

MANAGEMENT ACTION PLAN-PROGRESS REPORT
CESD - 2018 Fall Reports – Report 2 – Protecting Marine Mammals

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| <p>2.27 Fisheries and Oceans Canada, working with its partners, should implement the recovery measures identified in its action plans within the established time frames to reduce the threats to endangered and threatened marine mammals posed by commercial fishing and marine traffic. The Department should also report on the effectiveness of these measures five years after the approval of the action plans.</p> | <p>Fisheries and Oceans Canada will work to the extent feasible, within the confines of partner willingness and available resources, to implement the recovery measures identified in Species at Risk action plans to reduce the threats faced by marine mammals from commercial fishing activities and marine vessels. Efforts will be made to implement actions consistent with timeframes established in the action plans. These action plans will be revisited in the event that it is not possible for the Department to implement or commit to the measures.</p> <p>Reporting on the progress of implementation of recovery actions will occur five years after approval of the action plan as required under the Species at Risk Act. This report will include an evaluation of the effectiveness of the implemented measures towards reducing the threats associated with commercial fishing activities and marine vessels and advancing recovery of the populations, where data to support such an evaluation is available. Given the long generation time of most marine mammals and the need for ongoing monitoring and new scientific information in order to assess effectiveness, demonstrating progress on effectiveness of actions could, in many cases, require timeframes longer than five years.</p> | <p>Fisheries and Oceans Canada is reviewing the outstanding recovery measures related to reducing threats from commercial fishing and marine traffic identified in the available Action Plans for the threatened and endangered marine mammal species included in the report.</p> <p>A plan identifying these measures and how they may be implemented is under development with a completion date of December 2019.</p> | <p>Assistant Deputy Minister, Aquatic Ecosystems</p> |

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| <p>2.42 Fisheries and Oceans Canada, Parks Canada, and Environment and Climate Change Canada, with participation from Transport Canada, should work together to:</p> <ul style="list-style-type: none"> • Consider and document marine mammal protection when planning and establishing marine protected areas; and, • Develop an approach for reducing threats to marine mammals posed by commercial fishing and marine traffic in marine protected areas, when managing these activities collaboratively. | <p>The departments will build on existing programs and policies and continue to collaborate to implement measures to reduce threats and protect marine mammals. The departments and agency note that achieving protection of marine mammals in Canada requires action and support across all sectors, all government levels, and Indigenous Peoples.</p> <p>DFO is committed to protecting and conserving Canada's oceans, including significant ecological species such as marine mammals and their habitats. DFO will collaborate on implementing measures to protect marine mammals, including threat reduction through developing networks of marine protected areas and other effective area-based conservation measures. These networks will include Marine Protected Areas (MPAs) established under the <i>Oceans Act</i> and marine refuges established under the <i>Fisheries Act</i>, as well as other departments' conservation tools.</p> <p>When marine mammals are identified as an ecologically and biologically significant component in Areas of Interest (AOI) for proposed designation as an <i>Oceans Act</i> MPA, they will be included in the conservation objectives developed for the AOI. Also, the design of the <i>Oceans Act</i> MPA (boundaries and allowed or prohibited activities) will focus on their protection.</p> | <p>The Marine Protected Areas (MPA) Fisheries Management Working Group has developed Principles for Fisheries Management in federal MPAs, which are currently in approvals.</p> <p>A work plan has been developed for the work required to develop guidelines and procedure for fisheries management in MPAs, as well as for the review of decisions in existing MPAs.</p> | <p>Assistant Deputy Minister, Aquatic Ecosystems</p> |

