



Notice to Fish Harvesters

2024 FISHERIES MANAGEMENT MEASURES TO PROTECT NORTH ATLANTIC RIGHT WHALES IN CANADIAN WATERS

March 26, 2024 – This Notice to Fish Harvesters provides the details of the 2024 fisheries management measures to protect North Atlantic Right Whale (NARW), as announced by the Minister of Fisheries and Oceans Canada (DFO) on March 26, 2024.

The management measures will take effect in the Gulf of St. Lawrence as soon as the snow crab fishery opens in Area 12. In other areas where fall/winter fisheries are in progress, measures apply if NARW are detected and non-tended, fixed gear fisheries and trap/pot fisheries are operating.

DFO is advising industry for the 2024 season that the Notice of Fishing Prohibition Order to protect NARW will be enforced through a new clause added in the licence conditions rather than through Variation Orders. The Notice of Fishing Prohibition Order will prohibit setting certain gear types or fishing activities in grids where NARW have been detected. Changes will also be made to the Notice to Fish Harvesters regarding NARW detections. Instead of using "open" and "closed" terminologies, the notice will now refer to "prohibited grids" and "revoke prohibited grids".

Temporary and season-long prohibited fishing in 2024

If a NARW is visually or acoustically detected in areas subject to NARW management measures, a defined area around the detection position will be prohibited to non-tended fixed gear, trap and pot fisheries for 15 days.

As in 2023, a subsequent NARW visual or acoustic detection that would occur during days 1 to 8 of the 15 day prohibited fishing period of a grid will not trigger an extended fishing prohibition. NARW will need to be visually or acoustically detected again during days 9 to 15 of a prohibited fishing period before the fishing prohibition is extended.

- In the Bay of Fundy dynamic area and Roseway Basin Critical Habitat dynamic area, if a NARW is detected again during days 9 to 15 of a temporary prohibited fishing area, the fishing prohibition for each applicable grid will be extended for an additional 15 days.
- In the Gulf of St. Lawrence dynamic area, if a NARW is detected again during days 9 to 15 of a temporary prohibited fishing area, the fishing prohibition for each applicable grid will become seasonal until November 15, 2024.
- If no NARW is detected during days 9 to 15 of a temporary prohibited fishing period, the fishing prohibition for each applicable grids will be revoked after day 15. Two clearance flights with no NARW detections continue to be required before a prohibited fishing area can be revoked.

Refer to Annex 1 for additional details on how the temporary prohibited fishing protocol applies to the Bay of Fundy dynamic area / Roseway Basin Critical Habitat area, and refer to Annex 2 for additional details on how the temporary prohibited fishing and seasonally prohibited fishing protocols apply to the Gulf of St. Lawrence.

In waters outside of the dynamic and critical habitat areas

In waters outside of the dynamic and critical habitat areas (meaning outside of the Gulf of St. Lawrence, Bay of Fundy and critical habitat area of Roseway Basin), fishing prohibitions will continue to be considered on a case-by-case basis. Special consideration will be given for detections of three or more NARW, or a mother and calf pair.

Shallow water protocol lines

Provisions for the 10 and 20 fathom *shallow water protocol* lines continue to apply. Details of the *shallow water protocol* are provided in Annex 3.

Pre-season surveillance

Pre-season surveillance flights will be considered in fishing areas where existing prohibitions pose a significant impact to major upcoming fisheries. The specific fishing areas subject to these measures will be determined during the fishing season. If surveillance flights are required to lift a prohibited area that would impact the fishery's opening, the Atlantic Marine Mammal Hub will request clearance flights over the affected area from the National Marine Mammal Platform Coordinator before the fishery begins. These flights will occur in the weeks leading up to the opening of the affected fisheries. If NARW are not detected, temporary and/or seasonal prohibitions in the area may be lifted to ensure the full area of the fishery can open on time. If NARW are detected again, the prohibition protocol will persist.

Prior to the opening of snow crab area 12 in the Gulf St. Lawrence, Conservation and Protection will conduct a clearance flight to ensure no NARW are present. If a NARW is detected, management measures will be implemented on a case-by-case basis.

Other continued measures related to the protection of NARW in Canada for 2024

DFO will also continue its comprehensive efforts from previous years, such as :

- continuing surveillance efforts on the water, under water and in the air to detect whales, and maintaining science survey efforts to improve knowledge on NARW distribution in Canadian waters, as well as prey availability and factors affecting it;
- continuing to monitor vessel locations and movement to ensure compliance with the measures;
- maintaining gear marking requirements for all non-tended fixed gear fisheries and trap fisheries (such as lobster, crab and other species) are operating;
- maintaining mandatory reporting for lost gear and interactions with marine mammals;


- supporting industry trials of innovative fishing technologies, including authorizing the use of ropeless or on-demand gear in prohibited fishing areas, and other methods to prevent and/or mitigate whale entanglement;
- holding meetings with the NARW Technical Working Group throughout the year;
- holding the annual NARW Advisory Committee meeting with stakeholders each November to help inform the fisheries management measures for the following season.

2024 NORTH ATLANTIC RIGHT WHALE MANAGEMENT MEASURES
 MESURES DE GESTION DE LA BALEINE NOIRE DE L'ATLANTIQUE NORD 2024



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Prepared by the Atlantic Marine Mammal Hub
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 Fisheries and Oceans / Pêches et Océans
 Canada

The above map has no legal bearing and is provided for visual reference only.

