

MEXICO

Voluntary National Cetacean Conservation Report, 2012 Lorenzo Rojas-Bracho and Yolanda Alaniz

While recognizing the existence of differing views regarding the IWC Conservation Mexico considers that with the submission of national information on a voluntary basis is a way to address cetacean conservation matters, in a spirit of cooperation, and a via to learn from experiences in other Countries.

National Governmental Authority Submitting the Report:

Instituto Nacional de Ecología (INE) - Secretaría del Medio Ambiente y Recursos Naturales (Ministry of The Environment and Natural Resources)

1. Legal Developments (laws, regulations and other regulatory measures related to cetaceans)

All marinemammals are considered in some category of risk, under the "red list" of Mexico: Mexican Standard: NOM-059 of Species at Risk since 2002. Therefore are protected under the General Wildlife Law(2000). In the text of this Law there are two legal figures specially designed for endangeredspecies, the so called Refuge Areas for Aquatic Species and CriticalHabitat.

Recently the Mexican Congress published important amendments to enablethe efficient protection of all marine mammals, especially whales from the impacts by human activities.

- Amendments to the Wildlife General Law (Ley General de Vida Silvestre):

- a) Areas of refuge for aquatic species: the legal definition was amended to include within the scope of protection for species that may be affected by impacts such as physical, chemical, or acoustic pollution, and ship collisions
- b) Critical Habitat: In Mexico, critical habitat was only envisaged for terrestrial species. Now is extended to consider aquatic species, including cetaceans and other endangered species. It provides protection and public interest thus goes beyond the private interest. Critical habitat is defined for the first time in the Mexican law as specific areas of land or water, where esential biological, physical and chemical processes for the survival of species/populations occur. And therefore require special management and protection. These are areas that are regularly used for predation, foraging, resting, breeding, calving or migration routes. And include the impacts of oceanic noise and ship strikes. This legal protection is directed to special management measures and mitigation of impacts through management plans.
- c) The import and export of marine mammals for commercial purposes is prohibited since 2005. However, in 2010, it became possible to import or export samples of fluids, tissues, or reproductive cells for breeding purposes.
- d) Congress directed in 2011 the Secretary of Environment and Natural Resources to develop and implement the "Protocol of attention to strandings of marine mammals". This legislation aims to systematize across the country the procedures

for attending marine mammal strandings and the implementation of training to locals and government agencies.

- Whalewatching:

Mexican Standard 131 has been modified. It establishes guidelines and specifications for the development of whalewatching as related to the protection and conservation of whales and its habitat. Mexican Standards are reviewed every five years. Mexican Standards NOM-131 was registered in the Annual Programme for Standardization, for review and change. Experts in the theme from different areas have participated.

This is the first Mexican standard for whales that explicitly addresses the Precautionary Principle and the impacts of anthropogenic noise on whales, and especially during whalewatching operations.

Mexican Standard 131 recognizes that the noise can have negative effects on whales such as:

- a) Avoidance behavior, abandonment of habitat and migration routes.
- b) Deaf and masking of biological sounds
- c) Driving to the loss or masking of communication skills, avoidance of predators and prey search.

It provides whalewatching distances and maximum speed of vessels according to the whale species being observed. It also prohibits harassment, or harming the whales in any way, including obstructing its course, causing dispersion and getting between mother-calf pairs.

Among the changes to the past NOM-131 we have:

- Establishes, if in need and according to scientific knowledge, restricted areas for the development of this activity.
- Established different maximum numbers of vessels that can do whalewatching at the same time.
- Diminishes the speed of vessels entering the whalewatching zone.
- Protecting whales from the negative effects noise may, through the prohibition of the use of echo sounders and the distance and number of vessels in the area.
- Provide the necessary facilities for the elderly and people with different abilities to participate in the whalewatching activities.

As mentioned in past Voluntary National Cetacean Conservation Reports a decree published in Mexico's Federal Register in May 2002 (Diario Oficial de la Federación del 24 de mayo de 2002) by the Secretaría de Medio Ambiente y Recursos Naturales (Ministry of Environment and Natural Resources) declares Mexico's marine zones of the national territory and, of equal way, those in which the nation exerts sovereignty and jurisdiction as a Refuge for Large Whales and several other cetacean species. This means that cetaceans, as much odontocetes as mysticetes, will have in our territorial sea, contiguous zone and exclusive economic zone, a refuge and protection area.

Framed in and as part of the declaration mentioned above, Article 141 of the Internal Regulations of the Ministry of Environment and Natural Resources (Art. 145,

paragraphs XI, XII, XIII, XIV, XV and XVII), the National Commission for Natural Protected Areas (CONANP) has the mandated to formulate, promote, implement and evaluate projects for the conservation, recovery of species and populations, including several marine mammal species.

