

## A2 MARINE MAMMAL GUIDELINES AND MARINE PROTECTED AREAS

### 5 General Guidelines for Aquatic Species at Risk and Important Marine Mammal Areas

The Federal Department of Fisheries and Oceans Canada is responsible for ensuring the protection and conservation of listed aquatic species at risk (including listed marine mammals and sea turtles), and for protecting the identified critical habitat of any species listed under the *Species at Risk Act* (SARA) as Endangered, Threatened or Extirpated (if a recovery strategy has recommended its reintroduction into the wild in Canada). Under s. 32 of SARA, it is an offence to kill, harm, harass, capture, or take individuals of a species at risk listed as extirpated, endangered or threatened. The Minister of Fisheries and Oceans may issue a permit authorizing a person to engage in activity that would otherwise contravene s. 32, but can only do so under certain specific circumstances. Similarly, pursuant to s. 58(5) (a) of SARA, the critical habitat of listed species at risk must be legally protected. Individuals who contravene the provisions of SARA may be found guilty of an offence and liable for a fine or penalty pursuant to s. 97 of SARA.

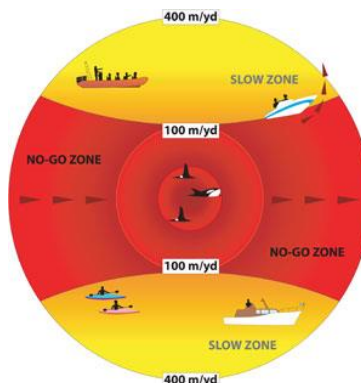
The *Marine Mammals Regulations* under the *Fisheries Act* prohibit any form of disturbance to marine mammals except when fishing for them under the authority of those Regulations. Disturbance includes, among other things, any intentional or negligent act resulting in disruption of their normal behavior. Disturbing cetaceans (whales, porpoises, dolphins, seals and sea otters) may cause them injury or harm and interfere with their natural behaviors, including feeding and socializing. Individuals who contravene the *Marine Mammal Regulations* may be found guilty of an offence and liable for penalty pursuant to s. 78 of the *Fisheries Act*. Careful adherence to the following guidelines will reduce the likelihood of disturbance.

#### General Guidelines when in the Vicinity of Marine Mammals

\*In addition to the following general guidelines, some species such as the Killer Whale have special protection in Canadian and U.S. waters. Be sure to educate yourself about new protections, including regulations with specific distances and detailed recommendations by carefully reviewing the requirements outlined in the region or species below that applies to you.

1. BE AWARE: To view the most current information on the critical habitat of aquatic species at risk, visit: <http://open.canada.ca/data/en/ramp/ramp?keys=db177a8c-5d7d-49eb-8290-31e6a45d786c> or <http://www.dfo-mpo.gc.ca/species-especes/fpp-ppp/index-eng.htm>. For marine protected areas, visit: <http://open.canada.ca/data/en/ramp/ramp?keys=a1e18963-25dd-4219-a33f-1a38c4971250>.
2. BE CAUTIOUS and COURTEOUS: Approach areas of known or suspected marine wildlife activity with extreme caution. Look in all directions before planning your approach or departure.
3. SLOW DOWN: Reduce speed to less than 7 knots when within 400 metres/yards (0.215 nautical miles) of the nearest marine mammal. Avoid abrupt course changes.