For Additional Information

Regular updates and detection maps will be posted at the following address:

<http://www.dfo-mpo.gc.ca/species-especes/mammals-mammiferes/narightwhale-baleinenoirean/alert-alerte/index-eng.html>

ANNEX 1 - BAY OF FUNDY AND ROSEWAY BASIN CRITICAL HABITAT 2024 TEMPORARY PROHIBITED FISHING PROTOCOL FISHERIES MANAGEMENT MEASURES TO PROTECT NARW

The Bay of Fundy dynamic area and the Roseway Basin critical habitat area are subject to the *temporary prohibited fishing protocol*.

A *temporary prohibited fishing* is triggered when one or more NARW are confirmed by either visual or acoustic detection in the Bay of Fundy dynamic area and/or in the Roseway Basin critical habitat area. The temporary prohibited fishing are in force for a minimum period of 15 days from the date of the NARW detection, including the gear removal period.

Licence holders are provided an advanced notice of a minimum of 48 hours to remove their fishing gear from the prohibited fishing grids. Harvesters will not be permitted to set gear in the water after the notice is issued and are asked to voluntarily slow down when retrieving gear in the prohibited areas.

In the Bay of Fundy dynamic area and Roseway Basin critical habitat area:

- a NARW need to be visually or acoustically detected again during days 9 to 15 of a temporary prohibited fishing period before a fishing prohibition is extended;
- if a NARW is detected again during days 9 to 15 of a temporary prohibited fishing period, the fishing prohibition for each applicable grid will be extended for an additional 15 days;
- if no NARW is detected during days 9 to 15 of a temporary prohibited fishing period, the fishing prohibition for each applicable grids will be revoked after day 15. However, two grid clearance flights with no NARW detections continue to be required before a prohibited fishing area can be revoked. If clearance flights are unable to be conducted during days 9 to 15 (e.g. due to poor weather conditions for example), the area will remain prohibited until two flights can safely take place. If a NARW is detected after day 15, this will start a new temporary prohibited fishing protocol.

The *temporary prohibited fishing protocol* is implemented using the same fishing grid system as in the past. The defined prohibited fishing area includes the immediate grid of the detection, plus up to eight of the surrounding grids that are within the Bay of Fundy dynamic or Roseway Basin critical habitat areas.

The *shallow water protocol* (SWP) continues to apply to the *temporary prohibited fishing protocol* (details of the SWP are provided in Annex 3).

NARW related management measures apply to all non-tended fixed gear fisheries, trap and pot fisheries (such as lobster, crab and other species).

ANNEX 2 - GULF OF ST. LAWRENCE
2024 TEMPORARY AND SEASONALLY PROHIBITED FISHING PROTOCOLS
FISHERIES MANAGEMENT MEASURES TO PROTECT NARW

The Gulf of St. Lawrence dynamic area is subject to the *temporary* and *seasonally prohibited fishing protocols*. The *temporary prohibited fishing protocol* comes into force before the *seasonally prohibited fishing protocol*.

A *temporary prohibited fishing* is triggered when one or more NARW are confirmed by either visual or acoustic detection in the Gulf of St. Lawrence dynamic area. The temporary prohibited fishing are in force for a minimum period of 15 days from the date of the NARW detection, including the gear removal period.

Licence holders are provided an advanced notice of a minimum of 48 hours to remove their fishing gear from the prohibited fishing grids. Harvesters will not be permitted to set gear in the water after the notice is issued and are asked to voluntarily slow down when retrieving gear in the prohibited areas.

In the Gulf of St. Lawrence dynamic area:

- a NARW need to be visually or acoustically detected again during days 9 to 15 of a temporary prohibited fishing period before a fishing prohibition is extended;
- if a NARW is detected again during days 9 to 15 of a temporary prohibited fishing period, the fishing prohibition for each applicable grid will become seasonal until November 15, 2024.
- if no NARW is detected during days 9 to 15 of a temporary prohibited fishing period, the fishing prohibition for each applicable grids will be revoked after day 15. However, two grid clearance flights with no NARW detections continue to be required before a prohibited fishing area can be revoked. If clearance flights are unable to be conducted during days 9 to 15 (e.g. due to poor weather conditions for example), the area will remain prohibited until two flights can safely take place. If a NARW is detected after day 15, this will start a new temporary prohibited fishing protocol.

Prohibited fishing protocols (temporary and seasonally) are implemented using the same fishing grid system as in the past. The defined prohibited fishing area includes the immediate grid of the detection, plus up to eight of the surrounding grids that are within the dynamic or critical habitat areas.

The *shallow water protocol* (SWP) continues to apply to the *temporary prohibited fishing protocol* (details of the SWP are provided in Annex 3). The *seasonally prohibited fishing protocol* continues to be implemented in waters deeper than the 20 fathom shallow water protocol line only.

NARW related management measures apply to all non-tended fixed gear fisheries, trap and pot fisheries (such as lobster, crab and other species).

ANNEX 3 – SHALLOW WATER PROTOCOL FISHERIES MANAGEMENT MEASURES TO PROTECT NARW

The provisions for the 10 and 20 fathom *shallow water protocol* lines apply to the dynamic areas of the Bay of Fundy and of the Gulf of St Lawrence.

When there is a confirmed detection in waters deeper than the 20 fathom *shallow water protocol* line, the extent of the nine grid prohibition is limited to waters deeper than the 20 fathom *shallow water protocol* line.

The *temporary prohibited fishing protocol* is only implemented in waters less than the 10 and 20 fathom *shallow water protocol* lines in the following circumstances:

- if there is a confirmed detection in waters shallower than the 20 fathom but deeper than the 10 fathom *shallow water protocol* lines, the extent of the nine grid prohibition is limited to waters deeper than the 10 fathom *shallow water protocol* line only. (Fish harvesters are allowed to continue to fish in waters shallower than the 10 fathom *shallow water protocol* line.
- if there is a confirmed detection in waters shallower than the 10 fathom *shallow water protocol* line, the nine grid prohibition extends to the shoreline.