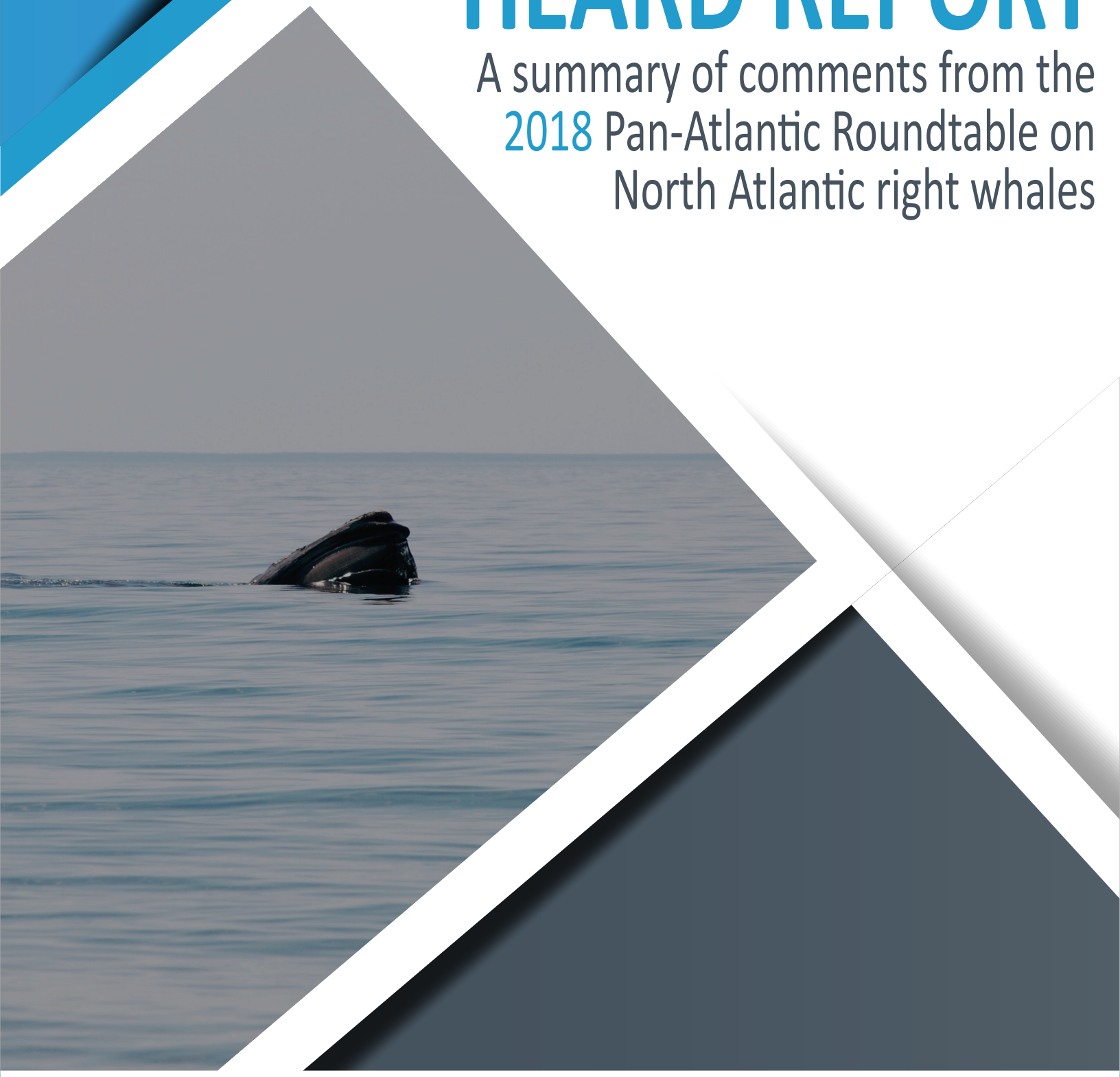
# WHAT WE HEARD REPORT

## A summary of comments from the 2018 Pan-Atlantic Roundtable on North Atlantic right whales



Fisheries and Oceans Canada
Pêches et Océans Canada
Canada

## Introduction

The Honourable Jonathan Wilkinson, Minister of Fisheries, Oceans and the Canadian Coast Guard, hosted a Pan-Atlantic Roundtable on North Atlantic right whales in Dartmouth, Nova Scotia on October 23, 2018, after the implementation of fishery management measures in 2018 to reduce entanglement risk for the right whale, and to improve information about fishing practices and gear loss. This meeting was an opportunity for the Minister to hear feedback from Indigenous groups and stakeholders such as the fishing industry, including fish processors, the provinces of New Brunswick, Quebec, Nova Scotia, Prince Edward Island and Newfoundland and Labrador, Non-government Organizations, academia and others.