#### Distance Requirements when around Marine Mammals



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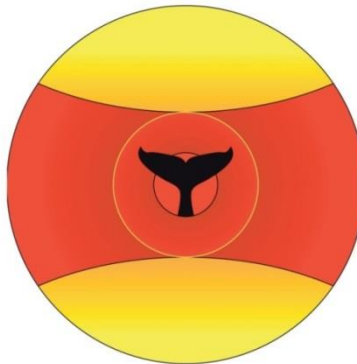
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4. DO NOT APPROACH or position your vessel closer than 100 metres/yards (0.054 nautical miles) to any marine mammal.\* Please note: some species require greater minimum distances - please refer to individual species' needs in this Notice to Mariners.
5. If you are sailing in an area known to be frequented by marine mammals and the vessel has an auxiliary motor, let the motor idle or turn on the echo sounder to signal your presence.
6. If you are operating a small, motorized vessel in an area known to be frequented by marine mammals, turn on your echo sounder to signal your presence.
7. KEEP CLEAR of the marine mammal's path. If they are approaching you, cautiously move out of the way.
8. DO NOT APPROACH from the front or from behind. Always approach and depart from the side, moving in a direction parallel to the direction of the marine mammal.
9. DO NOT swim with, touch or feed marine wildlife.
10. DO NOT pursue, hunt, chase, follow, lure (bait), disperse, drive through, herd or encircle marine mammals.
11. Should dolphins or porpoises choose to ride the bow wave of your vessel, avoid a sudden course change. Hold course and speed, or reduce speed gradually.
12. Marine mammals may approach vessels; if they do, slow down, put the engine in neutral if it is safe to do so, and allow the marine mammals to pass. Be wary of any individual that appears tame, and keep clear of tail flukes. Wait until you are more than 400 metres (0.215 nautical miles) away before slowly resuming speed.
13. STAY on the OFFSHORE side of the marine mammals when they are traveling close to shore.
14. LIMIT your viewing time to a recommended maximum of 30 minutes. This will minimize the cumulative impact of many vessels and give consideration to other viewers.
15. REPORT any collisions with marine mammals, or sightings of entangled, injured or dead marine mammals to the Department of Fisheries and Oceans via the regional whale/marine mammal emergency hotlines or Coast Guard radio channels.

**Commercial Whale Watching Flag (only used in some regions)**

If a commercial whale watching vessel is flying a Whale Target flag (see below), the vessel is in the presence of whales. Please slow down and proceed with caution. Respect the general cetacean guidelines mentioned above.

**Commercial Whale Watching Flag Emblem**



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**ATLANTIC REGION**

**North Atlantic Right Whale Critical Habitats**

Species Status: Endangered

Threats: Collision with vessels, entanglement with fishing gear.

Characteristics of the North Atlantic Right Whale: V-shaped blow, no dorsal fin, deeply notched flukes, callosities (growths on the head).

Report any collisions with whales, entangled whales or dead whales to the whale emergency hotline (1-866-567-6277), VHF channel 16, or Fundy Traffic VHF channel 14. Report any sightings of right whales, including location, date, and photos to [XMARwhalesightings@dfo-mpo.gc.ca](mailto:XMARwhalesightings@dfo-mpo.gc.ca).

**Grand Manan Basin Critical Habitat**

Guidelines (June - December):

- Vessels should avoid passage through this area if possible. Avoidance is the most effective means to eliminate or reduce acoustic disturbances and vessel collisions. A small portion of the Grand Manan critical habitat area overlaps with the outbound lane of the Bay of Fundy Traffic Separation Scheme and special precautions should be taken in this area.
- If passage through this area is required, decrease vessel speed to 10 knots or less and post a look-out to increase the likelihood of sighting and avoiding marine mammals. Increased caution must be exercised in conditions of reduced visibility, such as rain, fog, rough sea state, or at night. Be aware that marine mammals often travel in small groups dispersed over an area of several miles. Maneuver around marine mammals with caution (see general guidelines). Do not assume the whales will move out of the way.

