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# Notices to Mariners

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Safety First, Service Always

## Protecting the North Atlantic Right Whale

Canada 

## **\*401/23 Protecting the North Atlantic Right Whale: Speed Restriction Measures in the Gulf of St. Lawrence**

### **PURPOSE**

This notice describes the speed restriction zones that vessels must follow in the Gulf of St. Lawrence.

The Government of Canada has established these zones to reduce the risk of vessel colliding with North Atlantic right whales (NARW).

### **BACKGROUND**

Due to changing migration patterns of North Atlantic right whales and their increased presence in the Gulf of St. Lawrence, the Government of Canada has set seasonal speed restrictions in specific zones. These speed restrictions zones are defined as “static zones”, “dynamic shipping zones”, “seasonal management areas”, a “voluntary seasonal slowdown zone” and a “restricted area”. [See the map below for details.](#)

Note: Vessels must follow Navigational Warnings outlining the speed restrictions. The Interim Order for the Protection of North Atlantic Right Whales (*Eubalaena Glacialis*) in the Gulf of St. Lawrence, 2023 enables the issuance of Navigational Warnings (NAVWARNs) imposing speed restrictions and navigation restrictions.

Speed restriction zones are described in monthly Notices to Mariners (NOTMARs), which are published by the Canadian Coast Guard. The status of these zones is broadcasted through NAVWARNs, which are published by the Coast Guard’s Marine Communications and Traffic Services Centres.

### **CHANGES TO SPEED RESTRICTION ZONES AND MEASURES**

Based on consultations with industry and on scientific data, changes to the speed restriction zones will be effective from April 19th, 2023, while the restricted area will be implemented based on whale presence:

- A voluntary seasonal slowdown of 10.0 knots over the ground spanning from Cabot Strait (a line running from Cape North NS to Cape Ray NL) to the eastern edge of dynamic shipping zone E will be implemented at the beginning and end of the North Atlantic right whale season.

Please check the latest NAVWARN for all speed restrictions currently in effect.

### **SPEED RESTRICTION MEASURES FOR 2023**

These restrictions will be in effect from **April 19 to November 15, 2023.**

### **Exceptions**

The following exception will apply to **all** measures:

- a) a vessel in distress or providing assistance to a person or a vessel in distress;
- b) a government vessel being used
  - (i) for law enforcement activities;
  - (ii) for search and rescue operations; or
  - (iii) to ensure the competency of the crew or the operational readiness of the vessel or crew with respect to such activities or operations.

## STATIC ZONES

In the static zones, **all** vessels above **13 m** in length overall (LOA) must proceed at a speed of not more than 10.0 knots over the ground.

### Exceptions

Air cushion vessels operated by or on behalf of the Government of Canada that are engaged in ice-clearing activities from April to June in and around Chaleur Bay are exempted when in operation.

### 36.57 m (20-fathom) shallow water protocol

Vessels engaged in any commercial fishing activity may proceed at a safe operational speed in waters not more than 36.57 m (20 fathom) deep.

If a notice to fish harvesters and a NAVWARN state that at least one right whale has been detected within the static zone in waters that are not more than 36.57 m deep, the 10 knots speed limit will apply to all vessels above 13 m in length overall (LOA) for 15 days after the day on which the whale was detected.

If a new notice to fish harvesters and a new NAVWARN are published or broadcast during the last seven days of the 15-day period, the speed limit will continue to apply for a further 15 days after the day on which the new detection took place.

#### Coordinates for the northern static zone:

- 50° 20' N, 065° 00' W
- 49° 13' N, 065° 00' W
- 48° 40' N, 064° 13' W
- 48° 40' N, 062° 40' W
- 48° 03' N, 061° 07.5' W
- 47° 58.1' N, 061° 03.5' W
- 48° 00' N, 061° 00' W
- 49° 04' N, 061° 00' W
- 49° 04' N, 062° 00' W
- 49° 43' N, 063° 00' W
- 50° 20' N, 063° 00' W

#### Coordinates for the southern static zone:

- 48° 40' N, 065° 00' W
- 48° 40' N, 062° 40' W
- 48° 03' N, 061° 07.5' W
- 47° 58.1' N, 061° 03.5' W
- 47° 10' N, 062° 30' W
- 47° 10' N, 065° 00' W

## DYNAMIC SHIPPING ZONES

There are five dynamic shipping zones (DSZ) located in the routing systems north and south of Anticosti Island: A, B, C, D and E.

