



December 16th, 2020

Dear Minister Jordan, Minister Garneau and Minister Wilkinson,

With this letter, we are submitting several recommendations regarding regulations to protect the North Atlantic Right Whale (NARW) population. Our organizations work across a variety of marine conservation initiatives, with a focus on Indigenous and coastal communities in the Arctic and Atlantic Canada. We work wherever possible with non-Indigenous and Indigenous fishing organizations.

We are pleased that in 2020, to date, there have been no dead NARW found in Canadian waters. However, the most recent population assessments found just 356 animals remaining, and the one death in US waters put this population closer to extinction. Population recovery needs to take into consideration total deaths as well as injured whales. Our goal needs to remain clear and firm: for there to be zero dead NARW.

We recognize that the Canadian government has achieved significant progress since 2017 working with the shipping and fishing industries and that difficult decisions have been made to support the achievement of zero NARW mortalities. We commend the progress made thus far, and urge Fisheries and Oceans Canada (DFO), Transport Canada (TC) and Environment and Climate Change Canada (ECCC) to continue to build upon successfully implemented measures, including the adaptive management approach.

Broadly, we continue to support evidence-based management measures, including vessel speed restrictions, time area closures and gear modifications/substitutions. We see ropeless gear as primarily a solution to allow fishermen access to areas that are otherwise closed. Further, we support a long-term commitment by your departments to continue adequate monitoring and surveillance of all whale species, beyond requirements to meet the US *Marine Mammal Protection Act* equivalencies.

It is critical that the government outline clear triggers and specific emergency measures to be enacted if/when a dead whale is found in Canadian waters in 2021. As government, industry, scientists and NGOs work together towards our shared goal, we also emphasize the need for transparent and timely data and information-sharing related to monitoring, surveys, sightings, entanglements, and other related findings.

Our recommendations for 2021 management measures and processes include:

Area Closures

We urge the government to maintain the current system of closures, and recommend additional measures:

- DFO and TC should ensure that speed limits for **all** vessels are enforced (maximum 10 knots or less) when whale presence closes an area to fishing. This includes shipping, fishing, ferry, cruise and recreational vessels, as well as vessels who are entering the area to retrieve fishing gear.

- Unless there are extenuating weather-related circumstances, all gear should be removed within 72 hours of a closure, in keeping with the Atlantic Fisheries Regulations.
- DFO, in partnership with relevant stakeholders and rights holders, should support and invest in increased surveying in areas that have been closed to see if whales remain present or leave the grid. These observations can help inform the effectiveness of closures and contribute needed data on which to base future regulations.

Vessel Speed Restrictions

We support the speed restrictions implemented in the 2020 season, but want to see them amplified by the following recommendations:

- The speed-restriction exemption for vessels under 13m should be removed, as fishing vessels and smaller boats continue to pose a danger of ship strikes.
- Efforts should be made to improve compliance with voluntary slowdowns.
- VMS data needs to be made available in a transparent and timely manner, such as releasing all VMS data to [Global Fishing Watch](#).

Gear Modifications

Given that the temporary and seasonal closures have created an incentive for innovation and interest in gear modifications and the use of ropeless gear, we recommend:

- New and modified gear requirements are based on the results of successful trials in a variety of fisheries and locations, where there is good evidence that they will reduce risk.
- Better communication and incentives from DFO for new and modified gear trial opportunities.

Monitoring

We support the current approach of using an array of surveillance and detection tools, such as aerial and vessel sightings and acoustic detections via hydrophones and gliders. Improvements in surveillance should include:

- Strategic investment in a more comprehensive and larger surveillance array.
- Increased training with the goal of consistency of observation protocols.
- An assessment of how acoustics, aerial, vessel and other surveying platforms can complement each other, as well as strengths and weaknesses of each to determine where best to invest future resources.
- Clarity and transparency of objectives and effectiveness for the multiple types of aerial surveys between DFO, TC and the National Oceanic and Atmospheric Administration (NOAA).
- Increased efforts are needed to incentivise sightings and reporting from fishermen and encourage fishermen stewardship.
- Results from work by fishing associations on whales funded through the Aquatic Species At Risk Fund in the Gulf of St. Lawrence should be directly incorporated into improving reporting by fishermen.

Science and Data Needs

We strongly urge the department to continue to support science and maintain all research related to whale distribution and risk mitigation, as well as to evaluate where any increase or reallocation of investment could be best placed. To fill existing gaps, we recommend:

- Targeted funding and capacity for incident response and to create a more holistic response system/network for all marine mammal species in order to guard against declines in other species.
- Focused research and monitoring science to better understand NARW movements, habitat, distribution, activities and behaviour.
- Support for increased data contribution to [WhaleMap](#) for NARW and other whale species.
- Canada should have an efficient and transparent reporting system for the recovered gear repository.

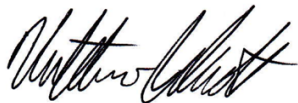
Collaboration

The survival of the NARW lies in the hands of multiple departments, jurisdictions and stakeholders. It is critical that all parties work together to find integrated and comprehensive solutions that effectively protect the remaining whale population without unnecessarily harming the socio-economic interests of affected industries.

- DFO and Species at Risk staff need to work more closely together so that fisheries management measures are integrated into the Action plan (and vice-versa). TC and DFO need to collaborate on vessel speed reductions for fishing vessels.
- TC and DFO should consider a joint roundtable with the shipping industry, the fishing industry, and scientists and NGOs. This could help address the full breadth of the threats to NARW survival while ensuring transparency and fostering collaboration.

We look forward to working with government departments, other organizations and fishers to ensure that 2021 is a year of which we can all be proud, and another one in which no NARW are killed in Canadian waters.

Sincerely,



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Cc'd:

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