**Roseway Basin Critical Habitat and IMO-ADOPTED Area to Be Avoided (ATBA)**

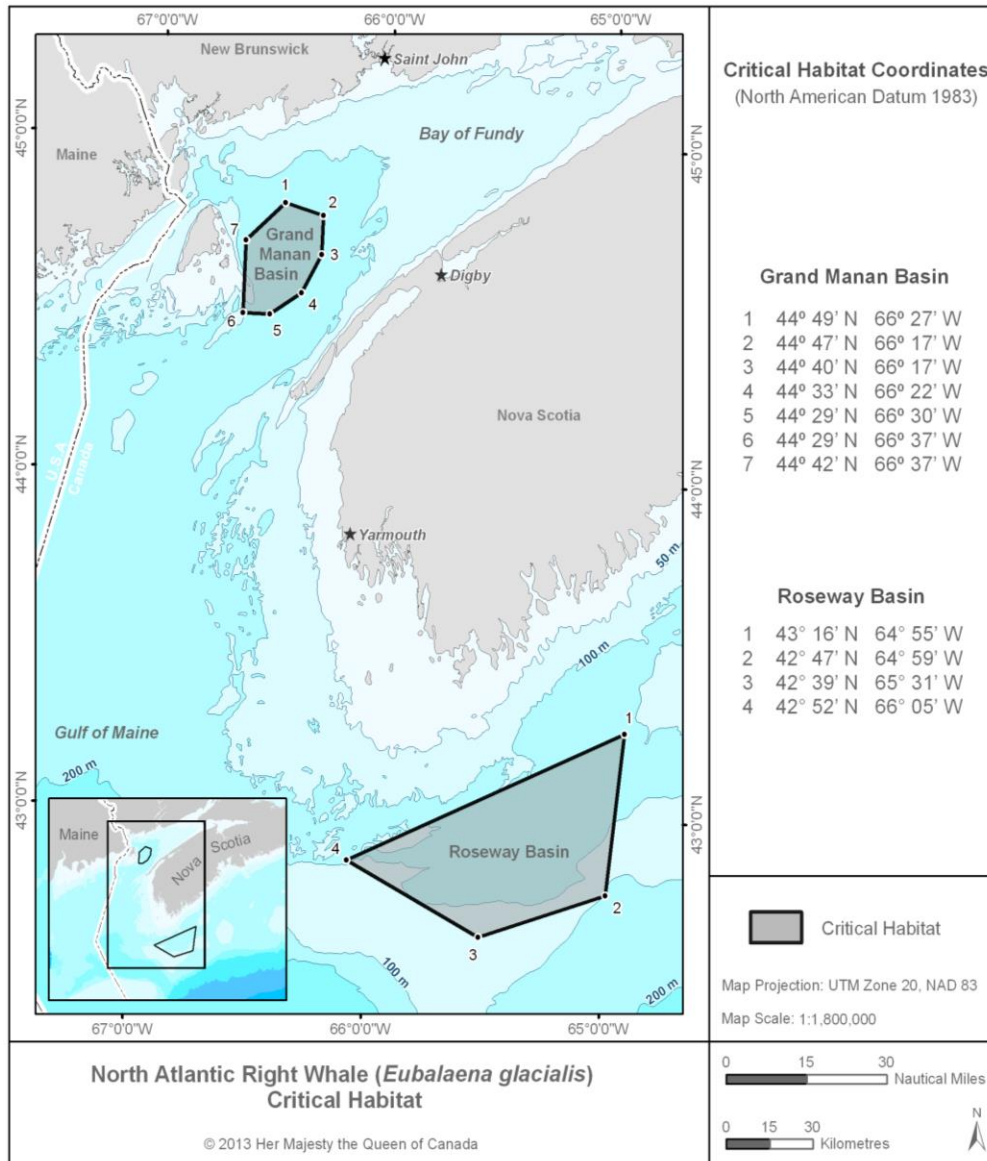
Guidelines (June - December):

- To significantly reduce the risk of vessel strikes on North Atlantic Right Whales, it is recommended that ships of 300 gross tonnages and upwards, solely in transit during the period of June 1<sup>st</sup> through December 31<sup>st</sup>, avoid the area. This routing measure has been adopted by International Maritime Organization (IMO) as a seasonal Area to be Avoided (ATBA) described in IMO. SN.1/Circ.263. October 2007.
- Smaller vessels are also asked to avoid passage through the area.
- If passage through this area is required, decrease vessel speed to 10 knots or less and post a look-out to increase the likelihood of sighting and avoiding marine mammals. Increased caution must be exercised in conditions of reduced visibility, such as rain, fog, rough sea state, or at night. Be aware that marine mammals often travel in small groups dispersed over an area of several miles. Maneuver around marine mammals with caution (see general guidelines). Do not assume the whales will move out of the way.

Learn more about the recovery strategy for the North Atlantic Right Whale at [http://www.sararegistry.gc.ca/virtual\\_sara/files/plans/rs\\_north\\_atl\\_right\\_whale\\_0609\\_e.pdf](http://www.sararegistry.gc.ca/virtual_sara/files/plans/rs_north_atl_right_whale_0609_e.pdf)

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**Scotian Shelf Northern Bottlenose Whale Critical Habitat**

Species Status: Endangered

Threats: Underwater noise, entanglement in fishing gear, vessel strikes, contaminants, and changes to food supply.

