

Minutes of the Second Ordinary Meeting

The Advisory Commission to the Presidency of Mexico for the Recovery of Vaquita held its second ordinary meeting in the Hotel Royal Pedregal in Mexico City starting at 16:00 hours on March 19th 2013.

After taking the attendance record and verifying the existence of a quorum, the session began with approval of the agenda (appendix 1). Thereupon, the members of the Advisory Commission approved the minutes of the meeting held on February 5th.

Luis Fueyo Mac Donald informed the members of the Commission, in accordance with the agreements reached at the first meeting, that two working groups had been constituted to analyze public policy options that would allow the conservation of Vaquita in the Upper Gulf of California .

The following summary is organized according to the agenda.

FOURTH ITEM: **SCENARIOS, LEGAL INSTRUMENTS, AND COSTS FOR THE REPLACEMENT OF THE GILLNETS AND OTHER ENTANGLING NETS IN THE DISTRIBUTION AREA OF THE VAQUITA (INECC).**

The National Institute of Ecology and Climate Change (INECC) presented four policy options for the recovery of the vaquita. A program to replace all shrimp gillnets with alternative gear in the first year and imposing an immediate ban on finfish gillnets (but only for those species/fisheries that have vaquita bycatch), would have a total cost over six years of 1,173 million pesos (~97million USD), with an average annual cost of 195 million (over 16 million USD).

In response to a direct question on the number of individual vaquitas alive in 2013, INECC said that the estimate was based on the results from the research cruise of 2008. Barbara Taylor commented that the methodology developed in 1997 was implemented for the 2008 cruise to estimate the population trend. She mentioned that the methodology had proven to be successful.

Omar Vidal of the WWF expressed the need to know with certainty the population size of vaquita, since in the past three months there has been news about illegal fishing for totoaba, fishery in which vaquita bycatch occurs.

The Secretary of Environment and Natural Resources, Mr. Juan José Guerra Abud, reiterated that the Mexican government will invest what is necessary for the conservation of the vaquita but that in order to proceed, it is essential to have a "current snapshot" of the population size (abundance) in order to assess the magnitude of the effort that will be required.

Meanwhile Carlos Tirado, representative of fishermen in the Gulf of Santa Clara, San Luis Rio Colorado, Sonora, said:

- The fishermen know about the risk of vaquita bycatch. However, it is not the only problem.
- The increase in illegal fishing is having a high impact; he said that if there is not a frontal combat to illegality the problem will not be solved. Fishermen are committed to the conservation of the vaquita, but the measures only affect those who are fishing legally. Therefore, they demand that illegal fishing practices be eradicated.

Ramón Franco, representative of the fishermen of San Felipe, Mexicali, B.C.:

- After expressing thanks the invitation to the meeting, he said that he represents many families. Since 2005, when the Refuge Area of Vaquita was created, they have tried to maintain a dialogue, but currently, the situation is out of control because of the increase in illegal fishing.
- He noted that the legal fishermen adhere to what is established in the fishing permits, but the illegal ones are operating with banned gillnets, which are the most likely to capture vaquitas. He requested the support of the authorities to end the harassment of legal fishermen.
- He also noted the need to fight the illegality and demanded that compliance with the law be enforced with hard punishment. For example, he said that fishermen have been arrested for fishing for totoaba but then been released with bail and continuing to do their business.

Guerra Abud requested information regarding the impact of the control over the waters of the Colorado River in the life cycle of the Vaquita and the possibility of having vaquitas reproduce in captivity. Lorenzo Rojas, Randall Reeves and Barbara Taylor said that studies conducted by various researchers have shown that despite lack of flow from the Colorado River, the Upper Gulf of California is a region of high productivity as a result of its oceanographic characteristics. Furthermore, Randall Reeves mentioned that reproduction in captivity has not been successful with porpoises, since the few calves produced have generally not survived. He said captive breeding is not considered a viable alternative because it is also very expensive and risky, especially in a species with such a reduced population.

