



# Notice to Fish Harvesters

## 2023 FISHERIES MANAGEMENT MEASURES TO PROTECT NORTH ATLANTIC RIGHT WHALES IN CANADIAN WATERS

**April 4, 2023** – This Notice To Fish Harvesters provides the details of the 2023 fisheries management measures to protect North Atlantic right whales (NARW), as announced by the Minister of Fisheries and Oceans Canada (DFO) on March 31<sup>st</sup>, 2023.

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, trap and pot fisheries (such as lobster, crab and other species) are operating.

### Temporary and season-long closures in 2023

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

As in 2022, a subsequent NARW visual or acoustic detection that would occur during days one to eight of the 15 day closure period of a grid will not trigger an extended closure. NARW will need to be visually or acoustically detected again during days 9 to 15 of the closure period before the closure 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 closure period, each applicable grid will restart at day one (1) and become temporarily closed 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 closure period, each applicable grid will become seasonally closed until November 15, 2023.
- If no whale is detected during days 9 to 15 of a temporary closure period, the grids will re-open to fishing after day 15. Two clearance flights with no NARW detections continue to be required before an area can re-open to fishing.

Refer to Annex 1 for additional details on how the temporary closure 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 and seasonal-long closure 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), closures 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 NARW.

### **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**

As in previous years, special attention will be given to the opening of fisheries occurring later in the season. Pre-season surveillance flights will be considered over some fishing areas where existing closures could have significant impact on upcoming fisheries, as done from 2020 to 2022. If required, flights will take place in the weeks prior to the opening of the impacted fisheries. If no whales are detected, any closed areas will be re-opened, including those closed for the season. If whales are detected again, closures will remain in place.

### **Other continued measures related to the protection of NARW in Canada for 2023**

Fisheries and Oceans Canada 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 closed areas, and other methods to prevent and/or mitigate whale entanglement;
- holding meetings with the NARW Technical Working Group throughout the year; and
- holding the annual NARW Advisory Committee meeting with stakeholders each November to help inform the fisheries management measures for the following season.

### **Information for industry**

Canadian fisheries and aquaculture sectors provide the world with sustainably-sourced, high quality, high value, fish and seafood.

Fisheries, Oceans and the Canadian Coast Guard is committed to supporting our fisheries and aquaculture industry during these difficult times. The Government of Canada is taking the necessary steps to ensure that you can continue to operate safely and effectively and we will continue to keep you informed of the latest developments.

Visit our website to find out more: <http://dfo-mpo.gc.ca/covid19/industry-industrie/index-eng.html>.

2023 NORTH ATLANTIC RIGHT WHALE MANAGEMENT MEASURES  
MESURES DE GESTION DE LA BALEINE NOIRE DE L'ATLANTIQUE NORD 2023



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 Fisheries and Oceans Canada / 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  
2023 TEMPORARY CLOSURE 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 closure protocol*.

A *temporary closure* 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 closures are in force for a minimum period of 15 days from the date of the NARW detection, including the gear removal period.

License holders are provided an advanced notice of a minimum of 48 hours to remove their fishing gear from the closing grids. Fish harvesters are requested to voluntarily slow down when retrieving gear in the closed areas.

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

- NARW need to be visually or acoustically detected again during days 9 to 15 of a temporary closure period before a closure is extended;
- if a NARW is visually or acoustically detected again during days 9 to 15 of a temporary closure period, each applicable grid becomes temporarily closed for an additional 15 days;
- if no whale is detected during days 9 to 15 of a temporary closure period, the grids will re-open to fishing after day 15. However, two qualifying grid clearance flights with no NARW detections are required before an area can re-open to fishing. If flights are unable to be conducted during days 9 to 15 (e.g. due to poor weather conditions for example), the area will remain closed until two flights can safely take place. If a NARW is detected after day 15, the closure protocol will restart at day one (1).

The *temporary closure protocol* is implemented using the same fishing grid system as in the past. The defined closure 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 closure 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**  
**2023 TEMPORARY AND SEASON-LONG CLOSURE PROTOCOLS**  
**FISHERIES MANAGEMENT MEASURES TO PROTECT NARW**

The Gulf of St. Lawrence dynamic area is subject to the *temporary* and *season-long closure protocols*. The *temporary closure protocol* comes into force before the *season-long closure protocol*.

A *temporary closure* 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 closures are in force for a minimum period of 15 days from the date of the NARW detection, including the gear removal period.

License holders are provided an advanced notice of a minimum of 48 hours to remove their fishing gear from the closing grids. Fish harvesters are requested to voluntarily slow down when retrieving gear in the closed areas.

In the Gulf of St. Lawrence dynamic area:

- NARW need to be visually or acoustically detected again during days 9 to 15 of a temporary closure period before a closure is prolonged;
- if a NARW is visually or acoustically detected again during days 9 to 15 of a temporary closure period, each applicable grid becomes seasonally closed until November 15, 2023;
- if no whale is detected during days 9 to 15 of a temporary closure period, the grids will re-open to fishing after day 15. However, two qualifying flights with no NARW detections are required before an area can re-open to fishing. If flights are unable to be conducted during days 9 to 15 (e.g. due to poor weather conditions for example), the area will remain closed until two flights can safely take place. If a NARW is detected after day 15, the closure protocol will restart at day one (1).

Closure protocols (temporary and season-long) are implemented using the same fishing grid system as in the past. The defined closure 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 closure protocol* (details of the SWP are provided in Annex 3). The *season-long closure 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 closure is limited to waters deeper than the 20 fathom *shallow water protocol* line.

Temporary closures are 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 closure 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 closure extends to the shoreline.