



## Marine Mammal Bulletin

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# Protecting Canada's Marine Mammals

## Proposed Regulatory Amendments

### Introduction

Fisheries and Oceans Canada (DFO) is responsible for the conservation and protection of Canada's marine resources, including marine mammals. Regulations, policies, management plans and education programs are the tools of protection.

Human interactions with marine mammals in their environment are increasing. Growing eco-tourism industries, recreational boating activities, and other maritime industries have the potential to impact the survival and conservation of many marine mammal populations.

To protect Canada's marine mammals, regulations that provide protection from non-consumptive human activities on the land, sea and in the air that may disturb or harm marine mammals are required.

#### **DFO is proposing to amend the existing Marine Mammal Regulations (MMR) of the *Fisheries Act*.**

Amending the MMR will ensure that all Canadians clearly understand their responsibilities with regard to protecting marine mammals and that DFO has the tools to fulfil its mandate.

This bulletin has been prepared to solicit your input into the amended regulations that will protect Canada's marine mammals for generations to come.

Outlined in this document are several options for you to participate in this process.

**Goal**  
*To set in place a contemporary management framework designed to address the non-consumptive use and protection of marine mammals in Canada*

### Background

#### **Species**

Marine mammals are found coast to coast to coast in the Arctic, Atlantic and Pacific Oceans that surround our beautiful nation. Even some freshwater habitats are home to marine mammals. Marine mammals are culturally, socially, economically and ecologically important to many communities across Canada.

There are more than 30 species of cetaceans, or whales, dolphins and porpoises, residing in or frequenting our waters, including the beluga, killer, bowhead, right, humpback and grey whale.

A dozen species of pinnipeds inhabit Canadian waters. The true seals are widely distributed on all three coasts. Examples include the large herds of harp seals that whelp on pack ice off Newfoundland and in the Gulf of St. Lawrence, the ice-dwelling ringed seals of the arctic, and the ubiquitous harbour seals throughout temperate coastal waters. Walrus occur in the eastern arctic, and sea lions and northern fur seals off the west coast.

Sea otters are another species of marine mammals that, after facing extirpation, were re-introduced and can be found in increasing numbers on the Pacific Coast.

#### **Management**

Management of marine mammals is about managing human activities -- consumptive and non-consumptive-- that have the potential to impact the animals, their habitat and the ecosystem that they depend on.

Regulations, policies and resource management plans are developed to direct the management and enforcement that will ensure the protection and sustainability of marine mammals.

#### **Science**

Conservation of marine mammals and protection of their habitat requires a sound scientific basis. Understanding the biology of marine mammals and how

they relate to their environment is crucial to developing effective management and enforcement programs that will ensure the conservation and protection of Canada's marine mammals.

DFO scientists conduct stock assessments to determine and monitor the status of populations. Research is undertaken to develop a better understanding of their biology, habitat and prey requirements, and potential threats such as toxic contaminants and human activities.

With the introduction of the *Species at Risk Act*, science plays a key role in assessing the vulnerability of marine mammal populations and, where necessary, developing recovery plans.

DFO scientists work in close collaboration with universities, non-governmental organizations, naturalists, and other members of the marine mammal research community.

## Why Amend the MMR ?

Marine Mammal viewing in Canada is becoming an increasingly popular activity. In some areas, well-meaning enthusiasts may be unintentionally disturbing wild marine mammals by keeping them away from their preferred habitats or interfering with their important normal daily activities such as nursing and feeding.

The existing *Marine Mammal Regulations* prohibit the disturbance of marine mammals (whales, seals and sea otters). However, they are too general and do not inform the public about behaviours that are unacceptable when viewing marine mammals in their natural environment.

Other human non-consumptive activities may also impact marine mammals. For instance, acoustic harassment devices or excessive engine noise may interfere with the ability to locate prey or communicate with other members of the population. Marine mammals may

also be at risk from ship strikes, entanglement in fishing gear and displacement from their preferred habitat.

DFO invited Dr. Jon Lien, a respected whale researcher from Memorial University in Newfoundland,

to prepare a report that reviews the effects of whale watching activities on the important normal activities (life processes) of marine mammals. Dr. Lien concluded that there is evidence that the presence of whale watching vessels changes the behaviour of targeted animals. These disruptions may interrupt or prevent the animals from completing important life process, threatening survival. Dr Lien concluded his report by offering several recommendations on how to manage whale watching in Canada, including the management and/or regulation of marine mammal viewing.

Dr. Lien's report is now published (*Lien, J. 2001. The Conservation Basis for the Regulation of Whale Watching in Canada by the Department of Fisheries and Oceans: A Precautionary Approach. Canadian Technical Report of Fisheries and Aquatic Sciences 2363*), and is available online at:

<http://www.dfo-mpo.gc.ca/Library/259973.pdf>

Many of Canada's marine mammals are officially listed as threatened or

endangered by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). To ensure recovery, it is crucial that management strategies, regulations, public education and stewardship programs to protect these vulnerable populations are in place.