Regarding the distribution range indicated in the presentation of INECC, Omar Vidal WWF said the historic range of the vaquita is from south of San Felipe to Puerto Peñasco, which is inferred by the vaquitas entangled in Peñasco and Gulf of St. Clara. Lorenzo Rojas clarified that the map displayed is the polygon defined at the Fourth Meeting of the International Committee for the Recovery of the Vaquita (CIRVA-4).

Martin Gutierrez Lacayo of ProNatura said that the important thing is to ensure effective law enforcement. The focus should be on sustainability of fisheries and combatting illegal

activities is vital, making it urgent have effective coordination between CONAPESCA and PROFEPA for it.

Enrique Torres Delgado, representative of the Government of the Sonora State, pointed out the need to find integrated solutions that lead to sustainability of fisheries. Furthermore, he proposed that the polygon be redesigned, restricting fishing in the central zone of Upper Gulf of California and allowing fishing in the coastal zone.

The Undersecretary of Management for the Environmental Protection, Rafael Pacchiano, mentioned the premise adopted by the working group: the fishermen will continue their activities, shrimp gillnets will be replaced fully within a year, and to address the issue of finfish gillnets, only those fisheries that use gillnets in a way that puts vaquitas at risk will be banned, and in the meantime that an alternative fishing gear will be developed.

Carlos Tirado y Ramón Franco, representatives of the fishermen, requested testing of the RS-INP-Mx net in the presence of fishermen aboard the pangas. Also, he suggested the participation of the Government and NGOs. The fishermen are willing to respect the results of these tests.

In order to conclude this item of the agenda, Guerra Abud reiterated that the Mexican government will make all the necessary efforts and invest the resources needed to allow fisheries to coexist with the conservation of vaquita.

FIFTH ITEM OF THE AGENDA: PROJECT TO VALIDATE THE TRAWL NET RS-INP-MX FOR SHRIMP FISHING IN THE UPPER GULF OF CALIFORNIA (INAPESCA)

Dr. Abraham Navarrete of the National Institute of Fisheries (INAPESCA) talked about the background on the proposal of the RS-INP-MX net as an alternative to the shrimp gillnet, keeping in mind that prior to 1996, in the Upper Gulf of California, the shrimp fishing was operated with trawl nets. He mentioned that results of the experiments and field trials with the RS-INP-MX net are available at the INAPESCA website. Furthermore, he highlighted the importance given by INAPESCA to the avoidance of catches of non-target species (bycatch).

Mr. Daniel Aguilar presented the results and the proposed protocol for the new tests.

The RS-INP-MX net is a trawl net that uses the best textile materials, strong and light in weight. Turtle and fish excluders have been adapted to make it more selective.

- The trawl net was tested for finfish and it worked well. However, Aguilar recognized the need for training to operate the net, since it is necessary to trawl with pangas. This net does not fish by drifting as the shrimp gillnet does.

- He highlighted the fact that as long as gillnets are not eliminated in the area, it will be difficult to work with the trawl net in the same area. He said the trawl net and gillnets are not compatible for simultaneous operation in the same fishing zone.
- Regarding the protocol for ownership and training of fishermen of the Upper Gulf of California, tests will be performed with 30 pangas in diurnal shifts daily with the RS-INP-MX, and at least three net casts of one hour trawling. Ten pangas will operate with the trawl net modified by fishermen and 10 additional fishing boats will operate with gillnets. In total 50 pangas will be working. The beginning of the tests is August 18th and the permits need to be issued prior to August 10th.
- 190 fishermen will receive theoretical and practical training in June/July. He clarified that gillnets will be used only to verify the presence of shrimp, not for comparison purposes between RS-INP-MX net and gillnets.
- The total cost of testing is 7.5 million pesos (over 619 thousand USD)

In this regard, Mr. Juan Jose Guerra Abud asked the representative of CONAPESCA to explore with the National Commissioner or the Secretary of SAGARPA the possibility that they may cover half of the budget submitted.

Carlos Tirado mentioned his agreement to do the net testing. He said the net is not working, He said that previously it has been shown that the net does not work but insisted that more studies need to be conducted and he committed to respect the results. Moreover, he requested that the Governments of Sonora and Baja California witness the testing.

