

110TH CONGRESS
2D SESSION

S. RES. 456

Directing the United States to undertake bilateral discussions with Canada to negotiate an agreement to conserve populations of large whales at risk of extinction that migrate along the Atlantic seaboard of North America.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2008

Ms. SNOWE (for herself, Ms. COLLINS, and Mr. SUNUNU) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Directing the United States to undertake bilateral discussions with Canada to negotiate an agreement to conserve populations of large whales at risk of extinction that migrate along the Atlantic seaboard of North America.

Whereas populations of large whales in the north Atlantic, including north Atlantic right whales, fin whales, and humpback whales, were substantially reduced, largely due to commercial whaling efforts that ended more than 60 years ago in the United States and more than 30 years ago in Canada, and rebuilding and protecting these species requires significant conservation efforts;

Whereas the United States and Canada share the goals of marine resource conservation through sound scientific research and seek to protect large whales at risk of extinction;

Whereas north Atlantic right whales, humpback whales, and fin whales are listed as “endangered” under the United States Endangered Species Act and “depleted” under the Marine Mammal Protection Act, and north Atlantic right whales are listed as “endangered” and fin whales are listed as a species of “special concern” under Canada’s Species at Risk Act;

Whereas north Atlantic right whales, humpback whales, and fin whales, migrate throughout the north Atlantic Ocean, including through the waters of the United States and Canada along the eastern Atlantic Seaboard;

Whereas the populations of large whales in the north Atlantic Ocean are affected by natural factors including availability of forage and oceanographic conditions such as water temperature, salinity, and currents, and additional research on these topics will facilitate whale conservation;

Whereas some fishermen in both the United States and Canada employ fixed gear types within the migratory range of large whales, thereby exposing the species to risks of entanglement, and ships transiting both United States and Canadian waters have been known to strike large whales resulting in injury or death of the cetaceans;

Whereas the United States has taken significant regulatory and advisory steps to reduce the impacts of its

fishing and shipping activities on large whale species, including restrictions on fixed fishing gear, closures of areas to certain types of fishing effort seasonally, and advisory restrictions on vessel traffic;

Whereas effective regulations to ensure conservation and protection of these large whale species must be a transboundary, bilateral effort that equitably distributes the costs and benefits of whale conservation among regulated and other concerned parties in each Nation, including the United States and Canadian governments, the fishing and shipping industries, States, Canadian provinces, and interested non-governmental organizations;

Whereas Canada and the United States have a history of cooperation on transboundary marine resource issues, including a joint effort by the Canadian Department of Fisheries and Oceans and the United States' Provincetown Center for Coastal Studies and the New England Aquarium to assist entangled large whales in the Bay of Fundy and Gulf of Maine;

Whereas the United States National Oceanic and Atmospheric Administration has long been involved with a series of bilateral discussions with Canada concerning the United States Atlantic Large Whale Take Reduction Plan, and the Canadian Species at Risk Plan; and

Whereas encouraging collaboration between representatives of the United States and Canadian Federal governments, affected States and Canadian provinces, affected fishing and shipping industries, and non-governmental organizations will facilitate the parties'

ability to develop a sound, scientifically supported,
mutually acceptable agreement: Now, therefore, be it

1 *Resolved, by the Senate That—*

2 (1) the United States should undertake bilat-
3 eral discussions with Canada to negotiate an agree-
4 ment for the conservation and protection of migra-
5 tory or transboundary populations of large whales at
6 risk of extinction in the northwest Atlantic Ocean;

7 (2) the agreement negotiated pursuant to para-
8 graph (1) should contain mechanisms, inter alia, for
9 reducing incidents of endangered large whales be-
10 coming entangled in fishing gear, being struck by
11 ships, or otherwise adversely impacted by human ac-
12 tivity;

13 (3) the mechanisms developed pursuant to
14 paragraph (2) should ensure that—

15 (A) the costs and benefits of whale con-
16 servation regulations are to the extent feasible
17 fairly and equitably distributed among regu-
18 lated and other concerned parties including the
19 United States and Canadian governments, the
20 fishing and shipping industries, States, Cana-
21 dian provinces, and interested nongovernmental
22 organizations;

1 (B) the full economic impact on fishing
2 communities is considered in the development of
3 such measures; and

4 (C) the best available science on whale be-
5 havior, including diving, feeding, and migration,
6 is used to develop conservation mechanisms;

7 (4) as any bilateral agreement is negotiated and
8 implemented, the United States and Canada should
9 consult with, inter alia, affected fishery management
10 agencies, coastal States and provinces impacted by
11 the agreement, and appropriate industry and non-
12 governmental organizations; and

13 (5) until the agreement pursuant to paragraph
14 (1) becomes operational, the United States should
15 continue to undertake efforts to reduce the impacts
16 of human activity on endangered large whales while
17 taking steps, to the extent consistent with United
18 States law, to minimize the economic impact of such
19 efforts on affected industries.

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