### Coordinates for the dynamic shipping zones:

#### Zone A

- 49° 41' N, 065° 00' W
- 49° 20' N, 065° 00' W
- 49° 11' N, 064° 00' W
- 49° 22' N, 064° 00' W

#### Zone B

- 49° 22' N, 064° 00' W
- 49° 11' N, 064° 00' W
- 48° 48' N, 063° 00' W
- 49° 00' N, 063° 00' W

#### Zone C

- 49° 00' N, 063° 00' W
- 48° 48' N, 063° 00' W
- 48° 24' N, 062° 00' W
- 48° 35' N, 062° 00' W

#### Zone D

- 50° 16' N, 064° 00' W
- 50° 00' N, 064° 00' W
- 49° 56' N, 063° 00' W
- 50° 16' N, 063° 00' W

#### Zone E

- 48° 35' N, 062° 00' W
- 48° 24' N, 062° 00' W
- 48° 03' N, 061° 07.5' W
- 47° 58.1' N, 061° 03.5' W
- 48° 00' N, 061° 00' W
- 48° 10.5' N, 061° 00' W

When a North Atlantic right whale is detected in a dynamic shipping zone:

- All vessels will be notified via a NAVWARN; and
- Vessels above **13 m** in length overall (LOA) must proceed at a speed of not more than 10.0 knots over the ground within that zone.

Even though dynamic shipping zones overlap with static zones, vessels can travel at a safe operational speed in dynamic shipping zones when they are not under speed restriction. Mariners must also keep in mind that North Atlantic right whales may be nearby.

### **Speed restrictions in the dynamic shipping zones**

The detection of North Atlantic right whales in one or more dynamic shipping zone(s), will trigger a speed restriction in the concerned zone(s). The speed restriction in the dynamic shipping zone(s) will be in effect for 15 days from the date of detection. In the event of a new North Atlantic right whale detection occurring in the last 7 days of the 15-day slowdown period, the speed restriction will be extended for an additional 15 days from the date of the new detection. This would continue until no NARW are detected.

When a NAVWARN is issued implementing a speed restriction in one or more dynamic shipping zone(s), vessels above **13 m** in length (LOA) must not exceed a speed of 10.0 knots over the ground. Within any dynamic zone that is not subject to a speed restriction, mariners may proceed at a safe operational speed. Mariners are encouraged to take into consideration the potential for their vessel striking North Atlantic right whales when considering a “safe operational speed” during navigation.

### **SEASONAL MANAGEMENT AREAS**

Seasonal management area 1 (SMA-1) and seasonal management area 2 (SMA-2) are speed restriction areas located north and south of dynamic shipping zone E, respectively.

Within seasonal management areas, vessels above **13 m** in length (LOA):

- must restrict their speed so as not to exceed 10.0 knots over the ground from April 19<sup>th</sup> to June 27<sup>th</sup>, 2023; **and**
- are allowed to proceed at a safe operational speed from June 28<sup>th</sup> to November 15<sup>th</sup>, 2023, unless a North Atlantic right whale is detected. If a whale is detected, a speed restriction of 10.0 knots over the ground will be triggered for 15 days from the date of detection. In the event of a new North Atlantic right whale detection occurring in the last 7 days of the 15-day slowdown period, the speed restriction will be extended for an additional 15 days from the date of the new detection. This would continue until no North Atlantic right whales are detected.

#### **Coordinates for the SMA-1:**

- 49° 04' N, 062° 00' W
- 49° 04' N, 061° 00' W
- 48° 10.5' N, 061° 00' W
- 48° 35' N, 062° 00' W

#### **Coordinates for the SMA-2:**

- 48° 24' N, 062° 00' W
- 48° 03' N, 061° 07.5' W
- 47° 58.1' N, 061° 03.5' W
- 47° 26.69' N, 062° 00' W

### **RESTRICTED AREA**

In the summer months, an important proportion of the total North Atlantic right whale population gathers for feeding and surface activity near the [Shediac Valley](#). Since this makes the North Atlantic right whale more susceptible to vessel collisions, a mandatory restricted area will be implemented in and near the [Shediac Valley](#) and will come into force once 80% of the restricted area is closed to fishing for the season as per [the Department of Fisheries and Oceans’s right whale closure protocol](#). The restricted area will be lifted once the North Atlantic right whale detections decrease in the restricted area.

