



# Recommendations for the Whalesafe Fishing Gear Strategy

**PRESENTATION TO THE DEPARTMENT OF FISHERIES AND OCEANS CANADA**



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Whalesafe Gear Team  
National Programs, Fisheries Resource Management  
Fisheries and Oceans Canada, Government of Canada  
200 Kent Street  
Ottawa, Ontario K1A 0E6

**RE: Oceana Canada's recommendations to the Canadian Whalesafe Fishing Gear Strategy**

Oceana Canada is an independent charity established to restore Canada's oceans to be as rich, healthy, and abundant as they once were. We are committed to ending overfishing, rebuilding overfished stocks and increasing fisheries management transparency for the benefit of coastal communities, Indigenous Peoples and all who rely on abundant, healthy fisheries. Our campaign to protect critically endangered North Atlantic right whales (NARW) calls for action to reduce ship strikes and entanglements in fishing gear. We support Fisheries and Oceans Canada's (DFO) five-year goal of helping alleviate the impact of fishing gear on whales while ensuring sustainable fisheries can transition to ropeless gear. This transition protects both NARWs and Canada's access to lucrative seafood markets in the United States.

Oceana Canada offers the following recommendations to strengthen the proposed Whalesafe Fishing Gear Strategy (WSFGS):

1. Provide exact dates for the implementation of the strategy.
2. Provide a clear, detailed process of the steps involved for the implementation of objectives.
3. Facilitate transition to whalesafe(r) gear by continuing to fund and support on-demand gear trials and lending libraries.
4. Keep and continually strengthen all existing management measures, closure protocols and gear marking requirements.
5. Make on-demand gear easily accessible and desirable to fish harvesters.

We provide more detail on these recommendations below.

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**1. Provide exact dates for the implementation of the strategy.**

We support the implementation of a pilot area for on-demand fishing by the end of 2025 with an established, long-term on-demand gear only area by the end of 2026. However, it is important that concrete timelines and dates are set to ensure goals are met and instill confidence in the strategy's supporters. By setting a firm date for the implementation of each objective, the strategy will better portray a sense of urgency and allow for progress tracking and timely executions. Delays in government processes are common and hinder the development of important management measures and policies designed to protect Canada's oceans and marine life.<sup>1</sup> The timelines

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<sup>1</sup> Oceana Canada. 2018. The timeliness of scientific information in support of sustainable management of Canada's fisheries and oceans. [https://oceana.ca/wp-content/uploads/sites/24/the\\_timeliness\\_of\\_scientific\\_information\\_final\\_2018nov06.pdf](https://oceana.ca/wp-content/uploads/sites/24/the_timeliness_of_scientific_information_final_2018nov06.pdf)

proposed in this strategy should address the risk of delays and lengthy processes and support the timely implementation of management strategies based on the best available scientific information. We recommend that the next iteration of the strategy stipulates the identified areas of whale co-occurrence for the on-demand pilot area and lays out an initial plan with deadlines for its implementation.

## **2. Provide a clear, detailed process of the steps involved for the implementation of objectives.**

The WSFGS should provide more details on how the five objectives stated in the strategy will be successfully completed and elaborate on the steps and processes involved. Doing so will provide more certainty for all stakeholders involved in this process, especially for the fishing community.

The first objective in the WSFGS “*to incorporate on-demand fishing gear into priority fisheries to protect NARWs in Atlantic Canada and Quebec*”, mentions that the best available science will be used to decide where the on-demand pilot area will be implemented by 2025. The strategy should provide a methodology for how this will be done. We recommend that the pilot area should be based on a threshold of whale aggregations. This could be done using data on whale sightings in Canadian waters dating back to 2017. DFO should consider expanding beyond just one area, for example looking at areas that have been closed to fishing seasonally since 2017 (which also reflects whale aggregations). Transport Canada’s methodology for vessels transiting through “Restricted Areas” within critical right whale habitat is based on DFO closure protocols, which could be used as a pilot area for on-demand fishing. A specified zone in the Gulf of St. Lawrence where many right whales congregate to feed, and the risk of vessel collision is high, is restricted to all vessels larger than 13 metres in length for a defined period of time when 80% or more of the area is closed to fishing. Using these pre-existing methods to achieve a similar goal will reduce implementation time, building off existing work rather than starting from scratch. In addition, an interoperability standard across different gear manufacturers needs to be developed to reduce the risk of gear overlay in the pilot area as well as a plan for how the area will be monitored, supplied, and managed.

To accomplish the second objective in WSFGS “*assess fisheries across Canada to identify fisheries with a high risk of whale interaction and entanglement*”, DFO needs to prioritize continued funding of the ongoing co-occurrence research being done by environmental non-profits, scientists, and DFO Science. Additionally, DFO needs to secure funding to increase right whale aerial surveillance detections, in particular over the Scotian Shelf where surveillance efforts have been lacking for multiple years.

