

PROPOSALS TO MODIFY THE MEASURES INCLUDED IN
THE FISHERIES MANAGEMENT MEASURES (2018) FOR RIGHT WHALE PROTECTION
TO MITIGATE SOCIAL AND ECONOMIC IMPACTS

Presented by

Regroupement des Pêcheurs Professionnels du Sud de la Gaspésie

Before

The House of Commons Standing Committee on Fisheries and Oceans
1st November 2018



30 November 2018, Chandler

The Regroupement des pêcheurs professionnels du Sud Gaspésie represents the 153 lobster fishermen of the Gaspe coast. The indigenous bands of Gespeg and Gesgapegiag are associate members. Our territory extends from Cap-Gaspé to Miguasha, approximately 400 km along the Gaspé coast.

The association is a non-profit organisation founded in 1991 under the name of Regroupement des Pêcheurs Professionnels du Sud de la Gaspésie (RPPSG). It represents its members on various advisory committees, within the Federation of Independent Fish Harvesters of Canada and the Canadian Council of Professional Fish Harvesters. The RPPSG defends, protects and develops the economic, social and professional interests of lobster fishermen by advocating the versatility and stabilisation of sustainable fishing activities in a framework of cohabitation with species at risk and the protection of the marine environment.

I. Context

Application of the fisheries management measures to mitigate the mortality risk of right whales in the Gulf of St. Lawrence in 2018 has had an important negative economic impact on 65 lobster fishermen in the Gaspé Peninsula. The closure of dynamic fishing areas forced these fishermen to end their fishing season 18 days before the initially scheduled end date of July 5, 2018.

The management of the Gaspé lobster fishery established since 1985 by DFO is unique in Canada. The fishing areas are divided into small sub-areas. Fishing licenses are issued by sub-areas as defined on the attached map (Document 1). Lobster license holders may only operate in their sub-area.

Furthermore, lobsters in Gaspésie stay very close to the coast. The traps are thrown less than 1/2 nautical mile in shallow waters which is less than one kilometer from the shore.

As part of the fisheries management measures for right whale protection in 2018, the grids selected for dynamic closure areas in the event of the presence of right whales overlap the lobster fishing areas in Gaspésie. On June 17, 2018, following the presence of a right whale 18 km from the coast, the lobster fishery was suspended in the grids covering the coasts of fishing sub-areas 20A4 to 20B2 as indicated in the notice to fishermen attached (document 2). This effectively prohibited 65 lobster license owners from fishing at all.

Following the suspension of the lobster fishery on 17 June 2018, these 65 fishermen lost more than \$ 2.7 million in gross operating revenue.

Although DFO is aware of the general organisation of the lobster fishery in the Gaspé Peninsula, the Department did not take this into account in its current fisheries management measures for

Right Whale Protection or conduct a socio-economic impact assessment for the Gaspé Peninsula and the affected populations in its Right whale Protection Plan 2017.

For these reasons, the RPPSG is proposing changes for 2019 to mitigate the impact of the fisheries management measures for right whale protection.

II. Objectives of proposed new measures to the fisheries management measures for right whale protection.

- Prevent a suspension of lobster fishing in any area in Gaspésie.
- Allow lobster fishing along a coast where the right whale is not present.
- Give lobster fishermen a leading role in the establishment of fisheries management measures to protect the whale.

III. Proposed new measures

Proposed measure 1 : Two guiding principles for the establishment of the 2019 fisheries measures for right whale protection.

- The first principle remains the protection of Atlantic Right Whales
- The second principle is that of cohabitation between the right whale and the populations living off the sea.

Proposed measure 2 : Creation of an operating corridor for lobster fishermen to a maximum depth of 120', gradually bringing the traps towards the coast line and at a lower depth according to the presence of a right whale.

Thus, when a right whale would be seen close to the corridor at a depth between 130' and 71', the traps will be brought towards the coast at a maximum depth of 60'. If a whale enters an area where the depth is between 70' and 40', traps will be brought towards the coast at a maximum depth of 30'. If the whale enters an area of 40' deep or less, fishermen would remove their traps from the water.

Proposed measure 3 : Reduction of closure duration of a dynamic zone to three days in the absence of observation of whales in the area.

The 2017 and 2018 observations show that right whales congregate where the main source of food is in the static closure zone (document 3). Occasionally some whales separate from the group and briefly leave the static closure area. The second level of protection constituted by the dynamic grids areas is then activated to protect the whales leaving the static closure area. On 14 June 2018, the whale observed causing the closure of the lobster fishing areas in Gaspésie was 18 kilometers away from the coastline. During the aerial survey on June 16, the whale had

already left the area to join group located in the static area. However, a 15 days suspension of fishing was decided by DFO on June 17. For a two days presence of a whale 18 kilometers from the coast, lobster fishermen lost fifteen days of fishing.

Proposed measure 4 : Closure of dynamic grids if three right whales are simultaneously present.

According to the Canadian fisheries management measures 2018, a dynamic grid is closed in the event of a presence of a single right whale while the presence of three whales are needed in the United States for the closure of a dynamic grid. The agreement between Canada and the United-States for right whale protection seeks to apply measures in Canadian waters equivalent to US measures and not more stringent ones.

Proposed measure 5 : Reduction of grids' size applied in the closures of the dynamic areas.

Current grid sizes are six nautical miles wide by ten nautical miles long (12 km x 20 km) overlapping the Gaspé coast. When a whale is 18 kilometers off the coast, it causes the closure of any activity located in the 2 km of coastline. It should be noted that the Gaspé lobster fishermen operate in a fishing corridor up to 1 km wide from the coast and therefore cannot endanger a whale that is 17 kilometers from their fishing location.