The size and location of the area are determined based on historical detection data of North Atlantic right whales. All necessary details can be found in the *Interim Order for the Protection of North Atlantic Right Whales (Eubalaena Glacialis) in the Gulf of St. Lawrence, 2023*. Triggering and lifting of the restricted area will be communicated to mariners through a NAVWARN and notice to fish harvesters.

Vessels above **13 m** in length (LOA) will be required to:

- avoid the area unless they are part of the exceptions listed in the *Interim Order for the Protection of North Atlantic Right Whales (Eubalaena Glacialis) in the Gulf of St. Lawrence, 2023*;
- transit the area at a speed not exceeding 8.0 knots over the ground if they are part of the exceptions.

The following exceptions will apply to the restricted area. The following listed vessels can travel through the area at not more than 8.0 knots over the ground:

- A vessel being used for commercial fishing;
- A vessel being used for fishing under the authority of a licence issued under the *Aboriginal Communal Fishing Licences Regulations*;
- A vessel being used for research purposes on behalf of the Government of Canada;
- A vessel being used as part of the Department of Fisheries and Oceans' Marine Mammal Response Program to assist a marine mammal or sea turtle in distress or to access or retrieve a deceased marine mammal or sea turtle;
- A vessel authorized by the Government of Canada to retrieve or identify the location of abandoned or lost fishing gear;
- A vessel involved in pollution response operations;
- A vessel avoiding immediate or unforeseen danger;
- A vessel involved in research relating to right whales as part of a project that has received funding from the Government of Canada.

The following vessels can travel through the restricted area at a speed over 8.0 knots, but below 10.0 knots over the ground as required by the static speed restriction zone:

- A vessel being used by an employee of the Government of Canada or peace officer who is performing their duties.

**Coordinates for the restricted area:**

- 48°31.8' N, 063°39.6' W
- 48°24.72' N, 063°17.88' W
- 47°18.84' N, 064°10.8' W
- 47°27.18' N, 064°30.72' W

**Inclement weather exception**

Mariners will be notified in advance via a NAVWARN should the speed restriction status change in any zone or area, due to inclement weather.

Within any zone or area that is no longer subject to a speed restriction due to adverse weather conditions, mariners may proceed at a safe operational speed. Mariners are however encouraged to take into consideration the potential for their vessel striking North Atlantic right whales when considering a "safe operational speed" during navigation.

\*Non-expected vessels are still prohibited from transiting through the restricted area.

## VOLUNTARY SEASONAL SLOWDOWN IN CABOT STRAIT

To coincide with the North Atlantic right whales entering and exiting the Gulf of St. Lawrence in large numbers, a voluntary seasonal slowdown is being put in place in Cabot Strait from April 19<sup>th</sup> to June 27<sup>th</sup>, 2023, and from September 27<sup>th</sup> to November 15<sup>th</sup>, 2023.

- During these periods, vessels above **13 m** in length (LOA) are requested to voluntarily reduce their speed as to not exceed 10.0 knots over the ground.

