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Conservation proposals against illegal cetacean swimming in Mexico

Viloria-Gómora, L.¹, Rojas-Bracho, L.², Martínez-Loustalot, P.¹ and Urbán R., J.¹

¹ *Departamento de Ciencia Marinas y Costeras. Universidad Autónoma de Baja California Sur, La Paz, B.C.S., México.*

² *National Marine Mammal Foundation. 2240 Shelter Island Dr Ste 200, San Diego, CA 92106, USA*

Abstract

In Mexico, swimming with cetaceans is an illegal activity. However, it has been increasing in both species and destination locations. Tourist observation of large whales is regulated by Official Mexican Standard 131, explicitly prohibiting swimming with any species of cetacean. Despite this, swimming practices have expanded to include several species of whales and dolphins. The cetaceans are searched from small planes; once found, they notify the boats, and the harassment of the cetaceans begins. Most sites that offer this activity are not protected areas, making regulation difficult. We propose that Regional Programs for the Protection of Refuge Areas (PPR) are an alternative instrument to the ANP to control this illegal activity. These PPRs aim to conserve large whales, involving authorities, local communities, academia and civil society. These proposed areas align with Important Marine Mammal Areas (IMMA) designated by IUCN and WCPA. In conclusion, we consider that the PPR can be an umbrella program that helps regulate and control this illegal activity, which is why we request the recommendation of the IWC SC to the Mexican government so that these refuge areas are implemented in Mexico.

Introduction

Swimming with cetaceans in Mexico is an illegal activity; However, it has been on the rise, both in terms of targeted species and locations where it occurs. Tourist observation of large whales (such as blue, humpback, fin, gray, minke, sei, and sperm whales) in Mexico is regulated by the 131 Official Mexican Standard (NOM-131-SEMARNAT, 1998; DOF, 2011) (NOM-131-SEMARNAT, 1998; DOF, 2011). This standard outlines guidelines for conducting the activity and explicitly prohibits swimming with any cetacean species.

The swimming practices with cetaceans are similar to those we reported at last year's meeting (Urban and Viloria, 2021; Viloria et al., 2023). The cetaceans are searched by small planes. Once found, the boats are notified and arrive at high speed, surround the organisms, and the tourists jump into the water, generally at the front of the cetaceans, to at least see them pass by. For this 2023-24, unlike what was reported for 2022, where tourism service providers focused on humpback whales, orcas and blue whales, they now included Bryde's whales, fin whales, sperm whales, false killer whales, Pilot whales and Pacific White-sided Dolphin and Spotted Dolphins.

Federal, state and regional environmental authorities and tourist offices know the problem. In April 2021, we presented the corresponding information to our country's environmental authority. To date, we are not aware of any measure or action that has been carried out to comply with the NOM-131-SEMARNAT and obtain a solution to this violation.

Main areas of swimming with cetaceans

The sites that offer swimming with cetaceans are mainly the Cerralvo channel, near Cabo Pulmo, the Bay of La Paz, the region of San José del Cabo and Cabo San Lucas, southwest coast of the Baja California Peninsula. Still, they have also been reported in Bahía de Loreto and Bahía de Los Ángeles (Fig. 1). Most of these sites are not protected natural areas, so control, surveillance and regulation cannot be carried out by park rangers and corresponds to the Federal Environmental Protection Agency.



Figure 1: Areas of Mexico where swimming with cetaceans is reported. 1) Bahía de los Ángeles, 2) Bahía de Loreto, 3) Bahía de La Paz, 4) Cerralvo Channel, 5) Cabo San Lucas-San José del Cabo Region, 6) Southwest coast of the Baja California Peninsula.

Proposal of Regional Protection Programs

A strategy that can potentially help control these activities is the Proposal of Regional Protection Programs (RPP) to protect large whale species. These, through the delimitation of a polygon and implementation of specific actions, seek to preserve the species of large

cetaceans, facing various detected threats, including harassment by human activities, such as swimming tourism with cetaceans carried out without following official rules. The measures and actions, in addition to focusing on protecting and conserving these cetaceans, also contemplate the sustainable development of human activities in the region. These programs also promote compliance with current regulations in collaboration with various authorities and the participation of local communities and other actors, such as academia and organized civil society. In addition, they propose coordinating actions to address emergencies such as entanglements in fishing gear and attention to strandings. Research, environmental education and the participation of society in protecting whales and their habitats will be promoted.

The Commission of Protected Natural Areas is currently reviewing three of our proposals: Loreto Bay—Los Cabos, Magdalena Bay—Ojo de Liebre Lagoon and Great Islands of the Gulf of California (Urbán and Vilorio, 2022) (Figure 2).



Figure 2: Areas proposed as Regional Protection Programs, 1) Grandes Islas; 2) Bahía de Loreto - Los Cabos; 3) Bahía Magdalena - Laguna Ojo de Liebre.

The actions and management measures proposed in the areas designated as priority zones aim to regulate tourism, control navigation speed to avoid or reduce collisions with vessels, avoid altering the behavior of species, such as interrupting the trajectory of whales, mothers will be separated from their young and will generally not be allowed to cause disturbance to wildlife. It is also proposed that, in the cetacean feeding and breeding season and areas, the navigation of jet skis, drones, ultralight aircraft and helicopters be limited to avoid acoustic disturbances. Mining activities and sport fishing are within the list of actions that must be limited or regulated. The above is just a sample of the actions proposed in the programs.

These protection programs delimited in the polygons are included 100% in Important Marine Mammal Areas (IMMA) already proposed and accepted. These areas are an effort of the IUCN Marine Mammal Protected Areas Working Group and the World Commission on Protected Areas, of which Mexico is a member (Figure 3).



Figure 3. Important Marine Mammal Areas (IMMA), for the Gulf of California and the Mexican Pacific. Taken and modified from IMMA e-Atlas (<https://www.marinemammalhabitat.org/imma-eatlas/>).

Conclusion

Mexican legislation should focus on reevaluating failed conservation management techniques by considering assessments and restructuring resource management policies.

Regarding whale watching, the Mexican Northwestern Pacific has both priority zones where this activity is already permitted and areas that are seeking to allow it. In this context, RPP provides an opportunity to assess management actions and policies related to whale watching in the region. Environmental authorities are advised to consult with experts to determine the feasibility of continuing whale watching in the former areas and the viability of introducing it in the latter. During this process, particular attention should be focused on swim-with-cetaceans programs, and tour operators offering this activity should be identified to end it. Therefore, the Committee should encourage the Government of Mexico to implement consultation with experts and other stakeholders to regulate WW activities, particularly to cease swimming with cetaceans.

The Scientific Committee would like to offer its expertise to the competent authorities in Mexico to review the RPP

Acknowledgments

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