Proposed measure 6 : Reduction of the number of grids closed following the application of a dynamic closure.

Current measures allow the closure of up to eight dynamic grids adjacent to the one where a whale is, this to give sufficient space to allow the whale to swim freely without any stressors. Put end to end, the closure of dynamic grids represents a very large area closed to any commercial fishing because of the presence of a single whale. The presence of a whale 18 kilometers from the Gaspé coast led to the closure of the lobster fishery over more than 50 kilometers along the coast between Percé and Gascons (20A-4 to 20B-2) (document 4) suspending any fishing opportunity for 65 owner fishermen and 105 aid fishermen.



Lobster Fishing Profile on the Gaspé Peninsula

Joint Presentation by DFO and the RPPSG

Background of the organization

- ✓ The Regroupement des pêcheurs professionnels du sud de la Gaspésie is a non-profit organization founded in 1990
- ✓ Mission: to organize, represent and defend the interests of its members to ensure the sustainable development of the fishery
- ✓ Area covered: 400 kilometres of coastline, from Miguasha (western end of the Baie des Chaleurs) to Mont- Louis (Haute Gaspésie)
- ✓ Number of members: 150, or all the captains-owners
- ✓ Associate members: First Nations communities of Gespeg and Gesgapegiag.

Management of the lobster fishery on the Gaspé Peninsula

- ✓ The lobster fishery has an Integrated Fisheries Management Plan (IFMP)
- ✓ It is recognized as a sustainable fishery by two (2) eco-certifications, namely the Marine Stewardship Council (MSC) and Ocean Wise
 - Each fisher can only fish lobster in the sub-area identified in their licence conditions, which are issued annually. They cannot fish outside this sub-area at any time.

Efforts invested by the industry to support resource conservation

- ✓ Implementation of a minimum legal size between 76 and 82.5 mm
- ✓ Implementation of a maximum legal size of 145 mm
- ✓ Determination of a trap type
- ✓ Reduction of fishing effort by purchasing 48 licences for elimination purposes
- ✓ Reduction of fishing effort by reducing the number of fishing days and traps
- ✓ Marking of egg-bearing lobsters
- ✓ Creation of sub-areas to increase accountability among fishers
- ✓ Stocking program: 250,000 small, stage five lobsters were released in 2018
- ✓ Imposition of selective events

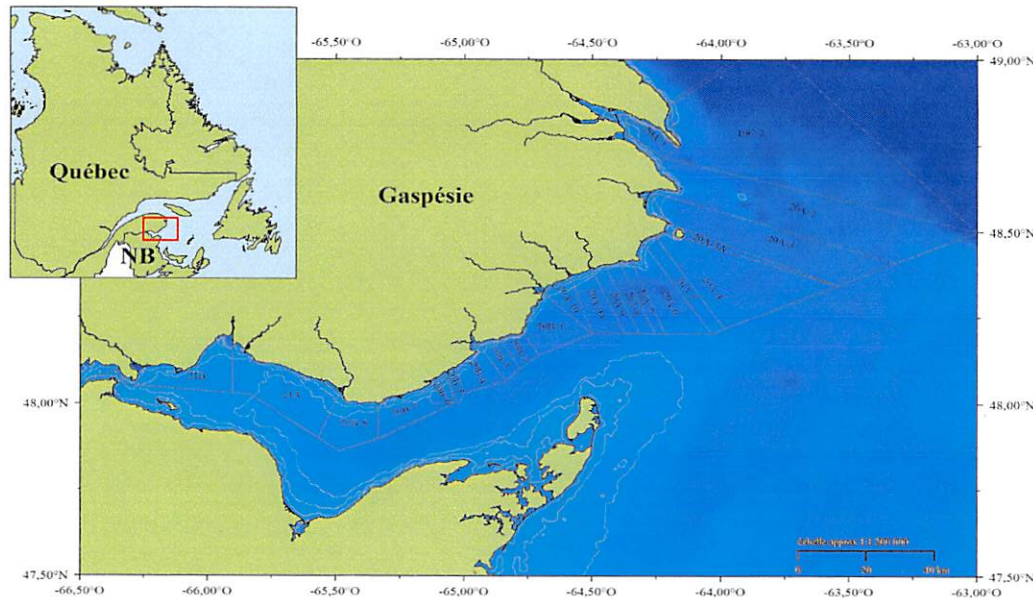
Fishing period and deployment of fishing activity

✓The start of the fishing season can vary based on the area, but the fishing activities in LFA 20, where most licences are located, usually begin in late April and end in early July

- The fishing season lasts 68 days from the opening date.

✓The traps are distributed in a narrow corridor along the coast, at a maximum distance of 1 km from it, where the maximum depth reaches about 30 m at the beginning of the season. As the season progresses, the fishing corridor tightens.

- At the end of the season, 100% of traps are set less than 16 m deep and at a distance of 5 to 150 m from the coast
- Indeed, 80% of them are set less than 6 m deep.



Fishing method

- ✓ The lobster traps are set in the Gaspé Peninsula using two (2) methods based on the type of seabed
 - On a flat, linear bottom, the fisher will set a minimum of six (6) traps on a line with mooring at each end of this line. Most Gaspé Peninsula fishers (70%) use this method
 - On a jaggy, hilly bottom, the fisher will set individual traps with a mooring on each.