Characteristics of the Scotian Shelf Northern Bottlenose Whale: Low bushy blow, bulbous forehead, sickle-shaped dorsal fin located approximately two-thirds of the way down the body, light grey to brown in colour, maximum length approximately 9 metres.

Report any collisions with whales, entangled whales, or dead whales to the whale emergency hotline (1-866-567-6277), or via VHF channel 16. Report any sightings of bottlenose whales, including location, date, and photos to [XMARwhalesightings@dfo-mpo.gc.ca](mailto:XMARwhalesightings@dfo-mpo.gc.ca).

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**Zone 1 of the Gully Marine Protected Area**

Guidelines (year-round):

- The Gully is a designated Marine Protected Area under the *Oceans Act* (see Section 5A). Zone 1 of the Gully Marine Protected Area (i.e. the innermost of the three management zones) is also a critical habitat for Northern Bottlenose Whales (critical habitat coordinates are provided in the map below).
- Vessels should avoid passage through this area if possible. Avoidance is the most effective means to eliminate or reduce acoustic disturbances and vessel collisions.
- If passage through this area is required, decrease vessel speed to 10 knots or less and post a look-out to increase the likelihood of sighting and avoiding marine mammals. Increased caution must be exercised in conditions of reduced visibility, such as rain, fog, rough sea state, or at night. Be aware that marine mammals often travel in small groups dispersed over an area of several miles. Maneuver around marine mammals with caution (see general guidelines). Do not assume the whales will move out of the way.

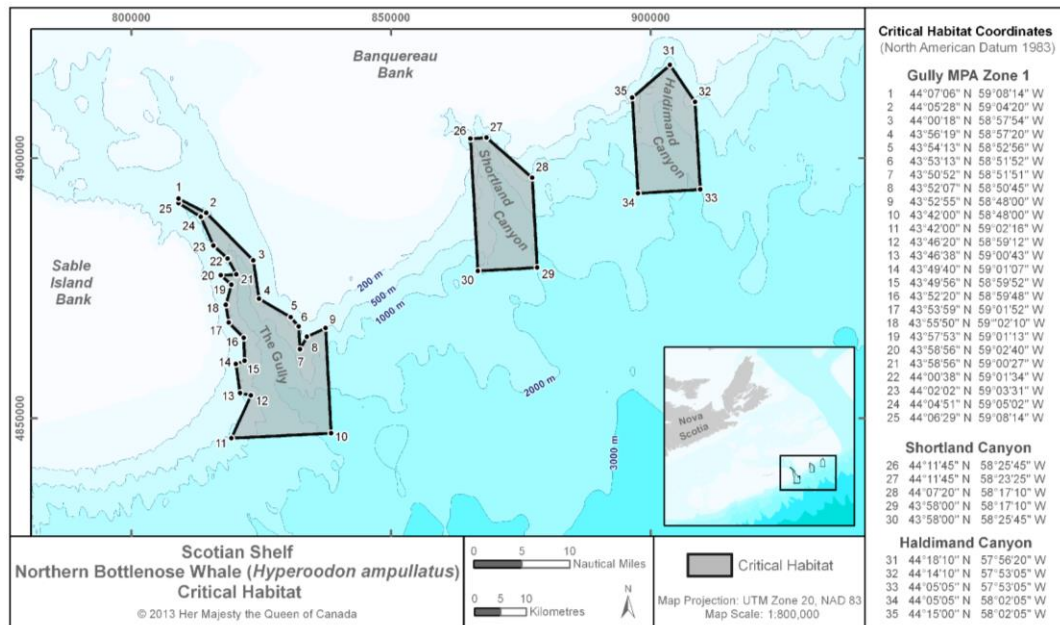
**Shortland and Haldimand Canyons**

Guidelines (year-round):

- Vessels should avoid passage through this area if possible. Avoidance is the most effective means to eliminate or reduce acoustic disturbances and vessel collisions.
- If passage through this area is required, decrease vessel speed to 10 knots or less and post a look-out to increase the likelihood of sighting and avoiding marine mammals. Increased caution must be exercised in conditions of reduced visibility, such as rain, fog, rough sea state, or at night. Be aware that marine mammals often travel in small groups dispersed over an area of several miles. Maneuver around marine mammals with caution (see general guidelines). Do not assume the whales will move out of the way.

