

Guidelines on Opening/Closing Dates for the Commercial Lobster Fishery - Gulf Region

1. Context and Considerations

Fishing seasons are one of the mechanisms for controlling the harvest in the inshore lobster fishery in Gulf Region. The lobster fishing seasons are established in Schedule XIV of the *Atlantic Fishery Regulations* (April 30-June 30 for Lobster Fishing Areas (LFAs) 23, 24 and 26 and August 9-October 10 for LFA 25).

The Department of Fisheries and Oceans (DFO) recognizes that there are special considerations that need to be taken into account for the opening of the seasons of the lobster fishery.

Principally, there may be risks to safety resulting from vessels having been idle for periods of time and from the significant quantities of traps, rope and buoys stored on deck. These risks may be exacerbated by poor or inclement weather conditions on the scheduled opening date. There may also be practical constraints affecting a fleet's ability to leave the wharf on the scheduled opening date, such as ice or tides.

Following are other factors to be considered in decisions about changes to opening dates: degree of consultations; impacts on other fleets and industry sectors; safety for fish harvesters in and around the water; implications for resource conservation and seasons length (the seasons for the spring fishery and fall fishery never exceed 62 and 63 days respectively); the timeframe needed to communicate to stakeholders, including Indigenous groups, as well as DFO operational requirements such as the time needed to administer variation orders, issue Notice to Fish Harvesters and change the Sciences survey schedule.

A safe and orderly opening of the lobster seasons is imperative. Weather forecasts are closely monitored and changes to opening dates and times are routinely discussed with industry representatives. Changes to season opening dates for reasons other than weather are less common but may be considered on a case by case basis. Safety in and around the water includes considerations such as; search and rescue availability, ice cover at sea, ice in and around landing ports, dredging work at ports, placement of navigational aids and the marine forecast issued by Environment and Climate Change Canada (ECCC).

While it is known that important biological processes for lobster in the southern Gulf of St. Lawrence (sGSL) take place during the summer (late-June through August), quantitative data are not available to identify precisely when these are happening, nor to determine the impacts of fishing activities on the overall lobster population during this period. To limit risks to the population, disturbances to lobsters through fishing activities should be minimized during this higher vulnerability time-window. Given natural and unpredictable variations in the timing of biological processes, changes to the end date of the spring fishing season by a couple of days likely won't have a negative impact on the lobster population, especially in the current context of very high lobster abundance.

2. Procedures for Season Opening: Weather and Other Environmental Conditions

This section presents current procedures for varying opening dates and times for reasons related to weather and safety. It remains nevertheless the case that individual fishers are responsible for deciding whether it is safe for them to go fishing on the opening day of the fishery and every other day of the open fishing season.

DFO, Resource management, will monitor and evaluate the situation at the wharves a few weeks before the scheduled season opening. If the planned opening date is considered problematic, DFO will initiate discussions with industry stakeholders. A conference call (weather call) will be scheduled in the days leading up to the scheduled opening between DFO and industry stakeholders (which may also include wharf representatives, Canadian Coast Guard (CCG) and ECCC) to receive feedback on the situations at each wharf. The call will be organized by the regional office if it involves more than one province. In other cases, it will be organized by the respective area office. A call will take place at least two days prior to the scheduled opening date and could take place during the weekend or holidays. DFO will verify the ice situation (spring opening) and the marine weather forecast* as issued by ECCC prior to the call during which a decision by consensus will be made on the opening date and then communicated to the industry via email or Notice to Fish Harvesters that same day.

*Note that the weather forecast is issued at 10:00 a.m. and 3:30 p.m.

Should the ice cover be considered problematic or should the marine forecast at that time include sustained winds of 20 knots or more, the opening would be delayed due to safety at sea. In that case, DFO will discuss with the industry in order to decide on a new opening date or to schedule a date for another weather call. A decision will be taken as quickly as possible and communicated to industry stakeholders via email or a Notice to Fish Harvesters that day. If the scheduled date changes, a Variation Order will be issued.