Fishing proximity/seabed features

- ✓ In the Gaspé Peninsula, lobster fishing is characterized by its proximity to the coast due to the type of seabed upon which it is performed. (See images 1 to 4)
 - The useable fishing bottoms are located in a thin band that extends along the coast, less than 1 km from it
 - Beyond this distance, the depth increases quickly, and the habitats become less and less favourable to lobster because the beds become sandy and muddy
 - Natural barriers between the species eventually prevent all expansion of the lobster since the snow crab has taken up this habitat.

Characteristics of lobster fishing versus snow crab fishing

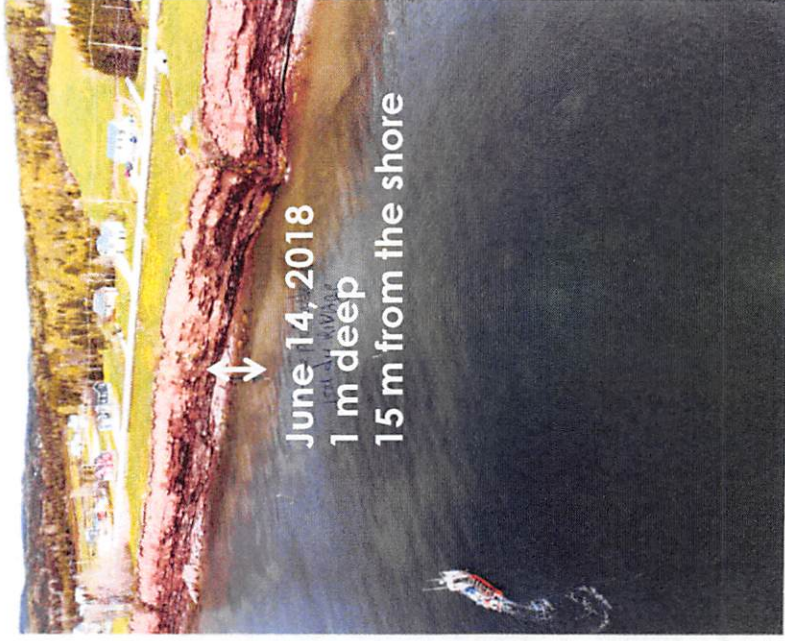
Lobster Fishing

- ✓The fishing is performed along the shore at a depth of less than 30 m
- ✓Traps are mostly set in a series of six (6) or more traps on a single line, which reduces the number of moorings
- ✓The maximum length of the moorings is 40 m with a cable that varies from 5/16" to 3/8" in diameter
- ✓As the season progresses, the fishing corridor becomes narrower
- ✓As the fishing nears the coast, the excess moorings are gathered and attached to the buoy
- ✓The traps are lifted every day with regular, daily monitoring by the fisher and the population in general because the fishing is performed near the coasts.