The objective of the Pan-Atlantic Roundtable was to provide an opportunity for attendees to speak directly to Minister Wilkinson about the 2018 right whale entanglement prevention and monitoring measures. It also afforded an opportunity for participants to offer suggestions and advice for consideration when developing the 2019 mitigation measures. This session was in addition to regional consultations that were held through the summer and autumn in each of the Atlantic Regions and Québec.

The Minister will consider the feedback from Indigenous groups, fish harvesters and fishery organizations, Non-government Organizations, provincial officials and academics, along with advice from science and fisheries managers, to develop management measures for fisheries that open in 2019.

## Background

After the unprecedented 17 right whale incidents in the Gulf of St. Lawrence in 2017 (12 deaths and 5 entanglements), Fisheries and Oceans Canada (DFO) implemented emergency measures for the remainder of 2017, including closing the Gulf of St. Lawrence snow crab fishery early and requiring large vessels to slow down to 10 knots or less. In 2018, mitigation measures to reduce the risk of whale entanglement incidents were applied, including fishing license conditions to reduce the amount of rope in the water, a fixed static fishery closure area that was in effect for the entire fishing season, and temporary dynamic fishery closure areas for untended, fixed gear that were in effect when right whales were sighted in the general area. In 2018, no right whale deaths were reported in Canadian waters.

The most recent population estimate for the North Atlantic right whale is 411 animals. The number of breeding females is probably not more than a quarter of the total population. The situation for the right whales is critical, yet they have recovered in the past from lower numbers. Right whale recovery is possible when all partners work together to prevent them being injured and killed due to human activities.

Protecting marine ecosystems, including endangered species such as the North Atlantic right whale, and supporting sustainable fisheries and the coastal and Indigenous communities that rely on them, are important priorities for the government of Canada, and these are not mutually exclusive. In 2018, a number of Canadian fishery organizations and partners increased focus on gear configurations and testing innovative fishing technologies, to help identify longterm solutions that can help reduce entanglement risk for species like right whales. This kind of creativity and commitment is what gives hope that right whales and fisheries will continue to co-exist in our oceans.

## What We Heard Summary

Those who attended the Pan-Atlantic Roundtable meeting in Dartmouth presented their views on the management measures that DFO implemented in 2018, as well the process that was used to develop them. We heard feedback and recommendations about what to consider when developing measures for 2019, and how to communicate with the industry about them. Participants also provided information and recommendations about right whale monitoring, and broader research activities to support right whale recovery and to evaluate the effectiveness of management measures. Themes expressed during the meeting were the

importance of communication, including sharing information in a transparent and timely manner, and the importance of partnerships and collaboration among all groups interested in supporting the recovery of the right whale and its co-existence with fishing communities.

## Improving the process

*Communication, Collaboration and Decision-making*

Harvesters and fish processors let us know they need to feel DFO is consulting and working with them to develop management measures that are based on industry expertise as well as science. It was emphasized that they need more notice of the Minister's decisions to plan their operations. We heard that harvesters understand the importance of protecting right whales and do not wish to harm this endangered species. Nonetheless, fishery management measures need to balance whale protection with the economic and social well-being of Indigenous and rural communities that rely on fishing.

Meeting participants recommended that DFO maintain ongoing communication between government, Non-govermental Organizations, and the fishing industry. In particular, DFO was asked to consult with the fishing industry about management measures, providing enough lead time for harvesters and processors to provide operational input, and to adapt and prepare for their fishing seasons, thus minimizing impacts on their operations. We heard strong recommendations that measures put in place should reflect specific conditions and operational needs of different fisheries. This includes the importance of considering the safety implications of management measures under specific conditions.

