

Mitigation Strategy 2012-2013

Right Whale / Lobster Fishing Gear Interactions Lobster Fishing Areas 36, 37, & 38



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Background

The lower Bay of Fundy is recognized as an important right whale habitat along the Canadian coast. The area's highest Right Whale concentration is the Grand Manan Basin, declared a conservation area by the Canadian government in 1993 and legally designated as Critical Habitat under SARA in 2009, where from 2000 to 2005, between 62% and 87% of the total number of annual Right Whale identifications were made. In addition to the numerous sightings, the Bay of Fundy is also the only known summer and fall nursery area for Right Whales in Canadian waters. Despite being protected internationally since 1935, the species is still hovering on the brink of extinction - only about 509 remain (2012 estimate by the Right Whale Consortium).

In the fall of 2006, the North Atlantic Right Whale population located in the Bay of Fundy remained in the Bay up to the opening of Lobster Fishing Areas 36 and 38; located in Southwest New Brunswick. While previous sightings of Right Whales had occurred in previous years into the fall season, the numbers and locations of the remaining whales in 2006 were a cause of concern. As a result, consultations between industry and Fisheries and Oceans Canada lead to a protocol agreement which offered some additional protection to the Right Whales while, at the same time, allowed the lobster fisheries in Southwest New Brunswick to continue.

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In 2012-2013, the following mitigation strategy is in effect with respect to possible Right Whale / Lobster Fishing Gear interactions.

- A whale hotline number is set up at the Grand Manan Fishermen's Association for the use of both LFA's 36 and 38. The number is **662-8698** and is open 24 hours per day to accept Right Whale locations and / or receive an update. Anyone seeing a Right Whale is to call in the general location as per the Lobster Fishing Log grid reference for the respective LFA to the hotline. All reported grid references to the whale hotline will be recorded and this recording will then be transcribed into a written format by the Grand Manan Fishermen's Association.
- Right Whale sightings reported through the hotline will be forwarded for broadcast by Fundy Marine Traffic services.
- Right Whale sightings by others not participating in the lobster fishery will be accepted by Latitude and Longitude coordinates.
- Fishers are to call the hotline number to find the most recent whale locations per grid reference.

- Grand Manan Fisherman's Association will update Fundy North Fisherman's Association of any Right Whale sightings and Fundy North Fisherman's Association will update their membership of Right Whale locations via email notifications and talk-mail messages.
- A record of calls to the whale hotline will be made available to Chief Resource Management, DFO, St. George, New Brunswick following the close of the season in 2013. These will be assessed to determine the level of hotline support and use. It is noted that calls reporting whale locations will vary depending on numbers of sightings.
- Chief Resource Management, DFO, St. George, New Brunswick, will prepare an Annual Report each year on the effectiveness / compliance to the Mitigation Plan for the past year.
- It is very important that fishers use the hotline as this will be one way of knowing if industry has bought into the mitigation strategy and accepted the responsibility associated with Right Whale protection.
- Fishers are not to operate their lobster gear when Right Whales are in the immediate vicinity.
- Right Whale concentrations and locations will be monitored at least weekly starting two weeks prior to the start of the lobster season provided Right Whales remain in the Bay of Fundy. This action will be the responsibility of the Area Director SWNB to initiate by contacting any sources as deemed necessary.
- Fishery officers will monitor the situation closely. If required, there will be daily aerial flights / vessel patrols starting November 6th, 2012, with a fishery officer and / or observers onboard to look for whales and help get the new whale positions. These flights / vessel patrols will follow prescribed track lines (as provided by Dr. Moira Brown) and the sighting data recorded for reference by industry, government and non-governmental organizations. The officers / observers will also be noting positions of gear in relation to the whales to ensure the system is working. In addition, vessel patrols will also be conducted to ensure compliance with the protocol.
- Continuing education of all parties will be required to ensure the best possible outcome. Fishers are encouraged to learn as much as they can about whales and how fishing gear affects whales. A good source of information and the 'Voluntary Code of Conduct for Fishermen Working near Whales' is available at the Grand Manan Whale and Seabird Research Station.
- Intentional non-compliance by fishers may result in further restrictive measures being implemented.
- If Right Whales remain in LFA's 36 and/or 38 after the start of the lobster season, Industry and Fisheries & Oceans Canada will participate in daily teleconference calls if required, with the objective of keeping all parties up-to-date with the most recent information. Conference call participants will consist of the following:
 - Fisheries & Oceans Canada SWNB (Area Director)
 - Fisheries & Oceans Canada Region (Senior Advisor)
 - Grand Manan Fishermen's Association
 - Fundy North Fishermen's Association