Ramón Franco also agreed with the INAPESCA proposal to carry out more studies, but mentioned the need to take into account the physical wear on the outboard motors, since the 4-stroke outboard motors are not suitable for this kind of work. Furthermore, he said engine repair would be expensive and the trawling operations will involve increased fuel consumption.

He highlighted that, even though compensation to fishermen for reduced catches has been mentioned, the number of years over which this compensation will be offered has not been stated.

Omar Vidal emphasized that the solution needs to focus on fishermen, and hence alternative proposals have been developed. However, he considers the process of finalizing the Official Standard needs to continue, and he offered funding support from WWF for the training component of INAPESCA's program.

Martín Gutierrez expressed support for the WWF proposal in terms of working on possible solutions and being realistic about various problems such as the need for increased effectiveness of surveillance and inspections.

In order to conclude this item of the agenda, Mr. Guerra Abud requested that INAPESCA perform the activities previously mentioned, and he offered the collaboration of CONANP and invited NGOs to join in this effort. He requested that the deputy attorney of Natural Resources of PROFEPA, Mr. Alejandro del Mazo, implement collaboration with the Navy, conduct a convincing and effective operation of inspection to detain those who are fishing for totoaba or involved in any other kind of illegal fishing activities. He also requested the collaboration of the Government of the Sonora state for this task.

SIXTH ITEM OF THE AGENDA: **PRESENTATION OF THE REQUIREMENTS TO ACCOMPLISH THE RESEARCH CRUISE TO EVALUATE THE POPULATION OF VAQUITA (INECC)**

Dr. Lorenzo Rojas Bracho presented a brief summary of the cost implications of carrying out a vaquita monitoring cruise.

- The average cost is about 2 million USD and Rojas-Bracho estimated that preparation time for the survey would be approximately 18 months. It will depend on availability of an appropriate research vessel and of national and international marine mammal observers with proven experience to sight vaquitas, as well as on financial resources.
- He said this cruise would provide new visual and acoustic data and enable production of a new estimate of absolute vaquita abundance. The cruise also could be used as a showcase to raise funds and demonstrate Mexico's commitment to saving the vaquita.

Mr. Luis Fueyo Mac Donald urged that preparations be made to carry out the cruise. Omar Vidal asked when the results would be available following the cruise because he considered a year to be too long. Lorenzo Rojas explained that the results would be ready in about five months after the end of the cruise. Omar Vidal further noted that given the economic situation, he does not believe international funding will be available to support the cruise.

Dr. Randall Reeves requested his opinion to be recorded that he does not support the idea of conducting another cruise at this time and that the financial and human resources should be used instead for conservation actions to improve vaquita protection. He also agreed with Omar Vidal that it is unlikely that international funding will be available to support the cruise.

Dr. Jorge Urban from the Universidad Autónoma de Baja California Sur agreed with Dr. Reeves, however, keeping in mind the goals of the cruise, he said it would be useful to compare the results with those of the two previous cruises. Therefore, it will be important to do the new cruise at a similar time of the year.

Martín Gutierrez Lacayo noted that the cruise must take place, and also suggested that there be coordination with the Ministries of the Navy and Foreign Affairs to reduce the time to the cruise. He suggested carrying out the cruise even if the CIRVA researchers are not available. He insisted that actions of surveillance and inspection need to be performed immediately and the INAPESCA protocol should continue. He offered continued collaboration by PRONATURA in matters of training.

Dra. Barbara Taylor commented on the need to obtain the best data possible from a scientific perspective, and she noted that the best period to do the cruise would be from August to October or from September to November. She noted that strategically, 2014 would be the best year to conduct the survey since by then the trawl net testing, the surveillance and inspection actions, and the conversion of some pangas will have been completed. Therefore, the estimation of the vaquita population could be clear as it was in 2008. She also noted that it would not be necessary to wait for the results to be published in a journal before they are made available to the Advisory Commission to the Presidency of Mexico for the Recovery of Vaquita.

SEVENTH ITEM OF THE AGENDA: ALTERNATIVES OF THE SOCIAL PROGRAMS APPLICABLE TO COMMUNITIES OF THE UPPER GULF OF CALIFORNIA (CONACOOOP).

