



January 20, 2023

Fisheries and Oceans Canada  
Fish and Fish Habitat Protection Program  
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Dear FFHPP Staff,

We are pleased to see DFO developing its Ecologically Significant Areas (ESAs) framework. The Conservation Council of New Brunswick (CCNB) has experience helping to implement habitat protections in coastal and marine environments, notably our nearly decade-long campaign to see the Musquash Estuary Marine Protected Area designated in 2006 and are pleased to see a new and needed tool under development.

We are generally supportive of the ESA Framework and are keen to see it continue to move forward. If well developed and implemented, ESAs promise to fill a gap in needed protections of key habitats critical to health of coastal and marine ecosystems. Below we offer several recommendations toward the development of an effective ESA Framework.

- Given that ESAs are to be established in various unceded Indigenous territories, it is critical that co-governance efforts are underway at the very beginning of any ESA establishment process.
- We would like to see clearly stated commitments within the framework to fund and maintain capacity within DFO to implement ESAs.
- As was our experience with the nomination of Musquash as an MPA, it is critical that individuals or organizations be able to nominate areas for designation as an ESA. We would like to see a well-articulated process for nomination of ESAs with associated timelines for nominations to be reviewed and to start the regulatory process, if they are to move toward designation.

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- Once the regulatory process for an ESA is started, we advise that interim measures be implemented to ensure no habitat damaging activities are permitted while the ESA establishment process is underway.
- Given that climate change can severely impact any ESA after it is established through extreme floods, temperature changes, or droughts, it is critical to build Indigenous Guardians and other monitoring programs into ESAs from the outset. These programs will provide information critical to ongoing, effective management of ESAs.
- Given that important habitats can occur in relatively small patches throughout a region, we advise that a process to batch ESAs together, with the same regulations and prohibitions, can apply. For instance, salt marsh habitats or more than one river system could be covered under the same regulatory process.

ESAs promise to be an important tool to fill gaps that have made effective habitat conservation in some areas challenging. Starting in 1998 the Conservation Council of New Brunswick worked with Fundy North Fishermen's Association to propose the Musquash Estuary as an MPA. Musquash was finally designated an MPA in 2006. While Musquash is certainly deserving of MPA status as an intact and productive estuary with large saltmarshes, only having the MPA tool available meant that complex arrangements had to be made with the province to protect intertidal areas and the large saltmarshes (both key features making Musquash deserving of protection). Further, as much of the risk to the estuary came from the potential for land-based developments, we had to rely on the good work of the Nature Conservancy of Canada to acquire and protect surrounding lands to prevent major development on lands adjacent to the estuary and saltmarshes. ESAs will allow for a clearer and more direct process in the future to identify significant areas, like the Musquash saltmarshes, and directly protect these critical habitats.

We look forward to continuing to work with you in the development of this needed conservation tool.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Abbott', with a stylized, cursive script.

Matthew Abbott  
Marine Program Director and Fundy Baykeeper