



Gulf Region

Notice to Fish Harvesters

2019 MANAGEMENT MEASURES TO PROTECT NORTH ATLANTIC RIGHT WHALES

MONCTON, NB – Amended April 12, 2019 – Fisheries and Oceans Canada (DFO), Gulf Region, wishes to announce the fishery management measures to protect North Atlantic Right Whales (NARW) that will be in place for the 2019 season.

The management measures for the 2019 season include:

Static Closure – Southern Gulf of St. Lawrence:

- The size and shape of the static closure will be adjusted to encompass the area where 90% of NARW sightings occurred in May and June 2018.
- The static closure in 2019 will be approximately 63% smaller than the 2018 static closure and will have a more elongated shape.
- The grids that have been removed from the 2018 static closure will now be part of the dynamic management area and will be subject to temporary closures.
- There are no changes related to the effective date of the static closure. The static area will close on April 28th or before, if NARW are observed in the Gulf of St. Lawrence before this date. Once closed, this area will remain closed to all non-tended fixed gear fisheries until further notice.

Dynamic Management Areas:

- The shape of the dynamic management areas will remain the same. The smaller static closure will result in a larger area subject to dynamic management in the SGSL.
- If one or more NARW are observed in the dynamic management area, DFO will close fishing grids, amongst others, that are used for the application of the soft-shell crab protocol.
- A maximum of nine grids, with the central grid where the NARW is sighted and up to eight adjacent grids to account for a buffer zone, will be closed.

Dynamic Management Protocol in Shallow Waters:

- There will be lines defined by official coordinates to reflect as close as possible the 20 fathoms and 10 fathoms depth. For implementation purposes, official coordinates are calculated based on straight line distances drawn through the grids, so there may be slight fluctuations. In 2019, non-tended fixed gear fisheries (snow crab, lobster, rock crab, toad crab and whelk fisheries) conducted in depths less than the 20 fathom shallow water protocol line will be subject to the dynamic management protocols only if a NARW is observed in these waters.

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- If a NARW is seen in waters between the 10 and 20 fathom shallow water protocol lines, the grid where the whale has been sighted and up to eight adjacent grids will be temporarily closed to the 10 fathom shallow water protocol line. Fish harvesters will be required to move their gear close to the shore and will be allowed to continue to fish in the areas shallower than this line.
- If a NARW is observed in waters less than the 10 fathom shallow water protocol line, the grid where the whale has been sighted and up to eight adjacent grids will temporarily close to shore.

Static closure area and dynamic management protocol for tanded gear

- When fishing for herring, mackerel, Atlantic halibut and winter flounder in the static closure area as well as in a dynamic management area where notice of a temporary closure was given, the licence holder shall closely attend his fishing gear at all times and must remove all fishing gear from the water before returning to port. The licence holder shall also remove all fishing gear from the water as soon as a NARW is observed in the vicinity of the fishing activity.

Closure and reopening protocol for the Dynamic Management areas:

- Closures will be in force for a minimum period of 15 days, counted from the date of the NARW sighting, and will be extended by 15 days from the last NARW sighting. If NARWs are not seen during at least two aerial surveillance flights during the 15 day period, the dynamic closure for the relevant sections will be automatically lifted at the end of the period. Closures will be regulated through variation orders and licence holders will be provided an advance notice of 48 hours to retrieve fishing gear from the area prior to closure by the following methods:
 - Broadcasting the notice over a commercial or marine radio station, a radio station operated by DFO or a radio station located on a vessel under contract to DFO that broadcasts in the area or vicinity of the area affected by the closure notice; or
 - Transmitting the notice by electronic means to those persons;
 - Having a fishery officer or fishery guardian give oral notice thereof.

Management protocol outside the Dynamic Management Area and static closure:

- Observations will be considered on a case-by-case basis, with special attention for observations of three or more NARW or a mother and calf.

Other management measures for 2019:

- The management measures to reduce excess rope and floating rope on the surface of the water remain unchanged for 2019.
- The requirement to mark fishing gear is being maintained in the snow crab fishery and toad crab fishery, and will be extended to other fisheries in 2020.
- The sequential numbering of buoys is being maintained for the snow crab fishery.

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- Requirement to report lost and retrieved gear :
 - Since 2018, licence holders must report lost gear to DFO. This management measure will allow the amount of gear lost annually to be quantified and help identify the need to increase efforts to retrieve gear that has been lost, which would reduce the risk of whale entanglements.
 - Starting in 2019, licence holders must report the retrieval of any of their own gear previously reported lost to DFO. Retrieval of a fishing gear can only occur under a valid fishing licence and only in relation to the fishing gear authorized by the fishing licence (**new requirement**).
 - To report lost or retrieved gear, licence holders must complete and submit the *Lost Fishing Gear* form or the *Retrieval of Previously Reported Fishing Gear* form, included in their licence conditions and available online at <http://www.dfo-mpo.gc.ca/fisheries-peches/commercial-commerciale/index-eng.html>.
 - The appropriate forms must be completed and submitted within 24 hours of entering to port (**new timeframe**).
 - Specific information of what must be reported is identified in the forms.
- Requirement to report interactions with marine mammals
 - In order to comply with the implementation of the US Marine Mammals Protection Act (MMPA) regulations, licence holders must provide information regarding all interactions with a marine mammal including: bycatch, collisions and all sightings of entangled marine mammals that occur during fishing expeditions.
 - A Marine Mammal Interaction Form (included with licence conditions) or available online: <http://www.dfo-mpo.gc.ca/species-especes/mammals-mammiferes/report-rapport/page01-eng.html> must be completed and submitted by email to: DFO.NAT.InteractionsMM-InteractionsMM.NAT.MPO@dfo-mpo.gc.ca within 48 hours of the end of a fishing trip.
 - The information provided on the form will be used by DFO to estimate levels of accidental mortality and injury to marine mammals. This information will allow DFO to better assess the types of threats that may affect Canada's marine mammals and to develop mitigation strategies.

What to do if you observe a NARW

It is important to maintain a minimum distance of 100 meters from the animal. Details regarding sightings of live and free-swimming NARW may be provided to DFO at: XMARWhalesightings@dfo-mpo.gc.ca or by phone at 1-844-800-8568. If you observe this species, please send your contact information and information about the sighting (date, time, geographical position, number of individuals, photos and videos etc..

If you see a NARW entangled in fishing gear, you should not under any circumstances attempt to release it on your own. The behaviour of an entangled whale is unpredictable and dangerous. You should contact the Marine Animal Response Society at 1-866-567-6277 as soon as possible to share

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information that will help to organize an appropriate response by experts (time and position of the entangled animal, behavior of the individual, details on the weather and the state of the sea, photos or videos, etc.).

For additional information:

You can obtain additional information concerning NARW at : <http://dfo-mpo.gc.ca/science/environmental-environnement/narightwhale-baleinenoirean/index-eng.html>.