Mr. Ricardo Romero of CONACOOOP made a brief presentation on the federal programs that could support the social demands of the fishing communities of the Upper Gulf of California. He commented, if a working group is created, the CONACOOOP is able to collaborate in doing surveys of the demands of the fisheries sector of communities, to advise the fishermen so that they are aware of and understand the programs.

At this point, Mr. Raúl Villaseñor said regarding CONAPESCA programs that, independently of the progress of these programs, work must be done to reorganize and strengthen the fishing organizations since this is the first step toward enabling fishermen to acquire all of the documentation needed to take advantage of the resources offered by the programs. The first commitment is to work on this and strengthen the structures to the organizations.

At the invitation of the Chair, Mr. Villaseñor updated the information regarding the process of standardization, and he commented the following:

- For public consultation, the project of modification of NOM-002-PESC-1993 was published on February 22nd 2013, and this document will incorporate the recommendation suggested by the Institute regarding the updating of the fishing systems for artisanal and industrial fisheries in the Upper Gulf of California.
- This is a comprehensive regulation and when the public consultation is over, it will be necessary to make the proper adjustments to allow for a convenient, quick and effective way to have the best fishing gear for both fleets. The next step of this process is to elaborate the response to the comments received during the public consultation,

and the issuance or publication of the NOM before the beginning of the 2012-2014 shrimping season.

- Independently of the detailed level required for the Upper Gulf of California, he emphasized that this is going to be a very careful process, because the opinion of the fishermen is important for the technical issues.

Carlos Tirado said they have not given any comments yet because they are working on it, however, they have requested that the authorities visit the Upper Gulf communities to hear the opinions of the fishermen directly. He mentioned that it is important for the comments, regardless of whether they are written down, to be heard and considered by members of the legal department and the Director General of Fisheries Management of CONAPESCA. This can be arranged through a visit by these officials to the communities to hear the feelings of the fishermen regarding this problem. Raúl Villaseñor expressed that there is no problem with the request and invited CONANP to participate with INAPESCA. Carlos Tirado agreed and also requested the participation of civil organizations.

Ricardo Romero of CONACOOOP said the Confederation wants to visit the communities and organize roundtables to do proposals, but these will be done after Easter Week. He insisted that the leaders and fishing cooperatives in the area be present.

Meanwhile, Ramon Franco commented that he sees clearly that after the testing trials, the modifications could be made to the official standard, but what is critical is that the authorities visit the communities to explain the changes to the official standard to the fishermen. This is necessary to avoid a situation like what occurred previously in Mexicali, where a demonstration against the changes to the rule governing corvina fisheries rule was organized by two actors who are not part of the Federation but have the financial capacity to motivate and mobilize people; he also said the community is tense and there are problems in San Felipe. Finally, he said that if authorities visit the community and make people understand the need for changes, a lot of pressure will subside.

NINTH ITEM OF THE AGENDA: **CONCLUSIONS AND AGREEMENTS**

There being no further comments from the members of the Advisory Commission, the National Commissioner of Natural Protected Areas recounted the agreements reached:

- 1.- The project presented by INAPESCA, to carry out the necessary tests for the appropriation of the RS-INP-MX by fishermen, and the corresponding training, is accepted.
- 2.- An effective program of inspection and enforcement (surveillance) will be implemented immediately with the participation of PROFEPA, CONAPESCA and the Navy. The efforts of

this program will be coordinated by the deputy attorney of Natural Resources of PROFEPA.

3.- Officials from CONAPESCA, CONANP and INAPESCA will visit the fishing communities. Invitations to participate also will be extended to the governments of the states of Sonora and Baja California, and to civil society organizations. The objectives of the visits are:

- a) To inform the fishermen of the alternatives that the federal government has prepared to address the social problems arising from the switch out processes in the region.
- b) To create along with the communities of San Felipe, El Golfo de Santa Clara and Puerto Peñasco alternatives that will allow the coexistence of sustainable fisheries and the conservation of endangered species, particularly the vaquita.
- c) To explain the process of modification of NOM-002-PESC-1993, and the need for the fishing gear change, to create a dialogue process for expressing and hearing the positions of the various sectors, the federal and state governments and civil society organizations, and particularly the opinions and suggestions of the artisanal fishermen of the Upper Gulf of California.