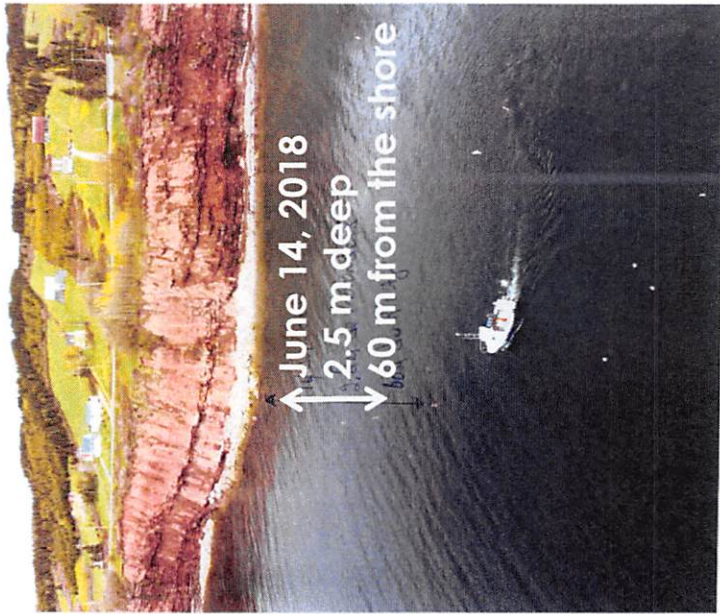
Snow Crab Fishing

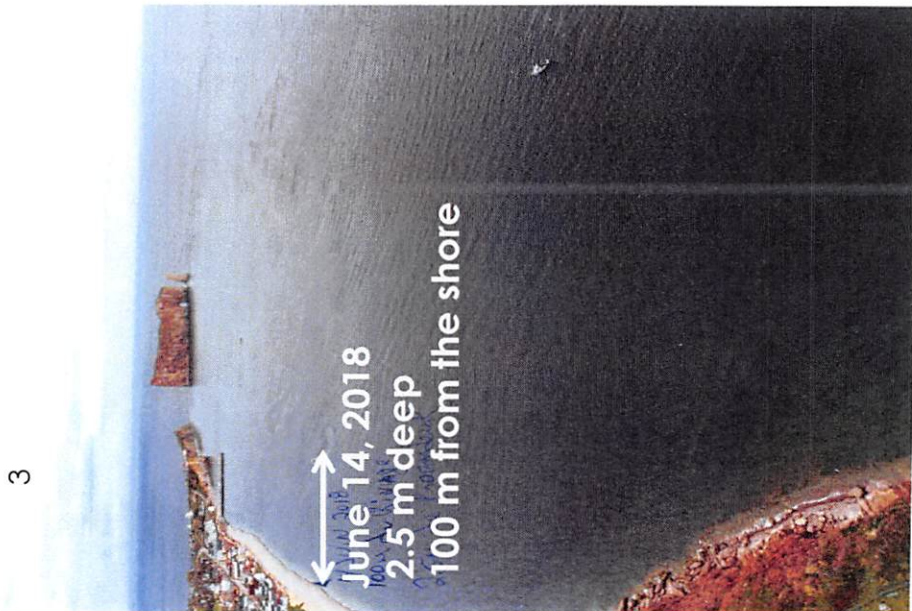
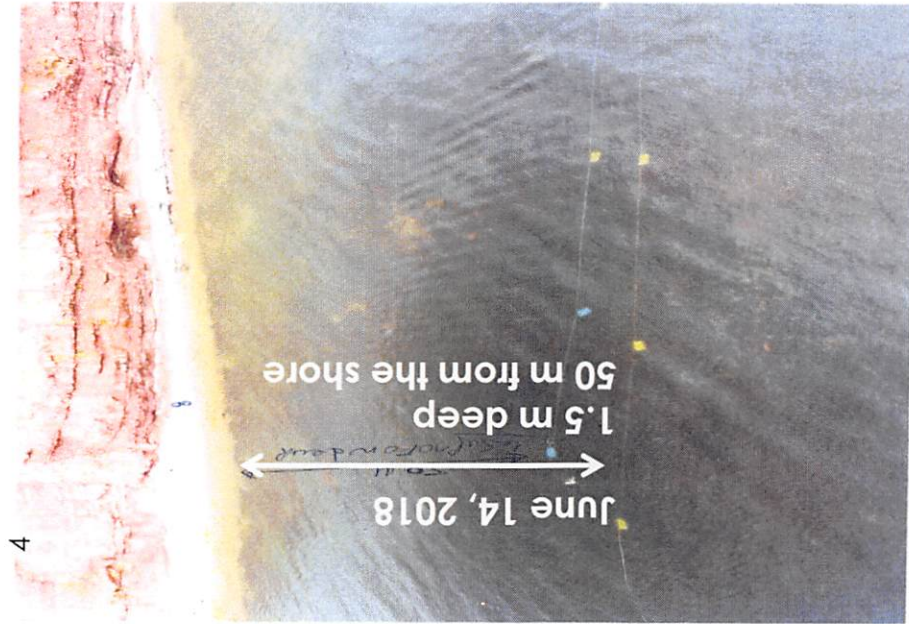
- ✓The fishing takes place over the entire Gulf of St. Lawrence at a depth from 60 to 150 m
- ✓Traps are set individually with their own moorings
- ✓The maximum length of the mooring can reach 220 m with a 3/4"-diameter cable
- ✓The trap distribution pattern remains the same throughout the area and the season
- ✓The length of the moorings does not change because the trap distribution pattern remains the same throughout the entire fishing period
- ✓The traps are lifted every 2-3 days during which time they are not monitored because the fishing is performed far from the coasts.

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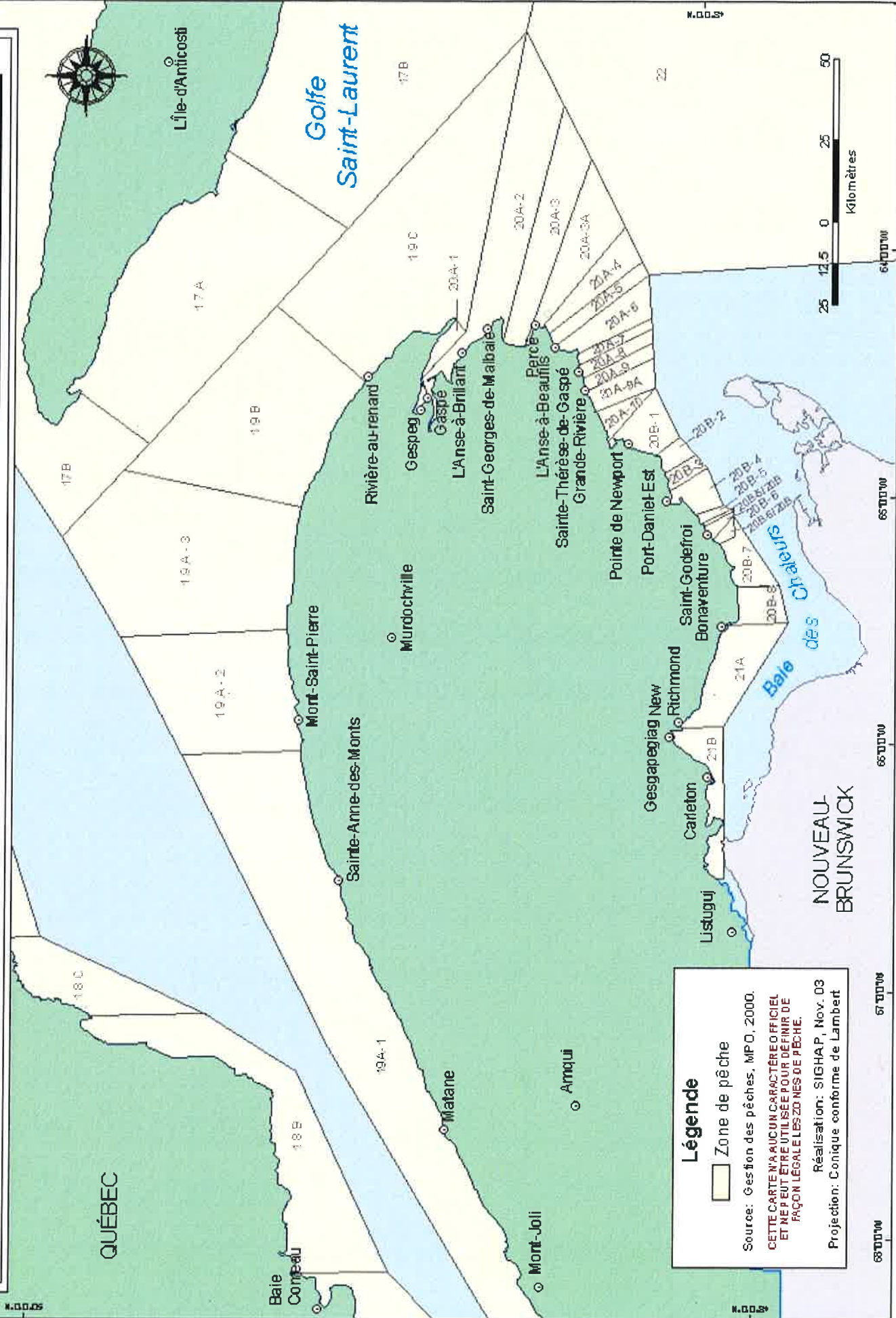