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| <p>2.56 Fisheries and Oceans Canada should implement the Policy on Managing Bycatch and ensure that integrated fisheries management plans include the following:</p> <ul style="list-style-type: none"> • A description of potential interactions with all marine mammals, including but not limited to entanglement, bycatch, and reduced prey availability; • Specific measures that would reduce potential marine mammal interactions with commercial fishing; • Measures to be applied in licence conditions to reduce the effects of commercial fishing on marine mammals; and, • A regular assessment of the effectiveness of implemented measures. | <p>DFO is committed to protecting and conserving marine mammals in Canadian fisheries* waters. Building on its existing programs and policies, DFO will continue its work to update IFMPs with the appropriate information such as the specific protection measures including gear modifications, dynamic closures of fishing areas, and mandatory reporting of lost gear. These measures were announced by the Government of Canada in March 2018, and put in place in time for 2018 fishing seasons. These measures were also included in 2018 management plans. To support the implementation of Sustainable Fisheries Framework policies such as the policy on Managing Bycatch, the government made significant investments in Budget 2017 which are enabling an accelerated pace of implementation.</p> <p>* The term “fisheries” has been added to the Departmental response post-tabling to clarify that Canada’s legal authority to protect marine mammals is not limited to the territorial sea of Canada (12 nautical miles) but extends to the entirety of Canada’s Exclusive Economic Zone.</p> | <p>The Integrated Marine Mammal Management Plan for species in the Pacific Region with a focus on the Southern Resident Killer Whale, as well as an Integrated Marine Mammal Management Plan for North Atlantic Right Whales, is still in development. The plan will include a guide to the conservation and management measures for marine mammals and increased coordination and collaboration across departments.</p> <p>DFO had consulted with other departments, the fishing industry and science to develop and update mitigation measures for the 2019 season that protect marine wildlife while ensuring the sustainability of Canadian fisheries.</p> <p>The suite of measures and initiatives in place for 2019 in Atlantic Canada and Quebec remains focused on preventing vessel strikes and entanglement. This includes:</p> <p><u>Season-long closure area in Atlantic Canada and Quebec</u></p> <ul style="list-style-type: none"> • A season-long area closure (referred to as the static zone) for snow crab and lobster fisheries (and all other non-tended fixed-gear fishing) will be in | <p>Assistant Deputy Minister, Fisheries and Harbour Management Sector</p> |

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| | | <p>place effective April 28, 2019 in the Gulf of St. Lawrence;</p> <ul style="list-style-type: none"> The 2019 season-long closure has been adjusted to cover the highest concentration of whales observed during the peak of the fishing season in 2018. While the area for 2019 is a different size and shape (about 63% smaller and more elongated North-to-South than in 2018), the overall protection area remains the same. Any area no longer captured by the season-long closure now falls within the area where temporary closures can occur; <p><u>Temporary closure areas in Atlantic Canada and Quebec when right whales are present</u></p> <ul style="list-style-type: none"> The areas subject to temporary closures (referred to as the dynamic zone) are subject to automatic closure protocols for non-tended fixed gear fisheries in six areas in Atlantic Canada and Quebec – including two critical habitats in the Roseway and Grand Manan Basins; If one or more right whales are observed in these areas, a defined area around the geographic position of the whale sighted will be closed for 15 | |

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| | | <p>days. Closures could extend beyond 15 days if whales remain in the area;</p> <ul style="list-style-type: none"> • Outside of designated season-long and temporary closure areas, closures will be considered on a case-by-case basis, with special consideration for sightings of 3 or more whales, or a mother and calf pair; <p><u>Provisions for waters shallower than 20 fathoms</u></p> <ul style="list-style-type: none"> • For 2019, snow crab and lobster fisheries (and all other non-tended fixed-gear fisheries) conducted in waters less than 20 fathoms in depth will be subject to temporary closures only if a right whale is observed in those waters; • If one or more right whales are seen in waters between 10 and 20 fathoms in depth, a temporary closure would be put in place between 10 and 20 fathoms. Harvesters would then be required to move gear close to shore but would be allowed to continue to fish in areas less than 10 fathoms deep; • If one or more right whales are seen in waters less than 10 fathoms deep, a temporary closure would apply to the | |

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| | | <p>defined area around the sighting, regardless of depth, and would effectively close the area to the shoreline;</p> <p><u>Effective tracking of rope and buoys</u></p> <ul style="list-style-type: none"> • Sequentially marked buoys and fishery-specific gear-marking, aiming to phase in mandatory gear marking for all fixed-gear fisheries by 2020; <p><u>Mandatory reporting for lost gear</u></p> <ul style="list-style-type: none"> • Licence holders in all fixed-gear fisheries will be required to report lost gear; <p><u>Mandatory reporting of interactions between vessels or fishing gear and marine mammals</u></p> <ul style="list-style-type: none"> • Any accidental contact between marine mammals and a vessel or fishing gear must be reported; <p><u>Exploring new fishing technologies and methods</u></p> <ul style="list-style-type: none"> • Supporting industry trials of “whale safe” gear technologies that minimize or eliminate the risk of entanglement to | |