4.- The INECC will detail and specify the model of public policy to address the problem. Additionally, INECC will identify applicable legal instruments, describe (and quantify?) the impact of replacing gillnets in finfish fisheries, and estimate the projected financial losses by fishery.

Furthermore, the INECC will specify the fishing activities that are not considered to have impacts on the vaquita population (curvina, crab, geoduck, jellyfish, etc.), in order to know the sustainable catch levels for the populations.

- 5.- The General Director of INECC will explore the feasibility of carrying out the survey cruise according to the technical requirements and availability of human resources, financial resources and research vessels.
- 6.- Once information on the communities has been provided by CONACOOOP, a joint working group of SEMARNAT/SAGARPA will promote concrete offers of access to social programs from the federal government with various agencies of the Federal Executive.
7. A Group of Legal Analysis will be formed between UCAJ (Legal Affairs Coordination Unit of SEMARNAT) and the legal area of CONAPESCA to specify legal instruments required for the implementation of the proposals designed by INECC.

Mr. Luis Fuego thanked the participants for their presence and adjourned the session at 20.00, reaffirming the willingness to go to the communities and rebuild the social fabric at the local level.

APPENDIX 1

AGENDA

1. Attendance Record
2. Approval of Agenda
3. Approval of the Minute of the First Session (05/Feb/13)
4. Scenarios, legal instruments, and costs for the replacement of the gillnets and other entangling nets in the distribution area of vaquita (INECC)
5. Project of validation of the trawl net RS-INP-MX for the shrimp fishing in the Upper Gulf of California (INAPESCA)
6. Presentation of the requirements to accomplish the research cruise to Evaluate the Population of Vaquita (INECC)
7. Alternatives of the social programs applicable to the communities of the Upper Gulf of California (CONACOOOP)
8. Proposal and comments of the members to the Advisory Commission.
9. Conclusions and Agreements
10. Closing of the Meeting.

MINUTE

In Mexico City on 5 February, 2013, in the Mario Molina Sala of the headquarters of SEMARNAT (Ministry of Environment and Natural Resources), national and foreign researchers, civil society organizations, the public sector through the Ministry of the environment and Natural Resources and its decentralized organizations and the National Commission of Fisheries and Aquaculture, and representatives of the Committees on Environment and Natural Resources of the House of Representatives and of the Senate, met in order to establish an Advisory Commission to the Presidency of Mexico for the Recovery of Vaquita.

As the first agenda item Mr. Rafael Pacchiano, Assistant Secretary for Environmental Management and Protection, welcomed the participants on behalf of the Secretary of Environment and Natural Resources and emphasized the importance of this Commission. Then, there was an introduction of all attendees followed by the first presentation by Dr. Lorenzo Rojas Bracho about the vaquita population status and research efforts made by the INECC. Next, Dr. Abraham Navarrete gave a talk on the fisheries of the Upper Gulf of California and technology development projects undertaken by the National Fisheries Institute, with special emphasis on the trawl net RS-INP-MX. The National Commissioner of Natural Protected Areas, Luis Fueyo, presented the advances made so far by the Action Program for the Conservation of the Species: Vaquita, (PACE-Vaquita).

After those presentations, there was a brief presentation summarizing the goals, basic structure and functions of the Advisory Commission. It was proposed to discuss them in a later session.

The National Commissioner of Aquaculture and Fisheries, Mr. Mario Aguilar, proposed to invite the governments of the states of Sonora and Baja California, as well as fishermen, to join to the Advisory Commission as they will be affected by the measures recommended. He also asked for a representative of the Ministry of Navy to join the Commission, since the Navy's actions of inspection and surveillance are essential.

A motion by Rep. Lourdes A. Lopez Moreno that all relevant information regarding the vaquita's plight be addressed and then in a later session discuss the operating rules was accepted.