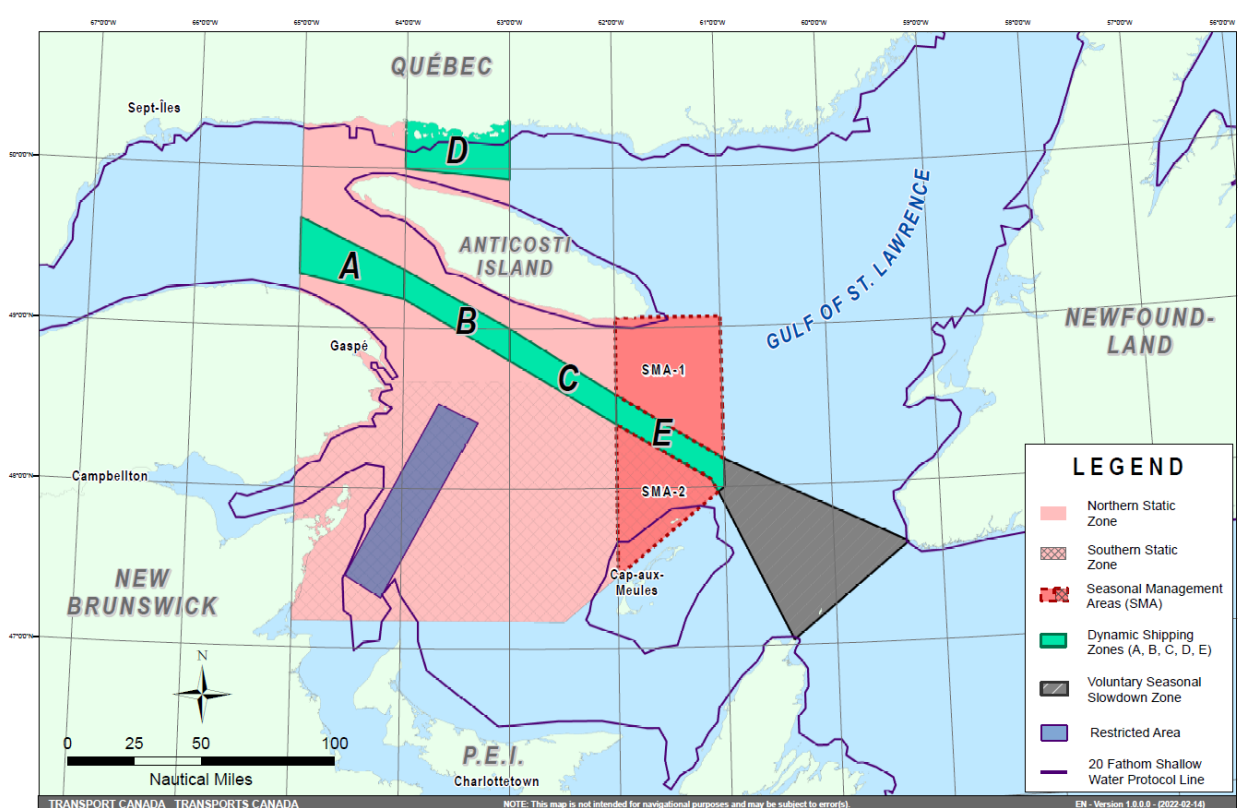
### Voluntary seasonal slowdown zone coordinates:

- 48° 10.5' N, 061° 00' W
- 47° 37.2' N, 059° 18.5' W
- 47° 02' N, 060° 23.7' W
- 47° 58.1' N, 061° 03.5' W
- 48° 00' N, 061° 00' W

## MAP OF THE GULF OF ST. LAWRENCE

The following map shows

- the static zones (north and south), in pink;
- the dynamic shipping zones (A, B, C, D and E), in green;
- the seasonal management areas, in dark pink;
- the voluntary seasonal slowdown zone, in grey;
- the restricted area, in dark blue; and
- the 36.57 m (20 fathom) shallow water protocol line.



This map is for visual representation only and is not to be used for navigation or enforcement.

### **Roseway Basin – Area to be Avoided**

The Roseway Basin, located approximately 20 nautical miles south of Cape Sable Island, Nova Scotia, is a critical habitat for North Atlantic right whales, which have been observed to gather in the area on a seasonal basis in Canadian waters. This critical habitat is also located near key shipping routes. In 2007, Canada, with the support of many groups with varied interests, proposed to the International Maritime Organization (IMO) the establishment of a seasonal Area to be Avoided in the Roseway Basin to protect North Atlantic right whales, which IMO accepted and adopted.

To reduce the risk of vessels colliding with North Atlantic right whales, it is recommended that vessels of 300 gross tonnages and more, in transit during the period of June 1 through December 31, avoid the Roseway Basin area. Smaller vessels are also encouraged to avoid passage through this area. If passage is necessary within the Area to be Avoided, it is recommended that all mariners decrease their vessel speed to no more than 10 knots, when safe to do so.

### **Roseway Basin coordinates:**

- 43° 16' N 064° 55' W
- 42° 47' N 064° 59' W
- 42° 39' N 065° 31' W
- 42° 52' N 066° 05' W

### **NAVWARN BROADCASTS**

The Canadian Coast Guard issues NAVWARNs:

- by radio broadcast; and
- online at [Canada's Maritime Information Portal](#) and its [Navigational Warnings](#) site.

Mariners must ensure they have accurate and up-to-date information about the protection of the North Atlantic right whale, as in all applicable NOTMARs and NAVWARNs.