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| | | <p>whales and evaluating pilot projects using scientific expertise;</p> <ul style="list-style-type: none"> • Hosting a Gear Innovation Summit later in 2019, which will include a stream focused on technological solutions to mitigate ghost gear; <p><u>Continued monitoring and reporting</u></p> <ul style="list-style-type: none"> • A variety of tools to detect whales visually and acoustically, including aircraft and vessel surveillance, as well as detection through hydrophones and glider technologies; • Multiple agencies working together to detect right whales, share data, and monitor active fishing areas (including closed areas); • Conducting scientific research to better understand whales and predict their whereabouts; and, • Maintaining science survey efforts with an emphasis on areas not yet adequately surveyed with the purpose of improving knowledge on right whale distribution in Canadian fisheries waters. Additional deployment of passive acoustic devices will also allow for data to be collected that will help in | |

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| | | <p>this regard. Also, DFO will continue its work on prey availability and factors affecting it.</p> | |
| <p>2.71 Fisheries and Oceans Canada, including the Canadian Coast Guard, in collaboration with Transport Canada and Environment and Climate Change Canada, should implement measures that will protect marine mammals from the threats posed by marine vessels. The Departments should also periodically evaluate the measures' effectiveness.</p> | <p>Fisheries and Oceans Canada will continue to work cooperatively with our partners, including Transport Canada and Environment and Climate Change Canada, to review, assess and recommend the implementation of measures to address threats posed by marine vessels to marine mammals. Fisheries and Oceans Canada plays an important role in the evaluation of measures to determine the sufficiency and efficacy of measures to address threats from marine vessels for the protection of marine mammals. Fisheries and Oceans Canada will continue to build on Government of Canada investments in the Oceans Protection Plan including measures to reduce impacts to marine mammals from marine vessels. The Canadian Coast Guard will continue to work cooperatively within the parameters of its mandate to support measures to address threats from marine vessels for the protection of marine mammals.</p> | <p>Fisheries and Oceans Canada is working collaboratively with Transport Canada and Environment and Climate Change Canada in implementing measures to protect marine mammals from threats posed by marine vessels.</p> <p>Fisheries and Oceans Canada has reviewed outstanding Species at Risk recovery measures related to reducing threats from marine vessels identified in the available Action Plans for the threatened and endangered marine mammal species included in the report. DFO's role in the implementation of feasible outstanding measures will be identified in the plan it is developing. (See Recommendation 2.27) The anticipated completion date for this plan is December 2019.</p> <p>Fisheries and Oceans Canada, Transport Canada, Environment and Climate Change and Parks Canada Agency, in collaboration with the Indigenous and Multi-stakeholder Advisory Group (IMAG) for Southern Resident Killer Whale have established five Technical Working Groups (TWGs) to advise the Government of Canada on</p> | <p>Assistant Deputy Minister, Aquatic Ecosystems</p> |

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| | | <p>recommendations and decisions on measures to be implemented for Southern Resident Killer Whale conservation in 2019. The Technical Working Groups include those on: Prey Availability, Sanctuaries, Commercial Vessel Noise, General Vessel Noise and Contaminants. A package of recommendations will be provided to the Ministers in April 2019 for consideration and implementation in May when the Southern Resident Killer Whale are expected to increase their presence in Canadian fisheries waters of the Salish Sea area.</p> <p>In addition to the input from the Technical Working Groups and feedback from the Indigenous and Multi-stakeholder Advisory Group, responsible federal departments are undertaking broader consultation and engagement with Indigenous Groups (bilateral), Stakeholders, coastal communities, and the public on what was heard from each of the technical working groups.</p> | |
| <p>2.82 Fisheries and Oceans Canada should:</p> <ul style="list-style-type: none"> • Develop a national approach for responding to | <p>While DFO agrees in principle with the recommendation, it does not fully reflect the significant increases in funding and program modernization which, as noted in the audit, occurred during the final year of the audit period (i.e. up to June 1st 2018). In March 2018 the government</p> | <p>Under the investments of the Whales Initiative, a dedicated national program was developed to respond to distressed marine mammals in Canadian fisheries waters. This program includes hubs of expertise for the Atlantic and the Pacific regions. These</p> | <p>Assistant Deputy Minister, Fisheries and Harbour Management</p> |