Pêche et Océan
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CARTE DES ZONES DE PÊCHE
FISHING AREAS FOR
HOMARD D'AMÉRIQUE - GASPÉSIE
GASPESE - AMERICAN LOBSTER



Légende
 Zone de pêche

Source: Gestion des pêches, MPO, 2000.
 CETTE CARTE N'A AUCUN CARACTÈRE OFFICIEL
 ET NE PEUT ÊTRE UTILISÉE POUR DÉFINIR DE
 FAÇON LÉGALE LES ZONES DE PÊCHE.

Réalisation: SIGMAP, Nov. 03
 Projection: Conique conforme de Lambert



Notice to Fish Harvesters

June 14, 2018

NOTICE OF FISHERIES CLOSURES : PRESENCE OF NORTH ATLANTIC RIGHT WHALE

Fisheries and Oceans Canada (DFO) – Gulf Region is providing a notice to announce the delay for the fisheries closure of a fishing area initially planned for the June 15th due to the predicted high winds.

The following new grids will be closed: **GV32, GV33, GV34, GV35, GX32, GX33, GX34, GW32, GW33 and GW34** on **June 17, 2018** at **12:00** Atlantic Daylight Time (ADT). Refer to variation orders 2018-040 for crab and 2018-041 for lobster.

Please note that grids GU37 (portion), GU38 (portion), GU39 (portion), GU40 (portion), GV36, GV37, GV38, GV39, GV40 (portion), GW35, GW36, GW37, GW38, GW39, GW40, GW41, GX35, GX36, GX37, GX38, GX39, GX40 and GX41 also remain closed. The closures will remain in effect until further notice. In the event that areas are reopened, DFO will inform industry prior to their reopening.

The closures will be in effect for the following fisheries where the fishing seasons are currently opened: snow crab, toad crab, rock crab, lobster, whelk, Greenland halibut (fixed gear) and winter flounder (fixed gear). Closures will also be in effect for Atlantic halibut (fixed gear) and mackerel (gillnet) when gear is left unattended.

DFO asks licence holders to be vigilant during fishing activities concerning the presence of North Atlantic Right Whales. Furthermore, please be reminded that it is the responsibility of the licence holder to take into account the marine safety notices issued, amongst others, by Environment and Climate Change Canada and Transport Canada, as well as the standards and best practices in marine safety, and to take all measures to ensure safe fishing operations.

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Notice to Fish Harvesters

- 2 -

The coordinates representing the contour of the **new closed** area are listed below:

Points	Positions	
	Lat. North	Long. West
1	48° 30' 00"	64° 13' 51.265"
2	48° 30' 00"	64° 10' 00"
3	48° 20' 00"	64° 10' 00"
4	48° 20' 00"	64° 20' 00"
5	48° 00' 00"	64° 20' 00"
6	48° 00' 00"	64° 50' 00"
7	48° 11' 48.834"	64° 50' 00"

Area enclosed by the coastlines and rhumb lines (similar to straight lines plotted on a nautical chart) joining the points listed above in the order they are listed. Point references are based on the geodesic system North American Datum 1983 (NAD83). Positions are expressed in degrees, minutes and seconds.

The coordinates representing the contour of the **closed area (in red)** are listed below:

Points	Position	
	Lat. North	Long. West
1	48°30' 00"	64°13' 51.216"
2	48°30' 00"	64°00' 00"
3	48°38' 20.210"	64°00' 00"
4	48°40' 00"	63°56' 36.259"
5	48°40' 00"	63°50' 9.780"
6	48°28' 56.345"	63°20' 00"
7	48°20' 00"	63°20' 00"
8	48°20' 00"	63°10' 00"
9	48°00' 00"	63°10' 00"
10	48°00' 00"	64°50' 00"
11	48°11' 48.843"	64°50' 00"

Area enclosed by the coastlines and rhumb lines (similar to straight lines plotted on a nautical chart) joining the points listed above in the order they are listed. Point references are based on the geodesic system North American Datum 1983 (NAD83). Positions are expressed in degrees, minutes and seconds.

