

Friday, August 7, 2020

RESPONSE TO THE ACTION PLAN FOR THE NORTH ATLANTIC RIGHT WHALE (EUBALAENA GLACIALIS) IN CANADA



**Response to the Action Plan for the North Atlantic Right Whale
(*Eubalaena glacialis*) in Canada**
August 7, 2020

Director
SARA Directorate
Department of Fisheries and Oceans Canada

Dear Director,

Thank you for the opportunity to comment on the proposed *Action Plan for the North Atlantic Right Whale (*Eubalaena glacialis*) in Canada* (henceforth referred to as the Action Plan), aimed at recovering this endangered species. Oceana Canada is committed to protecting the critically endangered North Atlantic right whale (NARW), which is a critically endangered species with only about 400 individuals remaining. As you know, several measures have been taken in the last few years to protect North Atlantic right whales outside of the *Species at Risk Act* and in the absence of an Action Plan, by utilizing the *Fisheries Act* and the *Canada Shipping Act*. After careful consideration we've outlined the following recommendations for the Action Plan.

- 1. The Action Plan and its recovery objectives must be updated with the best and latest available science that reflect the current population trend in order to be effective in the recovery of the North Atlantic right whale (NARW).** The recovery objectives outlined in the Action Plan are based on the 2009 Recovery Strategy, meaning that the science is far too outdated to accurately reflect the current and critical state of the NARW distribution and mortality crisis. At the time of the release of the Recovery Strategy, the NARW population was slowly increasing with as many as 500 individuals estimated to be alive in 2010 with a recent record calving year in 2009 with 39 calves born. This positive population trend served as the basis for the recovery objectives. However, in the eleven years since the Recovery Strategy was released, the NARW population has been substantially declined due to human-caused mortality including vessel strikes, entanglements, and low numbers of reproducing females. Today, only about 400 individuals remain. As a result, the IUCN upgraded the NARW status to critically endangered in July 2020.
- 2. The Action Plan must include clear and specific targets for reducing the risk of injury and mortality to NARW from entanglement and ship strikes.** Given that both ship strikes and entanglements have been determined as the cause of death for the majority of the 21 whales found dead in Canadian waters since 2017 (for which a cause of death could be determined), more focus should be placed on preventing these mortalities. A review of the 52 proposed actions revealed that only three actions (#2, #8, and #15) will lead to a direct and measurable decrease in impacts to the right whales. The government must set timelines and commit the necessary resources to the implementation of recovery measures that are outlined in the plan; specifically recovery measures #2 (*Develop and implement fishery management measures to reduce the risk of right whale mortality and serious injury from entanglement in fishing gear*) and #8 (*Develop and implement vessel traffic management*

measures to reduce the risk of Right Whale mortality or serious injury from ship strikes). It is important to include these two critical recovery measures (#2 and #8) in the *Narrative to support the implementation schedule* and to clarify the goals, timelines, strategies, and specific partners required to mitigate these threats and prevent further human-based mortalities.

- 3. Fisheries and Oceans must work collaboratively across all sectors to ensure that research, information, and decisions pertinent to the recovery of right whales are transparently and comprehensively shared with all partners.** This includes intra-government collaboration, such that the Action Plan should include a framework for greater collaboration between Transport Canada (TC) and DFO. The lack of intra-governmental collaboration is exemplified in the Shediac Valley area such that neither government agency has developed management decisions or boundaries for the area, how it will contribute to the recovery of the right whale, or any commitments as to when such decisions and goals will be announced or implemented. Furthermore, DFO must assume more responsibility with implementing and enforcing the proposed actions in the Action Plan, as only seven of the proposed 52 actions are the sole responsibility of DFO at this time. While collaborations with non-governmental organizations (NGOs) are incredibly valuable and lend to the success of their implementation, it is inappropriate for DFO to download its mandated accountability and authority onto NGOs and academia.

In conclusion, the Action Plan should be based on the goal of reversing the downward population trend for NARW until such time that scientists determine that the species can safely be removed from the Species-At-Risk list. Additionally, the management structure needs to move away from reacting to an “annual crisis” and towards a new regime that is based on permanency, certainty, transparency, and adaptability.

We hope that our recommendations will add valued feedback for the final Action Plan and beyond.

Sincerely,



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About Oceana

Oceana Canada was established as an independent charity in 2015 and is part of the largest international advocacy group dedicated solely to ocean conservation. Oceana Canada has successfully campaigned to end the shark fin trade, make rebuilding depleted fish populations the law, improve the way fisheries are managed and protect marine habitat. We work with civil society, academics, fishers, Indigenous Peoples and the federal government to return Canada's formerly vibrant oceans to health and abundance. By restoring Canada's oceans, we can strengthen our communities, reap greater economic and nutritional benefits, and protect our future.