management plan started; Gabrielle engaged in discussion instead of having to double task.
  - What could be improved: show document on screen when we are discussing. More time needed to receive advice.
- DFO Closing: Good progress made today. Board participation is important to the Department. Thanks to Pearson College for lunch and hosting, thanks Aaron for excellent news.
- Meeting adjourned.

**Action Items:**

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10-05-03	DFO	DFO to revise draft Vision to reflect Board input.	
10-05-04	RRPAB	Board to review Incompatible/Compatible Activities document over the next two weeks and provide input to DFO.	
10-05-05	DFO	DFO to include "What an MPA Regulation looks like" as an agenda item for the next meeting.	