Unless there are unforeseen circumstances, if the lobster season opening is delayed, the season could be shifted at the request of the industry, one day for one day at the end of the season, up to 4 days. This adjustment will be discussed with the industry on the weather call and communicated at that time or during the announcement of the opening of the season. The season may vary in each LFAs, please refer to Annex 1 for the summary of the guidelines. If the opening is delayed more than four days, the season will not be adjusted further, due to the critical reproduction period in July for the spring season and due to the opening of the rock crab fishery in the fall.

3. Procedures for Opening: Other Reasons

As a general rule, changes to season dates or opening times for reasons other than environmental conditions (e.g., avoiding opening on a holiday or starting in the middle of the week) must be tabled to members of the relevant advisory committee. Such requests will be considered by DFO on a case-by-case basis. However, due to important biological processes for lobster in the sGSL that take place during the summer, the LFA 25 season opening will only take place on or after the Regulated date of August 9th.

4. Season Extensions

In-season requests to extend the season once the season has started will not be considered in any LFA.

5. Season Closures

Fish harvesters may choose to complete their seasonal fishing activities at any time during the open fishing season and must complete their fishing activities and return their gear to port within the scheduled season.

6. Changes to Procedures and Permanent Changes to Season Dates

Proposals for changing the approach to opening dates must be tabled within the relevant advisory committee as a first step. These will be considered by DFO on a case-by-case basis. More significant changes will likely require more time for consideration and consultation before a decision can be made. Therefore, a decision may not be made in time for the opening of the upcoming season, in which case the current procedures will continue to apply.

Principles when considering significant changes to season dates and opening day procedures are as follows:

- Safety and order: promote a safe and orderly opening of the fishery
- Sustainability: does not increase fishing pressure, for example by lengthening the season
- Fairness: maintains fair access to fishing grounds
- Transparency: provides for transparent decision-making in the event of season delay
- Predictability: provides a predictable planning environment for the industry and administrators
- Reasonableness: does not create an unreasonable burden for administrators, and does not have an unreasonable, negative effect on other LFAs, fleets or groups.

Where there has been a decision to pursue a permanent change to season dates in Regulations, this will be undertaken through the regulatory amendment process. Variation orders may be issued while this process is underway.

Annex 1- Scheduled Opening/closing dates* per Lobster Fishing Areas

Lobster Fishing Area	Weather call	Guidelines**
23	Eastern New Brunswick (ENB)	- April 30-June 30 - Flexibility up to 72 hours before the scheduled season opening - Flexibility at end of season 1 day for 1 day up to 4 days
24	Prince Edward Island (PEI)	- April 30-June 30 - Flexibility at end of season 1 day for 1 day up to 4 days
25	Region (support from ENB, PEI and GNS)	- August 9-October 10 - Flexibility at end of season 1 day for 1 day up to 4 days
26A 1 & 3	Region (support from PEI and GNS)	- April 26-June 26 - Flexibility at end of season 1 day for 1 day up to 4 days
26A-2	Gulf Nova Scotia (GNS)	- April 26-June 26 - Flexibility at end of season 1 day for 1 day up to 4 days
26 B (South)	GNS	- April 30-June 30 - Flexibility at end of season 1 day for 1 day up to 4 days
26 B (North)	GNS	- May 7 th -July 7 th - Flexibility at end of season 1 day for 1 day up to 4 days

* The season for the spring and fall fisheries never exceeds 62 and 63 days respectively.

** The openings of the fishery are subject to ice and weather conditions which will be discussed during weather calls

Note - Hydrographic surveys and subsequent dredging can only be done after ice clears in the spring. SCH works closely with CCG, PSPC, Harbour Authorities, and available contractors to carry out this work in an expedited manner to support planned opening dates; however, weather and contractor availability can impact its ability to ensure a state of readiness as it pertains to safe access to SCH harbour infrastructure.