Learn more about the recovery strategy for the Northern Bottlenose Whale at

[http://www.sararegistry.gc.ca/virtual\\_sara/files/plans/RecoveryStrategy-NorthernBottlenoseWhale-v00-2016Jun07-Amended-Eng.pdf](http://www.sararegistry.gc.ca/virtual_sara/files/plans/RecoveryStrategy-NorthernBottlenoseWhale-v00-2016Jun07-Amended-Eng.pdf).



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**WESTERN REGION**

**Northern and Southern Resident Killer Whales**

Species Status: Threatened and Endangered, respectively.

Threats: Principal threats are environmental contamination, reductions in the availability or quality of prey, and both physical and acoustic disturbance.

Characteristics: The killer whale is the largest member of the dolphin family. Its size, striking black and white colouring and tall dorsal fin are the main identifying characteristics. Killer whales are mainly black above and white below, with a white oval eye patch, and a grey saddle patch below the dorsal fin.

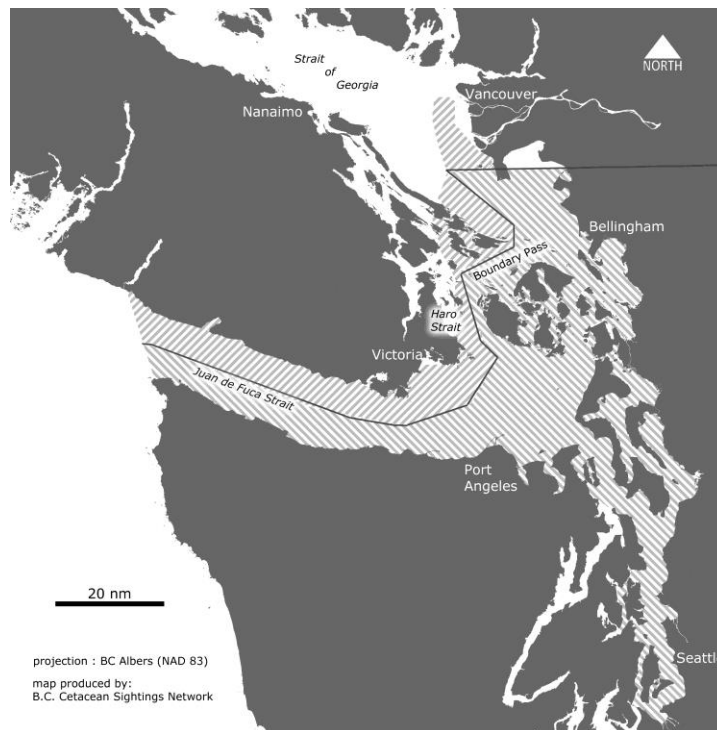
Report any collisions with whales, entangled whales or dead whales to the whale emergency hotline (1-800-465-4336) operated by the British Columbia Marine Mammal Response Network (BCMMRN), or to VHF channel 16. Sightings of whales, including location, date and photos, may be reported to BC Cetacean Sightings Network (BC) [www.wildwhales.org](http://www.wildwhales.org), or 1-866-I SAW ONE.

**Southern Resident Killer Whale Critical Habitat**

Guidelines: Adhere to the *General Guidelines when in the Vicinity of Marine Mammals* as listed in Section 5 of this Notice to Mariners.

The critical habitat for Southern Resident Killer Whales includes the transboundary areas of southern British Columbia and Washington State. This includes Haro Strait and Boundary Pass and adjoining areas in the Strait of Georgia and the Strait of Juan de Fuca. This area is very important habitat for Southern Resident Killer Whales, especially in the summer and fall months when Chinook salmon are moving through the area.

Learn more about the recovery strategy for the Southern Resident Killer Whale at [http://www.sararegistry.gc.ca/species/speciesDetails\\_e.cfm?sid=699](http://www.sararegistry.gc.ca/species/speciesDetails_e.cfm?sid=699).



