

North Atlantic Right Whale Stakeholder Workshop

February 24-25, 2022

Meeting Summary

Introduction and purpose

On February 24 and 25, 2022, the Canadian Wildlife Federation hosted the third North Atlantic Right Whale (NARW) Stakeholder workshop in Halifax, Nova Scotia. Across the two days, a total of 115 participants (listed at the end of this report) attended in-person or online via Zoom.

The purpose of this meeting was to continue discussions on the conservation of right whales, and the impacts of those efforts on the fishing and shipping industries. The goal was to improve the group's collective knowledge of the NARW situation, and to discuss industry efforts to mitigate risk of entanglements and ship strikes.

As always, all participants were welcome and encouraged to contribute questions, comments, and ideas. This workshop featured presentations from academic, NGO, and fishing industry members, as we sought a well-balanced discussion on the state of right whales and other whale species, and the associated risks due to human activities. The possibilities and challenges with upcoming gear modification management measures were also discussed.

Updates and discussion

Day 1:

1. Right Whale Updates (Sean Brilliant, CWF)
 - Right whale numbers continue to decline. The new population estimate is 336 individuals as of the end of 2020. There were two mortalities in 2021, and three new live entanglements (including one in the Gulf of St. Lawrence). At the time of the meeting 14 calves had been born during the 2021-2022 calving season, this number has since increased to 15.
2. Right Whale Reproduction (Tim Frasier, SMU)
 - In order to determine what a “good” calving year or a “bad” calving year is, we should compare number of calves each year to the unhindered reproductive potential of the species rather than comparing relative number of calves from year to year. By this metric we have never seen a “good” calving year.
 - Sexually mature female right whales are capable of reproducing every 3 years, but many do not give birth at all, and those that do are reproducing at much longer interbirth intervals.
 - The explanation for the reproductive problem is likely multifaceted (food quality/availability, genetics, chemicals, stress) and not well understood; therefore, not solely caused by any specific activity (e.g. fishing or shipping).

3. Gear Modification Trials I (Jean Côté, RPPSG)

- Weak sleeves and weighted groundline were tested in LFAs 19, 20, 21.
 - Sleeves did not significantly interfere with fishing. By the end of the season, 1/3 of sleeves could be used again next year. Most breakage occurred in rocky areas and on larger boats.
 - Floating groundline did not exceed 3 m elevation, in comparison the floating line with a ½ lb weight divided into 2-3 sections kept the line <1 m from bottom.
- The same gear tested in other areas had very different results.
 - In southwest Nova Scotia all sleeves broke after 2 hauls, likely due to the tides, and sinking groundline chafed in the sediment.
- There was concern that we should not bother with sinking groundline if the US is not getting credit for it despite using it for years, and there is little evidence it reduces entanglement rates. As of now there is no plan for implementing sinking groundline in Canada.
- Gear modifications must be clearly defined, enforceable, and must not lead to additional rope and gear in the water.
- Many agree it is hard to invest money in experimental modifications since they are always changing. The proposed CWF gear lending program was discussed as a way intended to address to this problem.

4. On-demand Gear & Gear Modification Trials (Elizabeth Vézina, CWF)

- CWF will start a gear lending program which will freely distribute gear modifications and on-demand gear to fish harvesters to trial in their fisheries.
- Evidence from trials will be used to determine suitability or non-suitability of gear modifications and on-demand gear for different fisheries and fishing areas.
- ACA/APPCA have plans to do more trialling with on-demand gear and gear mods in the coming season.
- Testing with on-demand gear will also take place in the Gaspésie by M-Expertise Marine using the same framework as CWF. Collaboration between groups is important.

5. Gear Modification Trials II (Jordan MacDougall, Area 19 Snow Crab Association)

- Weak rope, weak sleeves, time-tension line cutters (TTL), and spring releases were trialed in 2021.
 - 100% weak rope endlines and weak sleeve inserts were not durable enough for this fishery.
 - The TTL was the preferred option as it interfered least with regular fishing practices. The TTL was also preferred over weak sleeves in LFA 41 testing.
- 52 of 54 hauls measured with a load cell sensor during the commercial snow crab in season exceeded 1700 lbf. It was discussed that using gear modifications designed to break at 1700 lbf will not work in this fishery.
- There was concern that gear modifications will lead to increased lost/ghost gear, and that retrieval programs are not adequately supported (some do not have access to coordinates for lost gear, for example).

6. General Discussions on Ghost Gear and alternative measures to protect NARW

- Current issues surrounding ghost gear retrieval include the legality of collecting gear that is not your own in versus out of season, transporting gear to holding facilities, administrative work, bureaucracy, and complicated apps/e-logs for data entry.
- LFA 34 has proposed to legislate a maximum groundline diameter of 9/16" rope, Grand Manan have maximum groundline length rules, and Grand Manan and PEI lobster fisheries have minimum trawl length requirements.
- These alternative measures to protect NARW should be considered when discussing risk reduction apart from gear modifications.