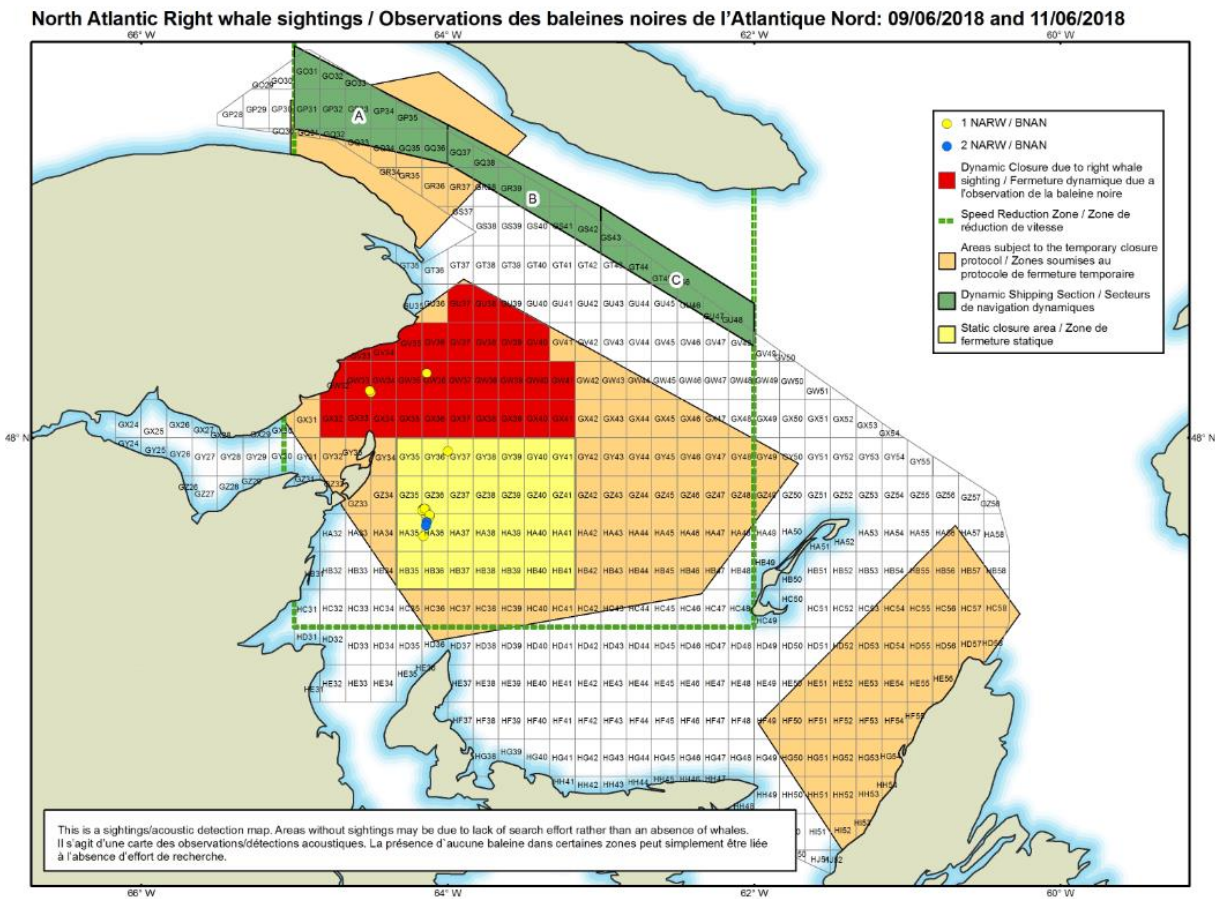
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Notice to Fish Harvesters

- 3 -

Map identifying the grid closures in the Southern Gulf of St. Lawrence due to the presence of NARW.



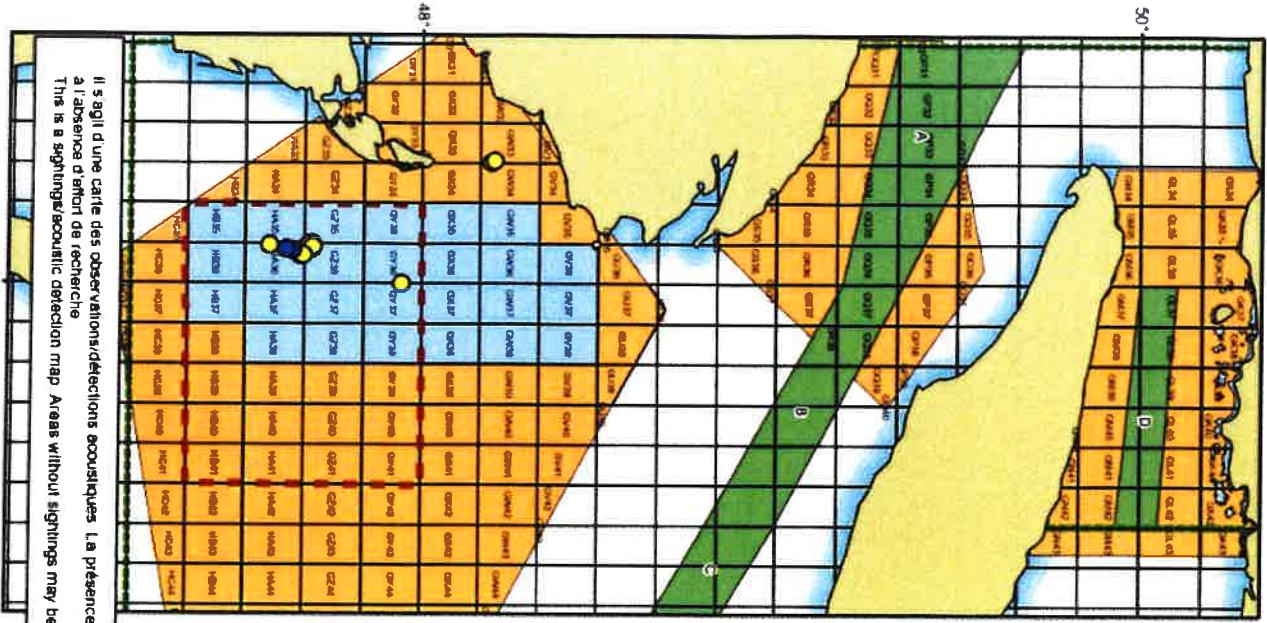
Prepared by Marine Fish and Mammals Section, Fisheries and Ecosystem Science, Fisheries and Oceans Canada | Préparé par Section des poissons et mammifères marins, Sciences halieutiques et écosystémiques, Pêches et Océans Canada
Last Update: | Dernière mise à jour: 11/06/2018