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**Southern Resident Killer Whale Critical Habitat Boundaries**

*(Described clockwise from the western boundary - all Latitudes are Decimal Degrees North; all Longitudes are Decimal Degrees West.)*

	Point Description	Latitude Deg	Latitude Min	Longitude Deg	Longitude Min
1	Western boundary	48	29.68	124	44.31
2		48	40.02	124	50.68
3	Excluding waters north of the line joining (Sooke Inlet)	48	21.30	123	44.32
4		48	20.33	123	42.90
5	Excluding waters north of the line joining (Royal Roads, Esquimalt Hbr, Victoria Hbr)	48	24.25	123	28.97
6		48	24.57	123	22.61
7	Excluding waters west of the line joining (Cordova Channel and Sidney Channel)	48	29.69	123	18.61
8		48	36.12	123	18.51
9	Excluding waters west of the line joining (western half of Miners Channel and the waters west of Gooch Island)	48	37.04	123	18.49
10		48	39.70	123	17.72
11	Excluding waters west of the line joining (western half of Prevost Channel and Moresby Passage)	48	39.88	123	17.68
12		48	42.96	123	19.63
13	Excluding waters west of the line joining (western portion of Swanson Channel between Moresby Island and Prevost Island)	48	43.34	123	19.88
14		48	48.86	123	22.70
15	Excluding waters west of the line joining (western portion of Trincomali Channel between Prevost Island and Parker Island)	48	50.66	123	23.33
16		48	52.61	123	23.92
17	Excluding waters west of the line joining (western portion of Trincomali Channel between Parker Island and Galiano Island)	48	52.85	123	23.92
18		48	53.08	123	23.76
19		48	54.28	123	20.67
20		48	55.39	123	21.98
21	Excluding waters west of the line joining (western portion of southern Strait of Georgia)	49	0.00	123	18.88
22		49	10.39	123	22.82
23		49	13.58	123	21.97
24		49	13.58	123	21.97
25	Excluding waters north of the line joining (portion of southern Strait of Georgia)	49	14.00	123	21.09
26		49	14.18	123	19.22
27		49	13.79	123	17.21
28		49	13.79	123	17.21
29	Excluding waters north and east of the line joining (portion of southern Strait of Georgia)	49	12.87	123	15.75
30		49	9.01	123	16.48
31		49	3.39	123	9.24
32		49	3.47	123	8.48
	And bounded on the east and south by Point Roberts and the United States Border				

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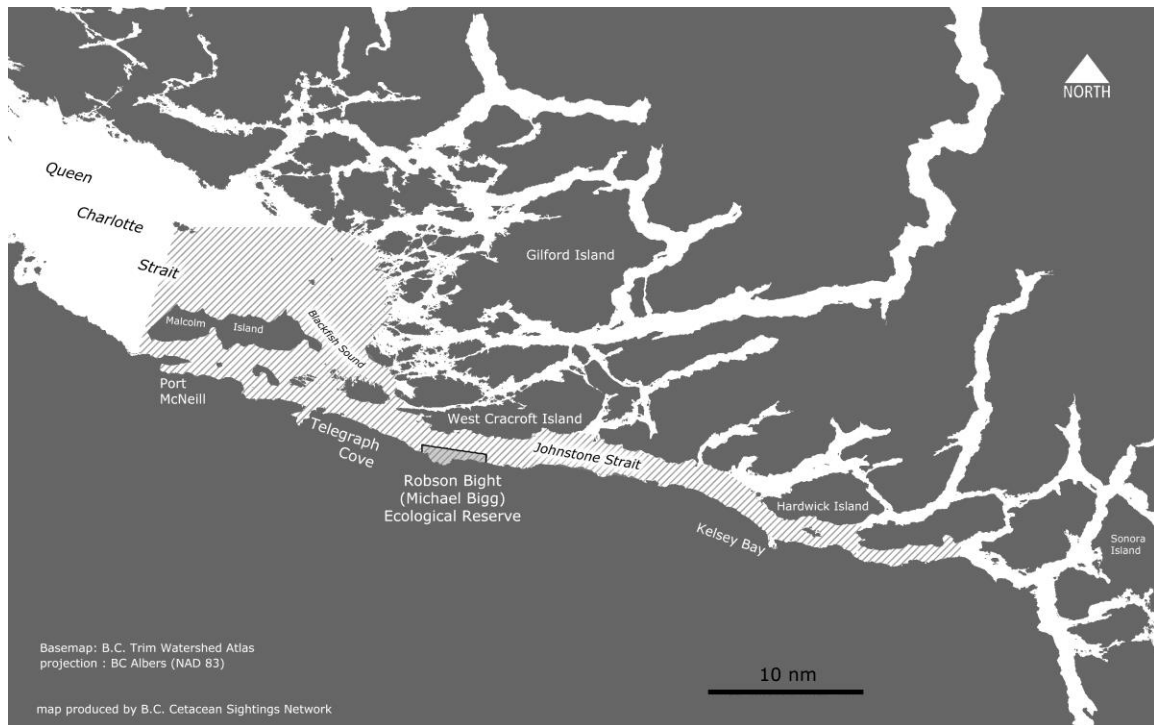
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**Northern Resident Killer Whale Critical Habitat**