In addition to implementing fishery management measures, it is important to understand if they are effective, both for reducing entanglement risk and for the continued operation of profitable, sustainable fisheries. Participants in the meeting recommended that DFO and others develop methods, for example multi-sector committees, to evaluate the outcomes and effectiveness of management measures. Such evaluations can guide the refinement and ongoing development of entanglement prevention measures.

Right whales are a transboundary species occurring in U.S. and Canadian waters, and harvesters requested that DFO keep industry informed about what the U.S. is doing to protect the species. Similarly, promoting a positive image of the Canadian fishing industry's contributions to protecting right whales will be a constructive way to support our fisheries and perhaps foster transboundary relationships and initiatives.

Information gaps exist about right whales' migratory patterns and the timing of their movement, especially in recent years as their distribution has shifted. Meeting participants recommended that DFO and others support work to better understand right whale migration. On a related note, the group was reminded that in recent years individual right whales have been observed in Iceland, and Canada should be concerned about what Iceland is doing to protect right whales in their waters.

In 2018 DFO required harvesters to report incidents of lost fishing gear, and to report any interactions with whales (for example, whales coming in contact with vessels or fishing gear). Fear of fishery closures is a disincentive for reporting whale occurrences or incidents. By demonstrating flexibility in management approaches, DFO is more likely to regain trust with the fishing industry, and in turn receive reliable reports of whale presence. A better method for reporting lost gear is needed, and harvesters also pointed out that some gear loss is a normal part of fishing operations. Because of that, it also is normal that they retrieve much of the gear that is lost during a season, and this information should be collected and shared along with the information about lost gear.

All participants indicated a desire to work collaboratively and combine resources, experience and knowledge to better understand ecosystem changes and incorporate these into the future North Atlantic right whale management planning.

**Research, monitoring and innovation**

*Research*

During the meeting, DFO heard a number of recommendations and questions about avenues for scientific research, about right whales as well as about their habitat and their prey. While over 100 right whales have been observed in the Gulf of St. Lawrence in each of 2017 and 2018, this means that as many as 300 right whales were not observed in the Gulf. Questions arose such as, What can and should we be doing to find those whales, and to understand and prevent risks to them in as-yet unknown areas in North Atlantic waters? Do we know if designated critical habitat areas are still in fact critical habitat? It was also recommended that the scientific rationale behind the identification of the potential foraging areas, (e.g. Crab Fishing Area (CFA) 19) be revisited.

Some industry participants offered specific proposals about how they could contribute to the collection of ecosystem information, for example using fishing vessels as sampling platforms to collect zooplankton. Such information could help understand prey concentrations and therefore, which areas are likely to be used by right whales. On a broader scale, interest was expressed in the development of longer-term studies combining resources from various sectors and data types, to understand and deal with ecosystem shifts that are being observed in Atlantic Canada.

While much attention focused on threats to right whales from entanglements and vessel collisions, we heard a suggestion to study the potential effects of seismic exploration activities on right whales. Questions were raised about whether studies could be undertaken to better understand the effects of this practice on right whales, on their behaviour and their habitat use.

*Monitoring*

Questions arose about how remote monitoring, such as tagging, could be used to understand when right whales would be arriving in Atlantic Canadian waters, as an “early warning system” for DFO and industry to take pre-emptive action. While current tagging technologies may pose risks to right whales or are limited in the type and amount of data they can contribute, it was indicated that ongoing testing and innovation may help improve such methods and the information they can provide.

On a similar note, questions and discussion arose about efficient and cost-effective surveillance methods with comparison of aerial and vessel surveillance to monitor right whale presence, vs. acoustic detection technology which is less expensive and less labour-intensive. Fishing industry representatives expressed interest in considering the merits and possibilities of acoustic detection, while scientific experts present were interested in continuing to develop, and refine acoustic detection technology so that it may become a viable way to support more real-time monitoring and management activities.

*Fishery Innovation*

We heard general support for the testing and, where feasible, adoption of innovative gear technologies and alternative gear configurations. Several forms of innovative fishing technology that eliminate fixed surface buoys and vertical lines have become available for testing in Atlantic Canada in the past year or so. This is often referred to as “ropeless” fishing gear, though other terms such as “buoyless” fishing, or “end lines on

demand", would be more accurate for the technologies that release bottom-stowed rope. Some roundtable participants consider that such technology would be operationally feasible in many situations, and thus should be tested. We heard presentations from some groups about projects initiated in 2018 to test and compare a variety of technologies, to identify potential options for consideration.