For more information:

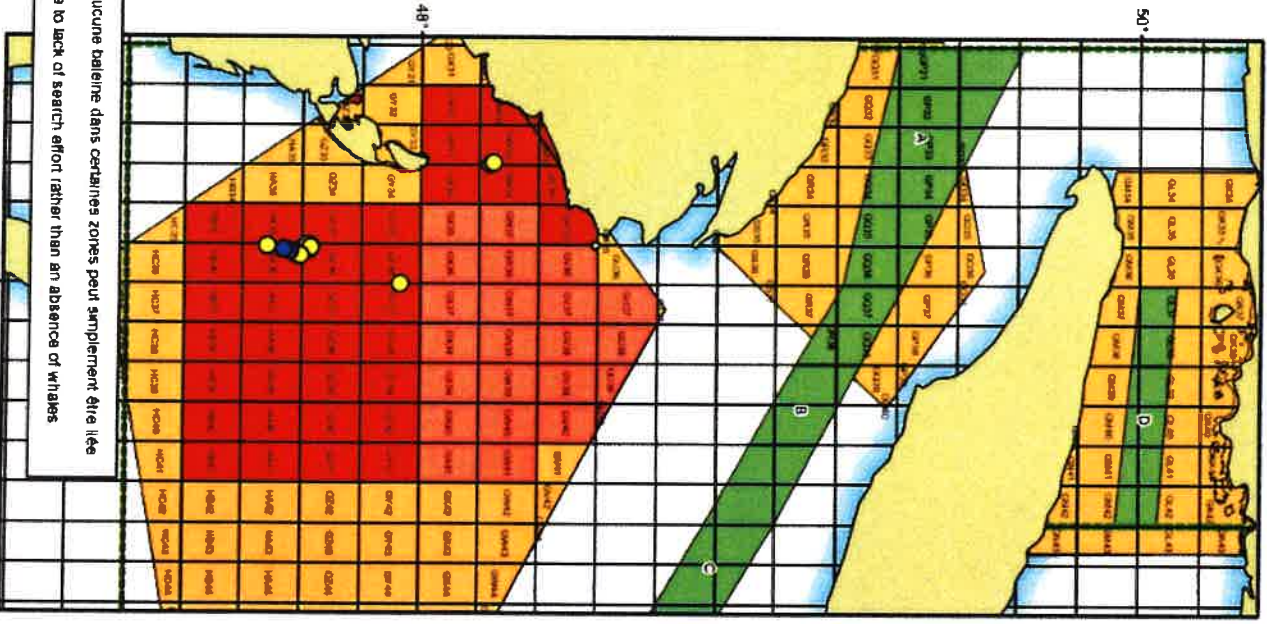
Regular updates and maps indicating sightings will be posted at the following address:
<http://dfo-mpo.gc.ca/species-especes/mammals-mammiferes/narightwhale-baleinenoirean/alert-alerte/index-eng.html>.

Observation des baleines noires de l'Atlantique Nord / North Atlantic Right Whale Sightings : Fermeture du 17 juin / Closure of June 17

Protocole sans zone statique + 3 individus / Protocol without static zone + 3 individuals



Protocole actuel avec une zone statique + 1 individu / Actual protocol with the static zone and 1 individual



Il s'agit d'une carte des observations/détections acoustiques. La présence d'aucune baleine dans certaines zones peut simplement être liée à l'absence d'effort de recherche
This is a sightings/acoustic detection map. Areas without sightings may be due to lack of search effort rather than an absence of whales

