
The Honourable Joyce Murray, Minister of Fisheries, Oceans, and the Canadian Coast Guard
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Via email: min@dfp-mpo.gc.ca

The Honourable Omar Alghabra, Minister of Transport
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Re: North Atlantic Right Whale - 2022 Protection and Mitigation Measures

January 7th, 2022

Dear Ministers,

We write to provide input on North Atlantic Right Whale (NARW) protection measures for the upcoming 2022 migratory season. The Ecology Action Centre (EAC) is Atlantic Canada's oldest and largest environmental organization. We are a membership-based organization that takes leadership on critical issues from biodiversity protection to climate change to environmental justice. We have been active stakeholders in discussions on NARW measures since the critical mortality event in 2017 through our seats on several Atlantic fishery advisory committees and through invitation to the Minister's roundtables (now advisory committee).

We have been pleased to see continued progress by the Canadian Government since 2017 to address the NARW mortality events to put this species back on a trajectory of population recovery. We know this is a continued priority for both Fisheries and Oceans Canada and Transport Canada and many difficult decisions have been made in support of this goal.

While 2021 was another year recording no deaths in Canadian waters and we saw an optimistic calving season, there was an entanglement in Canadian waters, and data from the NARW Consortium now shows that as few as 336 individuals remain in the population. Despite the efforts by the Government of Canada, we continue down a path of extinction for this species. This is not the time to relax efforts. We know that entanglement and ship strike continue to be serious threats for this critically endangered species and hinders the survival of this population. This is the time to invest in research, collaborate with stakeholders, maintain a high level of precaution and implement evidence-based measures to reduce the risk to NARW now and into the future.

Area Closures and gear modifications:

We must continue to **reduce instances where fishing gear and NARWs overlap** through dynamic closures, and the investment in and testing of on-demand (ropeless) gear. Reducing lines in the water is a critical piece for entanglement risk reduction, however we must continue to maintain quota access and prioritize fleet safety.

We support the **continued use of dynamic closures** of fishing areas where NARWs are detected as implemented for the 2021 season and urge the government to maintain the system, and expand as necessary if detections fall outside of the current management area or season.

Following the success of last year's efforts, we support the opening the fishing season as early as possible this year to allow fleets to catch as much of their quota as possible before the arrival of the right whales. This not only allows quota access but also reduces the instance of active fisheries and NARW.

We are pleased to see the Government of Canada's investment in the Whalesafe gear adoption fund and support the on-going investment in the development, testing and manufacturing of on-demand gear. We encourage investment and permissions be given for testing of ropeless gear inside closed areas to accelerate research and incentivize buy-in.

Shipping/Vessel restrictions:

The current voluntary **speed restrictions in the Cabot Strait should be made mandatory** and remain in place for the entire duration of the upcoming migratory season. While we recognize that navigational safety is a necessary priority, as is the case with other speed restrictions, orders can be given to ease restrictions during poor conditions to ensure safe travel when needed. We know that individual whales travel in and out of the Gulf of St. Lawrence through the Cabot Strait for the entire season, and although compliance rates in 2021 increased compared to 2020, we continue to see concerning low compliance with the voluntary measures, at just above 50%.

While cruise ship traffic was down significantly over the last two years, we are concerned about the increase in vessel traffic as the cruise industry resumes. There must be a **clear, long-term plan developed for cruise ships in Atlantic Canada**, with goals and timelines to reduce the risk of vessel strike, ensure compliance with all speed restrictions that also strives to maintain consistent measures so the industry can plan ahead and continued stops in smaller towns who benefit from cruise ship tourism can be maintained.

Collaboration:

As always, we urge you to increase support to the Marine Animal Response Society for response and investigation, not only of NARW, but of all whale entanglements and deaths. We also urge you to invest in organisations, academics and experts working on this important issue, to support disentanglement efforts, monitoring, surveying, research and innovation.

We look forward to the transition from minister roundtables to a formal advisory committee of NARW issues, and look forward to participating in the advisory committee moving forward.

We urge the government of Canada to continue to engage with external experts and stakeholders throughout the season. Not only through the new expert technical working group and advisory committee but also through other avenues. Make use of the collaborative atmosphere that exists

between industry, researchers, and NGOs to support and refine measures, gear testing, and management structures.

Preparedness for future conditions:

We know that climate change continues to change our ocean, and we cannot assume that those measures currently in place will be appropriate for the future. It will take decades for this species to recover, and we must think and plan in the long-term. This season we saw NARWs in new locations and outside of those areas already covered by both fishing and vessel restrictions in the Gulf of St. Lawrence. We urge you to consider future measures in advance of any larger population shift and be prepared to implement them to prevent a repeat of the tragic events of 2017.

We are ready to continue to engage and support efforts to reduce harm for North Atlantic Right Whales, and all other cetacean species at risk of vessel strike or entanglement in Canadian waters. Co-building adaptable, ecosystem-based managements systems will be imperative to ensure our coastal communities will continue to thrive in these times of rapidly changing oceans.

Sincerely,



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CC:

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