New research programs are underway around the world studying the effect that non-consumptive human activities have on marine mammals.

While specific evidence for each situation, species and location is not always available, it is clear that to

protect marine mammals, more prescriptive laws are required.

DFO's goal is to develop, and present for public discussion,

possible amendments to the *Marine Mammal Regulations* that will ensure that important life processes of marine mammals are protected and assure public safety. This would provide the public, researchers and businesses the opportunity to view and study marine mammals in their natural environment without negatively affecting these populations.

### What are marine mammal life processes?

To survive a marine mammal must rest, forage, feed, communicate and socialize with its group, mate and care for young. (*Lien, 2001*).

### What is a disturbance?

Disturbance can be broadly defined as an activity that alters, disrupts or prevents a marine mammal from carrying out its normal life processes.

### Marine Mammal Viewing Facts

- In 1998, the number of people who took a whale watching excursion in Canada surpassed one million, placing direct revenues at about \$50 million.
- In BC in 1998, approximately 285,000 whale watchers generated direct revenues of approximately \$14 million.
- There are more than 164 charter and cruise operators offering wildlife viewing in BC.
- In 2001, the M3 program observed an average of 18 vessels (commercial and private) around whales at any time in the Victoria/Haro Strait area from dawn to dusk.
- Up to 50 vessels actively viewing whales have been observed in the Victoria/Haro Strait area at any one time.

# What Changes to the Marine Mammal Regulations Are Being Considered?

Proposed changes to the marine mammal regulations will cover a variety of activities that take place in and around marine mammals and their habitats.

Because marine mammal viewing is a directed non-consumptive activity with the potential to disrupt a marine mammals' life processes, it is proposed that the amended regulations will focus on appropriate and safe marine mammal viewing. Across the country, eco-tourism operators and stewardship groups have been developing marine mammal viewing guidelines, and codes of ethics or best practices. DFO would like to build on these positive efforts to develop regulations and measures that govern marine mammal viewing.

Marine mammal viewing is not the only disturbance that marine mammals face. Other activities such as research, rescue and rehabilitation programs have great potential to help us study and protect marine mammals; and, therefore, some disturbance is justified. DFO is responsible for ensuring that these activities are conducted in a manner that does not endanger the individual animals or the population. Careful review of proposals to ensure that the impacts are justified, and do not compromise conservation objectives, will allow for prudent permitting of these activities.

Reporting animals that are injured, entangled or stranded is essential in evaluating the appropriateness of rescue activities and initiating a response. Regulations that require the reporting of these incidents, as well as a permitting requirement for groups that



conduct these activities are being considered.

In the box below are the concepts that would form the basis for amended regulations.

Important questions that DFO would like to discuss with you include:

- What specific regulations are required?
- Have we identified all the activities that are likely to impact marine mammals?
- Are they understandable and enforceable?
- Will the proposed amendments protect marine mammals adequately?
- How will these changes affect you?

## Proposed Regulatory Concepts

### *General Prohibitions*

- Prohibiting the disturbance of marine mammals' life processes
- Prohibiting feeding, touching, swimming with, and moving marine mammals

### *Marine Mammal Viewing*

- Approach distances
- Vessel operation and numbers around marine mammals
- Licensing of commercial eco-tourism operators

### *Rescue, Reporting & Rehabilitation*

- Mandatory reporting of collisions, injured and entangled marine mammals
- Clearer permitting requirements for rescue and rehabilitation efforts

### *Research and Education*

- Clearer permitting requirements for invasive and non-invasive research activities
- Permitting of film makers and media activities that contravene other regulations

# What is the process for consultation?

There are several ways in which your expertise, knowledge, experience and opinions can be heard.

## **Website**

DFO has established a website where you can obtain more information about this initiative, review proposals, answer questions and provide comment.

## **Community Meetings**

DFO will be hosting community meetings and forums as outlined in the box on

this page. You are welcome to attend and participate.

## **Correspond**

A list of DFO contacts is provided on the following page. Please feel free to send a letter or email if you have comments, questions or concerns.

## **For more information**

Please contact the DFO Marine Mammal Coordinator or your local Marine Mammal Contact listed on page 5.

## ***Who will the proposed amended regulations affect?***

Generally speaking, the proposed amended marine mammal regulations will apply to anyone who interacts with marine mammals directly or indirectly or affects the habitat in which these animals live.

While everyone is responsible for ensuring the conservation and protection of marine mammals, there are certain groups, sectors or industries that may be more directly affected, including:

### **Eco-tourism businesses:**

In many areas, eco-tourism on the sea, land or from the air is a full time activity for many businesses when marine mammals are present. Regulations on the viewing of marine mammals may change the way these businesses conduct their operations. Licensing of these operators may be considered to ensure that non-consumptive exploitation is done in a sustainable manner.