2. Current Government Programs Related to Cetacean Conservation

- Large whales protection programmes.

In compliance with the above legislation, The National Commission of Natural Protected Areas (CONANP) submitted for consideration by the Undersecretariat of Environmental Protection two Programmes of Protection of the Humpback Whale one in the region of Los Cabos, BCS and the other in Bahía de Banderas in the states of Jalisco and Nayarit. This in order that, within its jurisdiction and powers, the Undersecretariat can perform the steps leading to its eventual publication in the Federal Register and implementation. These proposals have been developed with the aim of contributing to the establishment of measures to support the management of whalewatching activities within a framework of sustainability that will ensure conservation of cetaceans.

We use as an example of these programs the one for Bahía de Banderas:

- I. Identifying the main sub-areas of the Refuge for Large whales those used by humpback whales for their various biological functions.
- II. Reduce the major threats to the survival of the humpback whale in the region Bahia de Banderas, Jalisco - Nayarit.
- III. Promote, define and establish conservation and management measures to guide the proper development of activities aimed at sustainable use of natural resources of the Banderas Bay region, consistent with the conservation of humpback whale.
- IV. Structure programs and actions with regard to research, environmental education, protection, development of recreation and tourism, funding for area management, prevention, contingency management and monitoring, and establishing its linkage to the National Development Plan, as well as sectoral programs concerned.

This Regional Programme for the Protection of the Humpback Whale in Banderas Bay, covers polygon with an area of 1,719.99 km² and a perimeter of 222.16 km. Within the polygon therew is a defined restricted area comprising 69.4 km² and a perimeter 52.92 km. The activities carried out at the site of the Banderas Bay region for the protection of the humpback whale must be designed so as to reduce human activities threats to this species. Among them fishing, ship collisions and noise disturbance and whalewatching. The programme includes other actions as research and monitoring, communication and education and enforcement and a protocol for a response team for entangled whales.

The programme for Los Cabos is very similar and include as well the polygons where the same activities mentioned above are restricted.

The same programme is being developed for blue whales.

- Vaquita recent and current recovery actions

The International vaquita recovery team (Comité Internacional para la Recuperación de la Vaquita; CIRVA) met again this year in February in Ensenada, BC. Based on information presented at this meeting, CIRVA made a number of recommendations, the most important being:

- All gillnets and other entangling nets need to be removed from the vaquita's entire range.
- Artisanal shrimp fishing vessels should be converted immediately from using gillnets to using small trawls.
- Additional research is needed to develop vaquita-safe methods to fish for finfish with artisanal vessels. Spatial management measures are needed that provide access incentives for shrimp fishermen who use small trawls rather than gillnets.
- A legal limit on the length of gillnets and the number of nets per vessel needs to be enforced for fisheries with such limits, like the shrimp fishery.
- A legal limit on the length of gillnets and the number of nets per vessel needs to be established and enforced for all other fisheries (besides the shrimp fishery).
- More effective enforcement of no-fishing regulations within the Vaquita Refuge is needed.
- The boundaries of the Vaquita Refuge should be changed as described in the report.
- The current acoustic monitoring scheme should continue for at least the first planned 5-year period so that vaquita population trends can be tracked and recovery strategies adapted accordingly.

The second recommendation is progressing well. A joint group from the Ministries of Environment and Natural Resources and of Agriculture, Livestock, Fisheries and Food has been engaged in a process to amend the Mexican Official Standard 002-PESCA that regulates shrimp fishing. A three year process beginning in 2013 to ban shrimp gillnets and exchange them for the new small artisanal trawl net design has been approved but not yet published in the Federal Register and awaits public hearings.

The third recommendation on additional research needed to develop vaquita-safe methods to fish for finfish is in progress thanks to the support given by IWC's Voluntary Fund for Small Cetacean Conservation and the WWF-Mexico.

Note: The full CIRVA report is available here: <http://www.iucn-csg.org/wp-content/uploads/2010/03/Report-of-the-Fourth-Meeting-of-the-International-Committee-for-the-Recovery-of-Vaquita.pdf>

3. Shipstrikes

Last year we reported a planned research programme between Mexico's National Institute of Ecology and the US National Marine Fisheries Service, Southwest Fisheries Science Centre, to study the fine scale space use of gray whale's migration routes, using satellite telemetry, and to be able to assess spatial risk to design shipping lanes.

This year we had the first field season from March 5 – 7. A total of 19 satellite tags (19) were deployed in and around San Ignacio Lagoon. We received transmissions from 15 in average 22 days. We are hoping to continue this collaboration next year.