Day 2:

1. Whale Incidents in Atlantic Canada (Tonya Wimmer, MARS)

- Reported incident data was collected over 15 years from three major marine mammal response hotlines across Atlantic Canada. There were 3,136 reported incidents, 69% involving dead animals, and 31% involving live-distressed animals.
- "If we don't look, we don't know" – It is difficult to determine the true cause of death without examining carcasses internally, and not knowing can lead to assumptions and finger pointing. Mortalities cannot be attributed to any industry without clear evidence from a necropsy (animal autopsy).
- Only 6% of 2,264 dead animals were necropsied because of cost, time, and resource demands. Of 525 incidents involving large whales in the Gulf of St. Lawrence, only 14 were necropsied, 13 of which were right whales. This means there is a massive amount of data missing on other species. We cannot know if the risk reduction efforts from NARW are displacing risk onto another species without monitoring the entire situation.
- Potential Biological Removal (PBR) is a US measure indicating the number of animals that can be removed from the population without impacting the species. However, just because this indicates an *allowable* harm doesn't mean we *should* do harm. PBR numbers can instead be used to determine the status of a species, but to do so we need to be proactive about collecting accurate data for these animals so we have the early warning signs and can prevent other species from becoming as critically endangered as NARW.

2. Fisheries Management Updates (Sean Brilliant, CWF)

- 2022 Canadian fisheries measures have not been announced
- The Canadian report for MMPA comparability was submitted to the US in November 2021 with a decision on this comparability expected in Fall 2022.
- Monterey Bay Seafood Watch, one of the largest seafood sustainability rating systems, proposed to red-list (i.e., 'do not buy') all US and Canadian pot/trap fisheries.
 - DFO and NGOs are responding to this proposal on behalf of our fisheries to outline the extensive risk mitigation efforts undertaken by the industry.
- US fisheries measures come into effect on May 1, 2022 include new restricted areas (pushing for use of on-demand gear in those areas), minimum traps per trawl, weak inserts (low breaking strength devices), and improved gear marking systems.
- Many issues were expressed on the imposed gear marking system and lack of regulation of manufacturers selling marked gear. Concerns were primarily surrounding the risk of rope

being sold with one area's markings to be used in another area, as well as a lack of clarity on marked gear disposal (i.e. unmarking is not required if using rope for another purpose).

3. Shipping Updates (Sean Brilliant, CWF)

- Management rules for shipping have not yet been announced.
- There is much effort to communicate with mariners and ensure they are aware of the speed restrictions. It is expected that improved communication will increase compliance.
- Euronav, a large tanker company, has announced that all voluntary whale management measures will become mandatory for its fleet.

4. Risk Reduction Evaluation: Updates and Preliminary Analysis (Alex Cole, CWF)

- First attempt was made to quantify entanglement risk in Atlantic Canada to right whales, and the relative risk reduction value of fisheries management measures (time-area closures). Currently this only considers the southern GSL snow crab fishery (CFAs 12, 12E, 12F and 19), but will be expanded to all fixed-gear fisheries. A report of this assessment will be released in the near future to allow a more complete evaluation of the methods. Additionally, CWF is interested in presenting this work in detail to interested fish harvesters and fishing associations.
- On average, the annual closures (2018-2021) removed 61.3% of the relative entanglement risk (based on 10% lost gear) to right whales during the southern GSL snow crab fishing season, when compared to fishing with no whale protective measures. Based on 5% lost gear, the relative risk reduction changes to 64.9%.
- There was no significant difference in the risk removed by the different annual closure protocols (e.g., static closure vs. seasonal closures).
- "Closing an area is not managing an area" – There is a need to examine the effectiveness of the seasonal closures at encompassing expected whale aggregations.
- Fishers are reducing bycatch by implementing their own unmandated measures, such as sinking endlines. All efforts used by fishers to reduce risk to marine species should be noted.
- There was concern that 1700 lbf breaking strength endlines may prevent fishers from going to collect their gear when a closure is announced if the weather is bad.
- Early season starts dates are an unrealistic risk mitigation tool, as ice coverage is too variable from year to year. Need to find the balance between closures and allowing fishing.

Conclusion

This workshop provided a collaborative space for diverse stakeholders to discuss important topics regarding NARW regulations. Participants acknowledged that the thoughts shared at this workshop were valuable and served as an open platform to connect industry members and the research community to NARW research and conservation. CWF uses the knowledge presented at this workshop to inform our communications with government about NARW regulations.

Several requests and action items for future meetings were widely supported by participants. These include the following:

1. Increased attendance and participation of Transport Canada and shipping industry representatives.
2. Conservation & Protection officers should be present at future meetings.
3. There is a need for an online repository of resources and reports of industry trials with gear modifications.
4. Focus groups with stakeholders should be organized to discuss risk reduction work, and the detailed report should be shared once available.
5. Consider increasing public awareness of these meetings to showcase the collaborative work being done by diverse groups for right whales.
6. There is a need for further discussions on how to refine closure protocols that includes the use of seasonal closures and whale behaviour.
7. There is a need to examine how often whales are resighted within seasonal closures.

Following the workshop, all participants were provided with the presentation slides, links and documents shared on Zoom during the workshop, and the published studies referred to during presentations and throughout the day. A survey was also provided following the workshop to gather feedback and suggestions from participants on the content, structure, and delivery. Results indicated the large majority of participants were satisfied with the event, were comfortable participating in the discussion and wished to participate in a future workshop. In terms of suggestions, many expressed the need for more participation from Transport Canada and the Shipping Industry so that future workshops can have more well-rounded conversation surrounding the issue and to minimize “finger-pointing” to a given industry. There was also a desire to hear a greater variety of industry presentations and speakers, and more whale and science updates. We plan to continue with the two-day format on an annual basis, and incorporate all feedback received from the survey into the next workshop.