In the fourth objective “*to implement other gear modifications to prevent and alleviate whale entanglement harm*”, a lack of data and mistrust surrounding low-breaking strength (LBS) gear is a concern. The WSFGS should identify the specific fisheries, and areas, that would benefit from LBS and other gear modifications, as well as what type of gear will work best for varying environmental conditions, and fisheries where there have not been sufficient trials to properly assess suitability. We recommend the next iteration of the strategy address these gaps and provide an initial plan for determining how and where LBS gear will be implemented that does not conflict with the concerns



voiced at prior meetings and symposiums (i.e. gear loss and safety)<sup>2,3</sup>, or in previous reports presented to DFO on gear modification trial results from the Canadian Wildlife Federation (CWF). In cases where a fishery is data limited or no low-breaking strength gear trials have occurred, DFO's strategy needs to focus on engaging these fisheries to participate. Engaging fisheries will provide the involvement needed to properly determine where low-breaking strength gear will be implemented.

### **3. Facilitate transition to whalesafe(r) gear by continuing to fund and support on-demand gear trials and lending libraries.**

It is crucial that DFO continues to fund risk assessments to better understand the fishing areas where the threat of entanglements is highest. There should be no implementation of low-breaking strength or on-demand gear in fishing areas without a completed risk assessment and sufficient trials in that fishery.

Continued funding and support for gear lending libraries such as canFISH and ongoing gear trials will be essential to maintaining access to gear in Canada. Doing so will assist fish harvesters by collecting vital data on which gear types work best in which areas. Through the CWF canFISH program, 34 snow crab and lobster harvesters in Atlantic Canada have been supported in closures through the delivery and training of on-demand gear<sup>4</sup>, and through CWF trials, close partnerships with fish harvesters and fishing associations have allowed for data on over 1,000 deployments with up to nine different on-demand systems to be collected.

DFO should continue to host gear summits and symposiums which are important for gathering feedback and allowing groups involved with gear testing to share their results. Through this collaboration, we can collectively forge new paths with the shared goal of co-existence between whales and fishing.

### **4. Keep and continually strengthen all existing management measures, closure protocols and gear marking requirements.**

DFO's structure of fishing closures is imperative to support the transition to on-demand fishing gear. DFO has taken some initial positive steps in requiring mandatory gear marking for non-tended, fixed-gear trap and pot fisheries. Gear marking greatly improves the chances of determining the origins of an entanglement and may be helpful in maintaining compliance with the United States *Marine Mammal Protection Act* requirements on bycatch.

We recommend that the next iteration of the strategy address how DFO is going to continue to keep existing fishery management closure protocols in place to mitigate entanglements and plan to strengthen them. Time-area fishery closures are effective in reducing entanglements to right whales by removing vertical buoy lines from the water column. DFO should remain committed to these

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<sup>2</sup> DFO. 2023. Whalesafe gear trial results symposium – summary report. <https://www.dfo-mpo.gc.ca/species-especies/mammals-mammiferes/whales-baleines/gear-equipement/symposium-eng.html>

<sup>3</sup> FOPO Committee Report. 2023. Protection and coexistence of the North Atlantic right whale in Canada. <https://www.ourcommons.ca/DocumentViewer/en/44-1/FOPO/report-10/>

<sup>4</sup> CanFish Gear Lending Program. 2022. <https://canfishgear.ca/>

measures and transition to a management approach that is **permanent, predictable, transparent, and adaptable**, until right whales are no longer endangered.<sup>5</sup>

#### **5. Make on-demand gear easily accessible and desirable to fish harvesters.**

Currently, the only way for fish harvesters to access whalesafe gear is through a special licencing permit that enables them to set the gear only if their fishing grid cell is impacted by a closure, or as part of a trial or pilot program through licensed organizations (e.g. CWF's ongoing field trial program). This leaves little opportunity for harvesters who have tried whalesafe gear and are open to it to fish commercially using these methods outside of the closures. The early adopters must be rewarded for their time and efforts to better understand the functionality and limitations of on-demand gear, and for their open-mindedness in using new innovative technology to continue fishing in closures. More investment and thought into how to make on-demand gear easily accessible to fish harvesters and removing barriers such as affordability and licensing restrictions should be addressed in the next iteration of the strategy, as well as identifying the incentives that will make fish harvesters want to transition away from their regular fishing practices.

We appreciate the opportunity to provide our recommendations on the Whalesafe Fishing Gear Strategy and look forward to staying engaged in future collaborations and decision-making processes regarding the protection of North Atlantic right whales in Canada.

Sincerely,



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#### **About Oceana Canada**

*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 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. Find out more at [Oceana.ca](http://Oceana.ca).*

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<sup>5</sup> Oceana Canada. 2022. A road to recovery for North Atlantic right whales. [https://oceana.ca/wp-content/uploads/sites/24/Discussion-Paper\\_A-Road-to-Recovery-for-Right-Whales\\_January-2022.pdf](https://oceana.ca/wp-content/uploads/sites/24/Discussion-Paper_A-Road-to-Recovery-for-Right-Whales_January-2022.pdf)