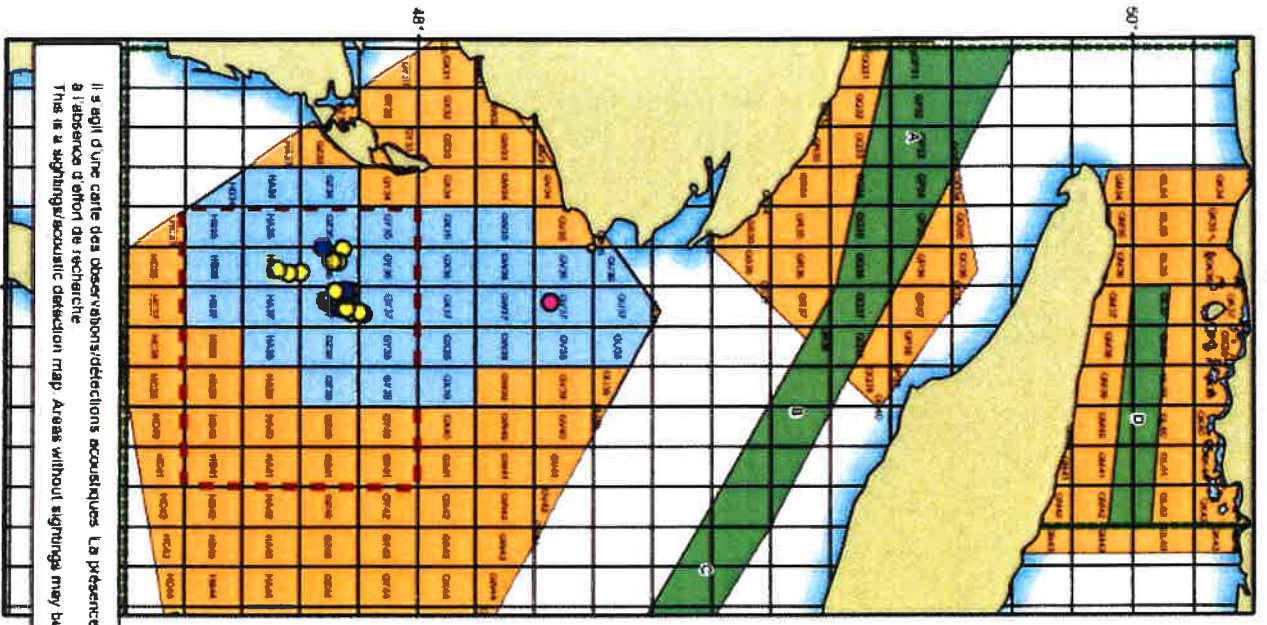
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- Zones déjà fermées / Areas already closed
- Fermeture dynamique due à l'observation de la baleine noire / Dynamic closure due to right whale sighting
- Zones déjà fermées / Areas already closed
- Zone de fermeture de pêche statique / Static fishing closure area
- Secteurs de navigation dynamiques / Dynamic Shipping Section
- Zone de fermeture de pêche statique / Static fishing closure area
- Zones soumises au protocole de fermeture temporaire de la pêche / Areas subject to the temporary fishing closure protocol
- Zone de réduction de vitesse / Speed Reduction Zone

**17 juin /
June 17**

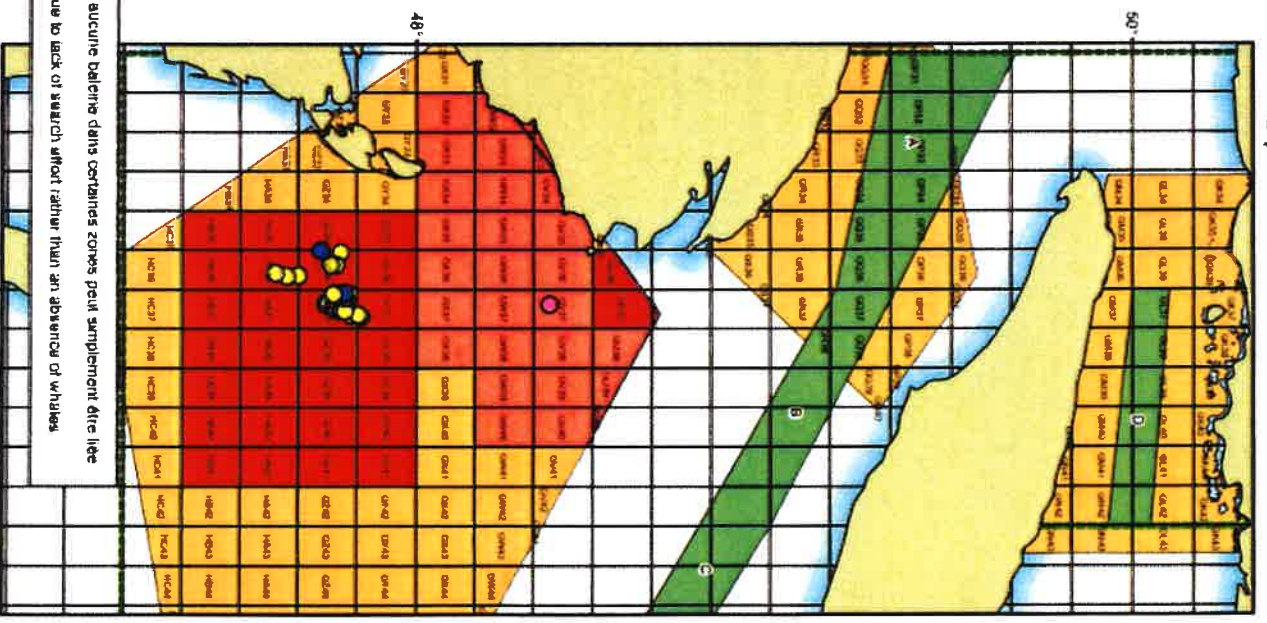
Observation des baleines noires de l'Atlantique Nord / North Atlantic Right Whale Sightings : Fermeture du 21 juin / Closure of June 21

Protocole sans zone statque + 3 individu / Protocol without static zone + 3 individual



Il s'agit d'une carte des observations/détections acoustiques. La présence d'aucune baleine dans certaines zones peut simplement être liée à l'absence d'effort de recherche. There is a sighting/acoustic detection map. Areas without sightings may be due to lack of search effort rather than an absence of whales.

Protocole actuel avec une zone statque + 1 individu / Actual protocole with the static zone and 1 individual



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- 1 BNAN / NAWR
- 2 BNAN / NAWR
- 3 BNAN / NAWR
- 6 BNAN / NAWR
- Zones déjà fermées / Areas already closed
- Fermeture dynamique due à l'observation de la baleine noire / Dynamic closure due to right whale sighting
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- Zone de réduction de vitesse / Speed Reduction Zone

21 juin / June 21

Présence de baleine du Rq fin ou 2 juillet 2018