Guidelines: Adhere to the *General Guidelines when in the Vicinity of Marine Mammals* as listed in Section 5 of this Notice to Mariners.

The critical habitat for Northern Resident Killer Whales includes the waters of Johnstone Strait and south-eastern Queen Charlotte Strait, and the channels connecting these straits. This area represents a very important concentration area for northern resident whales.

Learn more about the recovery strategy for the Northern Resident Killer Whale at [http://www.sararegistry.gc.ca/species/speciesDetails\\_e.cfm?sid=698](http://www.sararegistry.gc.ca/species/speciesDetails_e.cfm?sid=698)





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**Northern Resident Killer Whale Critical Habitat – Boundaries**

*(Described clockwise from the western boundary-all Latitudes are Decimal Degrees North; all Longitudes are Decimal Degrees West.)*

	Point Description	Latitude Deg	Latitude Min	Longitude Deg	Longitude Min
1	Western boundary (Vancouver Island to Numas Island)	50	36.98	127	11.00
2		50	46.24	127	6.76
3	Northern boundary (Numas Island to Broughton Island)	50	46.27	127	5.26
4		50	46.41	126	48.27
5	Northern boundary (Broughton Island to Screen Island / Eden Island)	50	46.13	126	47.30
6		50	44.95	126	43.55
7	boundary line running from Eden Island to Crib Island (including waters of Queen Charlotte Strait and excluding waters of Trainer Passage)	50	44.79	126	43.22
8		50	43.67	126	42.73
9	boundary line running from Crib Island to House Ilet (including waters of Queen Charlotte Strait and excluding waters of Arrow and Spring Passages)	50	43.33	126	42.58
10		50	40.16	126	41.21
11	boundary line running from House Ilet to Swanson Island (including waters of Queen Charlotte Strait and excluding waters of Knight Inlet)	50	40.16	126	41.21
12		50	37.75	126	43.86
13	boundary line running from Swanson Island to Compton Island (including waters of Blackfish Sound excluding waters of West Passage)	50	36.06	126	41.77
14		50	35.84	126	41.42
15	boundary line running from Compton Island to Harbledown Island (including waters of Blackfish Sound excluding waters of Whitebeach Passage)	50	35.50	126	40.86
16		50	35.38	126	40.68
17	boundary line running from Harbledown Island to Parson Island (including waters of Blackfish Sound excluding waters of Parson Bay)	50	35.19	126	40.93
18		50	34.43	126	40.73
19	boundary line running from Parson Island to West Cracroft Island (including waters of Blackfish Sound excluding waters of Baronet Passage)	50	33.65	126	39.95
20		50	32.98	126	39.73
	Waters of western Johnstone Strait bounded on the north by West Cracroft Island, the mainland, Hardwicke Island and West Thurlow Island with no exclusions except:				
24	boundary line running from West Cracroft Island to the mainland (including waters of western Johnstone Strait excluding waters of Havannah Channel)	50	31.32	126	20.35
25		50	31.09	126	17.05
26	boundary line running from the mainland to Hardwicke Island (including waters of western Johnstone Strait excluding waters of Sunderland Channel)	50	28.46	126	2.54
27		50	26.57	125	57.94
28	boundary line running from Hardwicke Island to Eden Point on West Thurlow Island (including waters of western Johnstone Strait excluding waters of Chancellor Channel)	50	24.58	125	48.29
29		50	23.91	125	47.38
30	boundary line running from Eden Point to Tyee Point on West Thurlow Island (including waters of western Johnstone Strait excluding waters of Vere Cove)	50	23.91	125	47.38
31		50	23.26	125	47.06
32	Eastern boundary line running from West Thurlow Island (including waters of western Johnstone Strait excluding waters of eastern Johnstone Strait and Mayne Passage)	50	23.42	125	34.39
33		50	21.88	125	34.23
	Waters of western Johnstone Strait bounded on the south by Vancouver Island - no exclusions except:				
35	boundary line running from Graveyard Point to Kelsey Bay Harbour on Vancouver Island (including waters of western Johnstone Strait excluding waters of Salmon Bay)	50	23.45	125	56.71
36		50	23.80	125	57.62

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**CENTRAL AND ARCTIC REGION**

**St. Lawrence Beluga Whale Critical Habitat**

Species status: Threatened

Threats: Contaminants, noise, disturbance, habitat degradation, ship strikes and entanglement in fishing gear.