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| <p>distressed marine mammals;</p> <ul style="list-style-type: none"> • Clarify the roles and responsibilities, including leadership, for delivering the Marine Mammal Response Program; • Review the current response capacity and training needs in each region; and, • Develop a consistent report mechanism. | <p>announced \$1 million in annual ongoing funding to support third-party responder groups in doing their critical work. In addition, on November 16, 2016 the government announced a \$1.5 billion investment in the Oceans Protection Plan from which \$4.5 million in separate funds had been set aside over three years (\$1.5 million for 2018-19, \$1.5 million for 2019-20, and \$1.5 million for 2020-21) to support new capacity of third-party responder groups to respond to incidents when they occur. This will include money for equipment and training for existing and new partners.</p> <p>Further, through collaboration and consultation with international experts including the Canadian third-party responder groups, a national protocol for response was developed in 2017 with clearly defined roles and responsibilities and reporting requirements. These approaches have been developed in a manner that provides national coherence while recognizing the unique geographic differences on the coasts, the specific entanglement and animal involved, and responder expertise. Implementation of these measures began in 2017 and is well underway.</p> <p>Fisheries and Oceans Canada has also significantly invested in the training of its fishery officers since 2009 in order for them to support experts in a safe and timely manner when responding to marine mammal incidents. Under the Oceans Protection Plan, Fisheries and Oceans Canada received an additional \$1 million starting in fiscal year 2017/18 to further train and equip its officers. A training curriculum has been established based on advice</p> | <p>hubs will help deliver national standards, identify best practices, consistency in response and long-term planning for marine mammal response in Canada. They will also support regional staff and coordinate protocols and procedures.</p> <p>DFO has held preliminary discussions with identified disentanglement experts to discuss the establishment of a national large whale disentanglement advisory committee, training programs and minimum standards, expertise, criteria for future candidates to become expert disentangles in Canada, etc. Collaboration with Canadian experts on national and regional training programs and the expert advisory panel will continue in 2019, in particular now that long-term operational capacity support has been established for Canada's responders.</p> <p>DFO met with Marine Mammals Response Program (MMRP) partners in March 2018 and discussed funding and capacity development needs for the 2018 season. DFO and partners had a follow up meeting in the fall of 2018 to discuss outcomes of the 2018 funds, lessons learned, adjustments needed, and identified capacity-building needs for next fiscal and funding available.</p> | |

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| | <p>received from international experts. Procedures are also in place to guide their work during operations.</p> | <p>Contribution Agreements were finalized with over \$1 million in funding going to marine mammal response partners for immediate capacity in 2018. Further, multi-year financial arrangements, e.g. contracts, are being pursued to provide stable support to response partners with an emphasis on large whale incidents. These financial arrangements will start in the 2019-2020 fiscal year and will be the mechanism to fulfill the obligation of \$1 million for response operations. These organizations deliver call centers, coordinate and deliver a range of marine mammal responses, with select groups delivering responses to large whales in distress. The Department receives quarterly reports from partners on response incidents, which are used to develop quarterly and annual reports.</p> <p>The Department will also be engaging partners, Indigenous groups and other stakeholders on 2019 capacity needs and opportunities, with Departmental funding available of approximately \$1 million. Capacity building funding proposal priorities include developing capacity within current response organizations, developing capacity within new appropriate organizations and increasing Indigenous participation in marine mammal response, while focusing</p> | |

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| | | <p>first on large whale response and second on <i>Species At Risk Act</i> (SARA)-listed species.</p> <p>DFO formed an Atlantic Necropsy Working Group to provide support to resource management regarding the scientific merit of conducting a necropsy to guide resources once incidents occur. The decision-making framework developed by this group supports Resource Management decision-making regarding the dissemination of the National Necropsy Fund under the Marine Mammal Response Program (MMRP).</p> <p>Through the newly established hubs, the Department is reviewing and verifying that information on reporting incidents involving marine mammals is up to date and communicated publicly on the MMRP Marine Mammal and Sea Turtle Website.</p> <p>DFO is working to establish a Large Whale Disentanglement Advisory Committee to determine succession planning and training standards, as well as establishing a disentangler evaluation and recognition process.</p> <p>Conservation and Protection (C&P) has a support role within the MMRP and as such has taken action to ensure that fishery</p> | |

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| | | <p>officers are able to effectively and safely respond to marine animal incidents, as detailed in C&P's Marine Animal Incident Response standard operating procedures</p> <p>Procurement and strategic distribution of marine mammal response tools includes re-floatation rescue pontoons, satellite tags for entangled whales, dry suits, helmets, and disentanglement knife kits. By end of fiscal year, we will have a total of 21 sets of whale re-floatation pontoons, 26 disentanglement knife kits, and 35 satellite tags/telemetry buoys to track and relocate entangled whales.</p> <p>C&P is also on track to meet the March 2019 target of having 100% of coastal detachments that include a fishery officer with training and equipment for marine mammal response</p> <p>In 2018-2019, fishery officers spent over 9,342 hours across the country supporting response to marine animal incidents and dedicated over 828 hours of air surveillance to whales (as of January 10, 2019).</p> | |