Innovative practices in fisheries may include new technologies, and they also may include reconfigurations and adaptations of materials and products in use already. Increasing the number of traps in lobster trawls, for example, is a way to reduce the amount of vertical rope in the water, which poses the greatest entanglement risk to whales. However, multiple traps will create heavier gear, which can bring additional risk in the instance that a whale does encounter it. Other relatively low-tech methods to reduce the likely severity of whale entanglements include innovations such as rope with lower breaking strength, or splices and other types of 'weak links' in gear that are designed to separate under pressure if a whale becomes entangled. The challenge with such developments is that they also must operate effectively under normal fishing conditions, which typically require rope to not come apart. What we heard from many participants in the meeting was a willingness to use their expertise to consider innovations of various kinds, to try to solve some of these challenges.

**Improve management measures**

We heard from harvesters in a variety of fishing sectors that the 2018 fishery management measures to reduce right whale entanglement risk, imposed inconvenience or hardship on them. Some of the specific requests and recommendations to DFO for developing and implementing measures in 2019 include:

*General*

- Show flexibility in not implementing the same measures in all fisheries
- Look for opportunities that support the co-existence of fishing activities with right whales
- Develop a regulatory and policy environment that incentivizes solutions with a long-term view. Broad-scale spatial closures isolate partners in the industry
- Develop a simpler reporting process for lost gear and for marine mammal interactions. In 2018, several phone numbers and email addresses were provided, and the confusion discourages reporting
- Allow the snow crab fishery to maintain flexible partnerships, which result in less gear in the water

*Earlier fishery opening*

- Open the snow crab fishing season 10-15 days earlier so that harvesters can finish catching much, or all of their quota, before right whales arrive
- In April 2018, ice prevented boats from leaving harbours, so we heard requests for ice breakers to be available to keep harbours open to enable an earlier season

*Static area closure*

- Allow harvesters to fish in the static closure area until right whales are known to be present
- Manage the static zone as a dynamic zone, with 10-day closures

*Dynamic area closures*

- Reduce the size of the grids close to the coast, to account for smaller-boat lobster fisheries that are limited to smaller fishing zones
- Include a depth limit of 20 fathoms in the protocol.
- Reduce the duration of closures from 15 days, for example to 10 days or fewer
- Use a trigger of three right whales rather than one

## Next Steps

Following the Pan-Atlantic Roundtable, regions continued conducting consultation as required with harvesters on mitigation measures for the North Atlantic right whale. From November 26-30, 2018, DFO Science held a peer review meeting to assess the most up-to-date information about right whales including: their distribution in Atlantic Canada; prey availability and habitat suitability; and entanglement risk. Based on feedback from the industry consultations and DFO Science recommendations, potential measures for the 2019 season will be developed. Potential mitigation measures for the 2019 season will be presented to the Minister for a decision. Once a decision is made, industry will be briefed to ensure the affected fishing industry understand and can plan for the measures for the upcoming season.

## Appendix: Participants and Observers

The Pan-Atlantic Roundtable brought together 46 participants from the fishing industry, Indigenous communities, provincial governments, academia, and non-governmental organizations.

**Roundtable participants**

Shannon Arnold
Bernie Berry
Catherine Boyd
Kathy Brewer Dalton
Sean Brillant
Billy Brophy
O'Neil Cloutier
Rob Coombs
Bob Creed
Kim Davies
David Decker
Tom Dooley
Melanie Giffin
Brian Guptill
Robert Haché
Carter Hutt
Jean Lanteigne
J. Leonard LeBlanc
Joanne Losier
Jay Lugar
Gord MacDonald
Basil MacLean
Martin Mallet
Fred Metalic
Tim Nickerson
Peter Norsworthy
Eugene O'Leary
Kevin Ross
Bill Sheehan
Rabia Sow
Chris Taggart
Bill Whitman

**Observers**

Carl Allen
Craig Avery
Joey Aylward
Christina Callegari
Philippe Cormier
Jason Deveau
Paddy Gray
Alec Mackinnon
Ian MacPherson
Judith Maxwell
Lyne Morisette
Bonnie Morse
Martin Noel
Melanie Sonnenberg
Ashton Spinney