Characteristics of the St. Lawrence Beluga: adults are white; young are grey; rounded bump on the head (melon), no dorsal fin, adults between 2.5 and 4.5 metres.

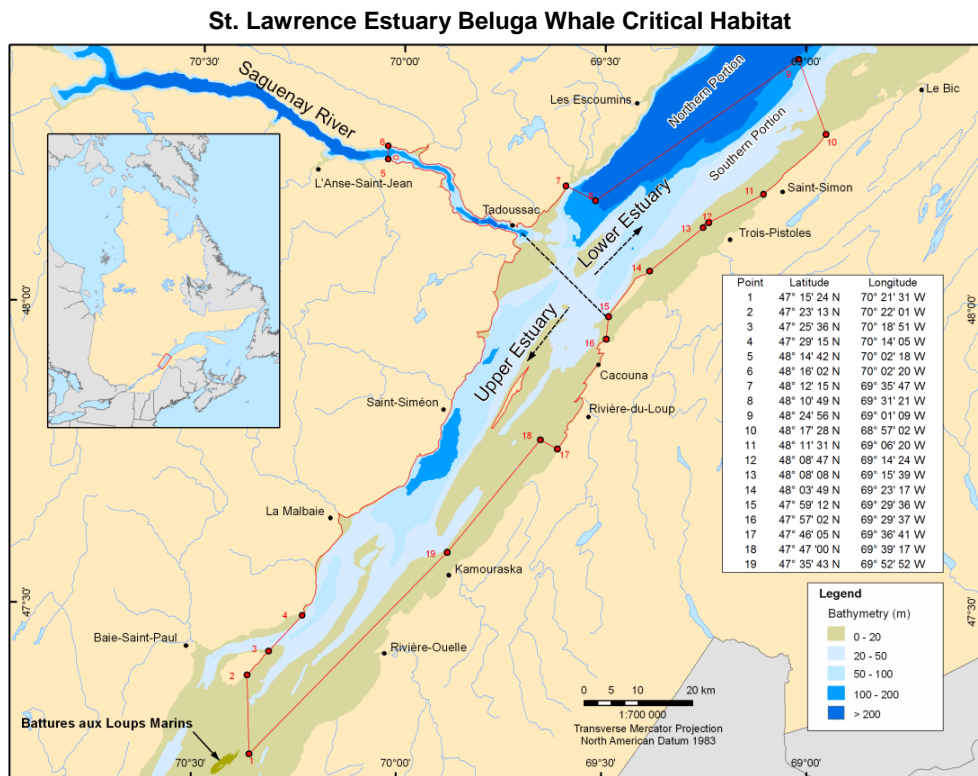
Report any collisions or any entanglements with a Beluga Whale, dead or alive, by calling Quebec's Emergency Network for Marine Mammals at 1-877-722-5346.

**St. Lawrence Estuary**

Guidelines: Interim measures for voluntary protection

Heightened vigilance is critical for navigators transiting in this area to reduce the risk of collisions with whales. Posting a lookout is recommended in order to increase the chances of seeing the whales and thus take the necessary measures to avoid them. If bypassing the whales is not possible, slow down and wait for the animals to move away to a distance greater than 400 metres (0,215 nautical miles) before resuming original speed. It is more difficult to see the animals at night: increased caution is recommended.

Learn more about the Beluga Whale recovery strategy at [http://www.sararegistry.gc.ca/virtual\\_sara/files/plans/rs\\_st\\_laur\\_beluga\\_0312\\_e.pdf](http://www.sararegistry.gc.ca/virtual_sara/files/plans/rs_st_laur_beluga_0312_e.pdf).



Authority: Department of Fisheries and Oceans (DFO)