- The Area Director SWNB will act as spokesperson for Fisheries & Oceans Canada on matters pertaining to Right Whale / Lobster Fishing gear Interactions in LFA's 36 and 38. When practical, the Area Director SWNB will consult with industry before speaking to the media. Key messages are also provided through DFO's Communications Sector.
- **Always report an entangled whale as soon as possible at 1-866-567-6277. If possible, stay with the whale until the disentanglement team arrives.**

Contacts

Harvey Millar, Area Director SWNB
Fisheries & Oceans Canada
506-755-5060, harvey.millar@mar.dfo-mpo.gc.ca

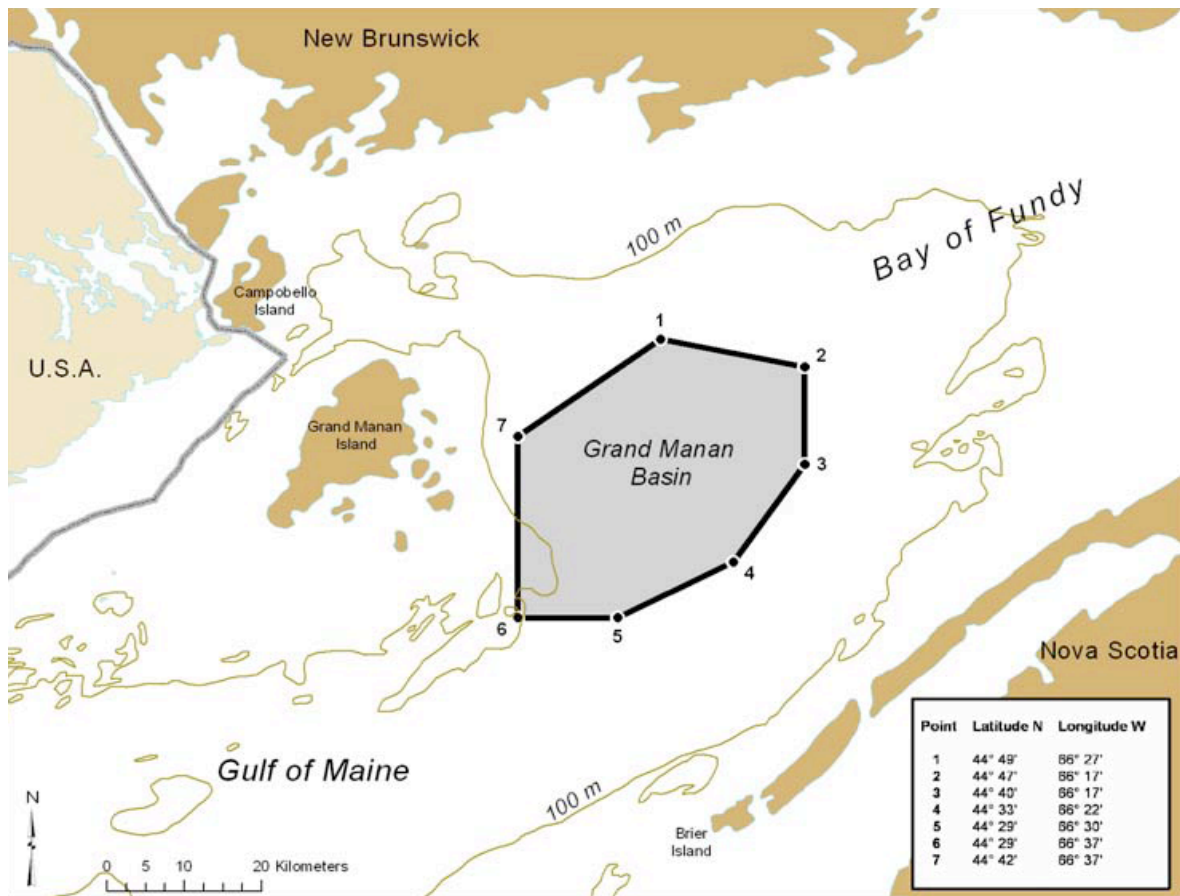
Grand Manan Fishermen's Association
506-662-8481, gmfa@nb.aibn.com

Fundy North Fishermen's Association
506-529-4765 fnfa-sheena@nb.aibn.com

Mackie Green,
Campobello Whale Rescue islcrus@nb.aibn.com
506-752-1107
Mobile 506-755-0479

Fisheries and Ocean Canada Environmental Emergencies
1-800-565-1633

ATTACHEMENT A



Boundary of North Atlantic right whale SARA Critical Habitat for Grand Manan Basin. (Provided by Oceans and Coastal Management Division, DFO)