Several members of the Advisory Commission emphasized the importance of the Commission and the need to take immediate action for the conservation and recovery of the vaquita population, specifically action to prevent: (1) fishing within the Refuge Area, (2) illegal fishing for totoaba and (3) all other activities that deviate from the applicable environmental and fishing regulations. Furthermore, it was noted that there is sufficient scientific knowledge about the situation of the vaquita, and of the most important fisheries in the region, to justify urgent decisions and it was agreed that the recommendations of the Advisory Committee should be very executive, producing results in the short term because we know what actions have to be taken. The regulation of fishing gear was identified as a first priority, followed in importance by the need for coordination among CONANP, CONAPESCA, and the Navy to strengthen inspection and surveillance.

One of the representatives of organized civil society proposed that this first report of the Advisory Committee should include recommendations that encompass three points: 1) No fishing activities in the Refuge Area, 2) Inspection and monitoring to ensure compliance with the law and 3) Coordination and publication of the official Mexican Standard NOM-002-PESC with the support of Representatives and Senators.

The Secretary of Environment and Natural Resources said the President of Mexico wanted the Advisory Committee to provide specific recommendations and to be realistic about its advice on how to proceed with efforts to recover the vaquita population, especially for moving forward and eliminating the risk of extinction.

Members of the Advisory Commission reached the following agreements:

- To strengthen the inter-agency program of inspection and surveillance of PROFEPA, SEMAR, and CONAPESCA, guaranteeing compliance with the law;
- In coming months, to eliminate gillnets and other entangling nets throughout the vaquita's range and to establish a compensation program for fishermen;
- To update the legal and regulatory framework to eliminate fishing methods and gear that threaten the vaquita;
- To invite the governments of Baja California and Sonora, the Navy and fishermen of the region to be part of the Advisory Commission

- The INAPESCA will update information on the costs of the alternative trawl net RS-INP-MX, to determine the amount of resources required for the technological transition, which should include training and equipment (GPS).
- To establish interagency collaboration agreements between SEMARNAT-SAGARPA and PROFEPA-CONAPESCA-SEMAR.
- A Subcommittee composed of the Secretariat for Management for the Environmental Protection, PROFEPA and CONANP, with the support of ProNatura and the information provided by the INAPESCA, will ensure that within two weeks an estimate is available of the resources required to replace 50% of the shrimp gillnets with light trawls.
- In six weeks a second meeting of the Advisory Commission will be called, preferably in the Upper Gulf of California, to review the integral critical path in the short and medium term.

Below is a table with the three major points of agreement and their respective actions and the institutions responsible for their implementation.

THEME	ACTION	INSTITUTIONS INVOLVED
Strengthen immediately the inter-agency program of inspection and surveillance (PROFEPA, SEMAR, and CONAPESCA), guaranteeing compliance with the law.	a. Stop fishing within the Refuge Area.	PROFEPA, SEMAR, and CONAPESCA
	b. Guarantee compliance with the shrimp gillnet length regulation.	CONAPESCA, SEMAR, and PROFEPA
	c. Stop fishing for totoaba and other illegal fishing activities.	PROFEPA, CONAPESCA, and SEMAR
	d. Design and implement a permanent operational inspection and surveillance program.	CONAPESCA, PROFEPA, and SEMAR.
In coming months, to eliminate gillnets and other entangling nets	a. Accelerate the work of replacing shrimp gillnets with RS MX INP trawls) and develop vaquita-safe gear to replace	INAPESCA, CONAPESCA, and CONANP

throughout the vaquita's range and to establish a compensation program for fishermen.	finfish gillnets.	
	<ul style="list-style-type: none"> Implement a medium-term program of technological development. 	INAPESCA
	b. Negotiate to obtain the resources necessary for achieving the technological transition.	SEMARNAT, PRONATURA, CONANP, and WWF
Update the legal and regulatory framework to eliminate fishing gear and methods that threaten the vaquita	a. Publish in the Official Gazette of the Federation (DOF) the modifications to NOM-002 (elimination of shrimp gillnets)	CONAPESCA
	b. Implement NOM-002, replacement program of shrimp gillnets by RS.INP-MX (costs / schedules).	CONAPESCA INAPESCA CONANP
	c. Promote the development and implementation of fishery management programs specific to the Upper Gulf of California.	INAPESCA, CONAPESCA, and CONANP