



July 13th 2018

Hon./L'Hon Dominic LeBlanc, P.C., M.P.
Minister, Fisheries and Oceans Canada
200 Kent Street
Station 15N100
Ottawa, Ontario K1A 0E6

Dear Minister:

RE Regulations Amending the Marine Mammal Regulations: SOR/2018-126, Canada Gazette, Part II, Volume 152, Number 14, Registration: June 22, 2018, FISHERIES ACT, P.C. 2018-842 June 21, 2018

In my letter of July 12th 2018, in view of the publication in the *Canada Gazette* of the regulatory amendments referenced, above, and registered on June 22nd 2018, I wrote on behalf of the Churchill Beluga Whale Tour Operator Association and its members to raise our concerns and to ask for an exemption from the regulations. Today, I write to flesh out the specifics of the exemption and we are looking for.

In my letter of July 12th 2018, I noted the regulations authorize the Minister of Fisheries and Oceans to create an exemption to the regulations as follows, especially sub-sections 38(1)(a), 38(1)(b), & 38(1)(c):

**PART V
Marine Mammal Disturbance
Authorized Disturbance**

- 38 (1)** Despite sections 7 and 7.2, the Minister may authorize the disturbance of marine mammals if it is established that the activity causing the disturbance
- (a)** could benefit marine mammals without jeopardizing the survival of the species in the wild;
 - (b)** could improve a marine mammal's immediate chance of survival;
 - (c)** would contribute to the conservation and protection of marine mammals;
 - (d)** could ease the pain and suffering of a marine mammal that is in distress;
 - (e)** would contribute to marine scientific research; or
 - (f)** would permit the production of audiovisual records of activities of marine mammals, which could facilitate a better understanding of marine mammals and thereby contribute to their conservation and protection.

I, therefore, asked that you direct your officials to draft an exemption to the regulations that takes into account the behaviour of the Churchill Beluga whales' approaching the vessels of our member tour operators, tour participants in small craft including but not limited to kayaks and canoes, and participants who are swimming,

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and to put an exemption into effect forthwith which is deemed to have been in place from the date of registration of these regulatory amendments.

Churchill, Manitoba-based Beluga tour operators conduct tours that engage in the following types of interactions with Beluga whales:

1. Our members operate tours that include participants' viewing and interacting with Beluga whales while on shore, aboard vessels, in small craft including but not limited to kayaks and canoes, and swimming among the Beluga whales; and
2. Our members operate tours that interact with Beluga whales in the Churchill estuary and in the open sea of Hudson's Bay, near Churchill, Manitoba.

I further ask that any exemption take account of these activities and, therefore, include and encompass provisions permitting no abridgement of, or limitation to, these interactions which we believe enhance the Beluga whale habitat near Churchill, Manitoba.

As I pointed out in my letter of July 12th 2018, **we believe the regulations as written, and without any exemption, would have seriously deleterious effects.** These deleterious effects would include, but not be limited to, putting in jeopardy approximately 200 jobs directly related to the marine tours for Beluga whale watching, and some \$4 million to \$5 million in revenues from these tours. This does not account for the additional indirect jobs and spin-off economic activity generated by the tours.

As written, without any exemption to Churchill Beluga whale tour operators, the approach distance of 50 metres would put our members out of business. As your Parliamentary Secretary, Mr. Terry Beech, can attest from his very recent visit and attendance on a Beluga whale tour, the Beluga whales approach the tour boats.

Beluga whales are very social, and the interaction between the whales and the tours appears to be a source of enrichment to the Beluga whales as well as a source of enjoyment for tour participants. Far from jeopardizing the Beluga whales, it is our considered opinion that the tours our members operate *enhance* the Beluga whale habitat, near Churchill, Manitoba.

Further, the presence of Beluga whale tours and tour operators discourages unregulated hunting of Beluga whales. I have video evidence of Beluga whale carcasses from which a single strip of blubber has been taken. Clearly, the threat to Churchill's Beluga whales does not come from tour operators, but from unregulated hunters.

Eliminating Beluga whale tours would, therefore, also have a deleterious effect on the Beluga whale habitat, both in terms of removing a social enhancement to the Beluga whale habitat from tours and from reducing the obstacles to unregulated hunting of Beluga whales.

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Given the behaviour of Beluga whales at Churchill, Manitoba, the tour operators could not conduct a tour that would prevent the Beluga whales from approaching the tour vessels, participants in small craft including but not limited to kayaks or canoes, or participants who were swimming, whether in the Churchill estuary or on the open sea of Hudson's Bay. As such, the regulatory amendments would shut down Beluga whale tours at Churchill estuary and in the open sea of Hudson's Bay.

Let me say, again, that without such an exemption, I do not believe I can overstate the deleterious effect these regulations would have on some 200 direct jobs and \$4 million to \$5 million in revenues stemming from Beluga whale tours, and on the Beluga whales and their habitat, this summer and beyond.

Again, I would be pleased to make myself available by phone or in person, to you, your ministerial office staff and/or your officials. Please contact me at your earliest convenience, either per my mobile or e-mail address, below.

Sincerely,

COPY

Wally Daudrich, Chair

Copy: Hon. Jim Carr, P.C., M.P.

Mr. Terry Beech, M.P.

Hon. Bardish Chagger, P.C., M.P.

Mike Riemer, Churchill Wild

John Gunter, Frontiers North Adventures

Hon. Rochelle Squires, M.L.A.

Michael Spence, Mayor of Churchill

Colin Ferguson, President, Travel Manitoba

Dwight Allen, Sea North Tours