### **Recreational boaters:**

Recreational boaters may engage in viewing marine mammals as an opportunity presents itself, or actively seek out this experience. All boaters will be required to be in compliance with regulations.

### **Researchers, NGO's and Media:**

Researchers, NGO's and the media will be expected to comply with viewing /interaction regulations. Under justified circumstances, a special permit may be issued for contravention of the regulations.

### **Other mariners:**

Knowing how to operate a vessel safely around marine mammals would be a responsibility of all mariners who chance upon or seek to interact with these animals. Provisions to report sick, injured, entangled or stranded marine mammals would also be the responsibility of all mariners.

## How to Participate

### **Internet:**

Visit us online to find our discussion document, workbook and feedback form.

<http://www-comm.pac.dfo-mpo.gc.ca/pages/consultations/marinemammals/default.htm>

### **Write to us:**

Fisheries & Oceans Canada  
Marine Mammal Program  
200-401 Burrard Street  
Vancouver, BC  
Canada V6C 3S4

### **Attend a Community Meeting:**

#### **North Coast**

Date: February 3, 2003  
Time: 6-9 pm  
Location: TBD

#### **Queen Charlotte Islands**

Date: January 22, 2003  
Time: 6-9 pm  
Location: Community Hall, Queen Charlotte City

#### **Central Coast**

Date: January 08, 2003  
Time: 6-9 pm  
Location: Hideaway Inn  
Port McNeil

#### **Tofino/Ucluelet**

Date: Jan 23, 2003  
Time: 1-5pm  
Location: 351 Arnet Street, Tofino, B.C.

#### **Victoria**

Date: January 29, 2003  
Time: 6-9 pm  
Location: Institute of Ocean Sciences,  
9860 West Saanich Road, Sidney

#### **Vancouver**

Date: February 11, 2003  
Time: 6-9pm  
Location: Vancouver Aquarium  
Stanley Park, Vancouver

*For more information on these meetings see our Website or call one of the contacts on page 5.*

# How can you protect Marine Mammals now?

The process of consultation and the establishment of amended regulations will take time. Protecting marine mammals and their environment must occur immediately. How can all Canadians participate in protecting marine mammals now?

## Guidelines

Through the efforts of eco-tourism operators, stewardships groups and government, marine mammal viewing guidelines have been formally or informally established in many areas. In British Columbia waters, DFO has officially endorsed a set of viewing guidelines aimed at protecting marine mammals. Visit our Pacific Region website or contact a local DFO office to learn more. [www.dfo-mpo.gc.ca/pages.marine\\_mammals](http://www.dfo-mpo.gc.ca/pages.marine_mammals)

## Stewardship

Stewardship programs such as the Marine Mammal Monitoring Program (M3) in Victoria and the Straitwatch program in Johnstone Strait (Telegraph Cove) are on the water providing education about guidelines and monitoring the activities of marine mammal viewers. You can help marine mammals by learning more or becoming involved.

- Marine Mammal Monitoring Program (M3) [www.salishsea.ca](http://www.salishsea.ca)
- Straitwatch [www.straitwatch.ca](http://www.straitwatch.ca)



## Sightings Network

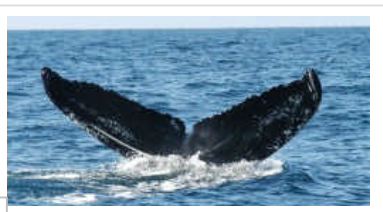
In British Columbia, the BC Cetacean Sightings Network has been established as a partnership between the Vancouver Aquarium Marine Science Centre and DFO. Boaters are encouraged to report cetacean (dolphin, whale and porpoise) sightings via their website or through their logbook program. This information will help researchers understand more about important cetacean life processes and their critical habitats.

- BC Cetacean Sightings Network [www.wildwhales.org](http://www.wildwhales.org)

## Robson Bight (Michael Bigg) Ecological Reserve

BC Parks is responsible for the protection of important killer whale habitat in Robson Bight (Michael Bigg) Ecological Reserve. BC Parks, together with the Johnstone Strait Killer Whale Interpretative Centre, is working to encourage boaters to avoid this sensitive habitat and promote public education and stewardship

- BC Parks [http://wlapwww.gov.bc.ca/bcparks/eco\\_reserve/robsonb\\_er.htm](http://wlapwww.gov.bc.ca/bcparks/eco_reserve/robsonb_er.htm)
- Johnstone Strait Killer Whale Interpretative Centre



Fisheries and Oceans Canada thanks you for your interest in this important initiative.

**Marilyn Joyce**  
Marine Mammal Coordinator  
Pacific Region

## Who to Contact

For more information

### Pacific Region

#### Marine Mammal Coordinator

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## MARINE MAMMAL REGULATORY AMENDMENT CONSULTATION

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