For the North Atlantic right whale speed restrictions, the NAVWARN(s) currently in effect will be provided to vessels subject to the *Vessel Traffic Services Zone Regulations* or the *Eastern Canada Vessel Traffic Services Zone Regulations*:

### **Outbound vessels will receive NAVWARNs**

- at Calling-in-Point 10 (St-Laurent); or
- upon a departure downstream from the Quebec pilot station (including the Saguenay River, Chaleur Bay, Miramichi Bay, etc.)

### **Inbound vessels will receive NAVWARNs**

- when a clearance to enter Canadian waters is granted

### **Vessels in transit will receive NAVWARNs**

- at the last reporting point prior to entering the mandatory speed restriction zones; and/or
- at 10 nautical miles before they enter the mandatory speed restriction zones

For those vessels not subject to the above-mentioned regulations, vessel operators are required to monitor broadcasts by the Canadian Coast Guard's Marine Communications and Traffic Services network for the most up-to-date information. For marine radio frequencies and broadcast times, information may be found in the [Radio Aids to Marine Navigation](#) publication.

## AIDS TO NAVIGATION

The Canadian Coast Guard is currently testing virtual Automatic Identification System (AIS) aids to navigation (AIS AtoN) in specific areas. These aids notify mariners of a dynamic shipping zone and/or a seasonal management area subject to a speed restriction.

Each zone is delimited by four to six virtual AIS AtoN, which can be displayed on a ship's navigation equipment, such as

- Electronic Chart Display and Information System (ECDIS);
- Electronic Chart System (ECS);
- RADAR;
- Minimum Keyboard Display (MKD); and
- Electronic Nautical Chart (ENC).

The Canadian Coast Guard broadcasts the virtual AIS AtoN only when a speed restriction is in effect in one or more testing zones.

Mariners must select the virtual AIS AtoN symbol to view a message such as "SectA1 Spd Lim 10 kt." This message refers to a speed restriction in effect for a specific zone.

Note: This system is not the primary method of communicating this information.

## COMPLIANCE AND ENFORCEMENT

Vessels must comply with the Interim Orders made pursuant to the *Canada Shipping Act, 2001*, and any NAVWARNs broadcasted and published by the Canadian Coast Guard relating to the Interim Orders, aimed at regulating the navigation for the purposes of protecting the North Atlantic right whales.

If a vessel does not comply with the Interim Orders or instructions in the NAVWARNs related to the Interim Orders, the vessel could face:

- administrative monetary penalties up to a maximum of CAN \$250,000; and/or
- penal sanctions under the Canada Shipping Act, 2001 is liable on summary conviction to a fine of not more than CAN \$1,000,000 or to imprisonment for a term of not more than 18 months, or to both.

If a vessel appears to have violated the speed restriction, Transport Canada Marine Safety inspectors will review all information provided through AIS and seek an explanation from the master.

No exemptions to the speed restriction will be granted in advance. However, if a deviation from the speed restrictions is necessary for safety reasons, the following information must be entered into the bridge logbook:

- reason(s) for deviation;
- speed at which vessel is operated;
- latitude and longitude at time of deviation;
- time and duration of deviation; and
- master of the vessel shall sign and date the bridge logbook entry.

For any deviation, Transport Canada will review and consider reasons such as:

- navigating to ensure vessel safety;
- weather conditions;
- force majeure (unforeseeable circumstances); and
- responding to emergencies.



**REPORT A NORTH ATLANTIC RIGHT WHALE SIGHTING**

**If you see live, free-swimming whales:**

- Call 1-902-440-8611 (local) or 1-844-800-8568 (toll free)
- Email: [XMARWhalesightings@dfo-mpo.gc.ca](mailto:XMARWhalesightings@dfo-mpo.gc.ca)

If you see a North Atlantic right whale that is entangled, injured or dead, please report it to your nearest Canadian Coast Guard Marine Communications and Traffic Services Centre, or call:

**Southern part of the Gulf of St. Lawrence**

Marine Animal Response Society  
Telephone: 1-866-567-6277

**Newfoundland and Labrador**

Whale Release and Strandings  
Telephone: 1-888-895-3003

**For the Québec Sector**

Marine Mammal Emergencies  
Telephone: 1-877-722-5346

**Please consult Whale Insight for the latest right whale observations:**

<https://gisp.dfo-mpo.gc.ca/apps/WhaleInsight/eng/?locale=en>