

Dick Replogle Wrote;
Monday, July 27, 2003

John, here is the latest sad story out of San Carlos. I thought we were dealing with a tuna net, but now I am not certain—perhaps shark net? Here's the story, and since my pictures are about 650MB each, I will send the extra photos in additional notes:

On July 23 about 27 miles from San Carlos we (Margarita IV) came upon this strange site:



On closer inspection we discovered that it was a live sperm whale with her dead calf attached.

The calf seems to have been dead for perhaps a week, and both animals were held together after being entangled in a new looking net which I concluded must be a tuna net (with openings about 5-6 inches square).



The cow was tightly wrapped from head to tail about 3 times and the net was severely wrapped around her lower jaw and the tail, and from her lower jaw was hanging a very heavy weight attached by about a 1-inch rope.

Here is another picture of the wrapped cow: and of the dead calf:



Our two younger crewmembers went into the water with knives, climbed the whale's back and were successful in clearing the net off of her back. However, there was still the very heavy weight and a tightly wrapped situation on her lower lip and the tail. We were unsuccessful to hold her still long enough to free the tail, but we also realized she would die if we could not extract the net and weight from her lip.



We called for help from divers and a two hours later (about 6:30 PM) a boat from Ocean Sports arrived with some divers willing to attempt the dangerous save.



One of them began to cut the net from her mouth but after a few cuts she apparently turned and caused him to receive a severe gash (required about 15 stitches that evening) and have to end the attempt. As the other boat was rescuing him I noted a large, broken stick of wood that now protruded about two feet from the head, and I suspect this was a broken part of the leading edge of the net. We worked a while longer on the tail net but finally gave up, since we realized that even if we would get the tail extricated, the whale was in serious trouble with the net and weight wrapped around her mouth. The next day we followed her drift pattern about 7-8 miles beyond the last location, but were unsuccessful in locating her...and also a broadcast to the fishing tournament participants resulted in no sightings.

What can we conclude? It is clear that the fishermen (tuna, or the new panga approach?) knew what had happened and they had to somehow cut the net to release the trapped whales. It was a tragic situation, but since most of them can't even swim, they may have concluded they also could not help them. The calf was only attached at the tail, but would likely have also died if the cow could not be extracted. Could anything have been done to prevent this?

Thoughts and Emotions on the Whale Incident

By Dick Replogle, July 28, 2003

John, here are my personal thoughts that I believe summarizes that of my crew as well. The crew was Dr. Roy Gettel and his son (Court...seen in the one picture) and my son Bryan.

The Mother's Agony

Once we were able to assess the situation, it became clear that while the mother was totally wrapped in the net, the calf was only being held by a wrap at it's tail. It was became clear from the stench and the birds pecking at the calf before our arrival that the calf had been dead for some time...perhaps as much as a week. Can you imagine the agony of this poor mother having to

watch and listen to her baby die slowly from her inability to nurse it? And much worse, can you imagine any mother having to carry around her dead baby for possibly a week while also dying a slow death?

How could we help?

Our fishing activity immediately assumed a lower priority, since we unanimously decided to do as much as possible to free her. After circling a few times to examine the situation, we decided to tie up to the rope on the front of her. Obviously the next question in all of our minds was the danger of sharks, but since the calf carcass seemed to be intact, and since we could see nothing swimming under the whale, we concluded that the shark danger was minimal...but nevertheless a concern. Both of our sons are strong athletes, so they agreed to dive in with knives to go work on the net. They started by climbing on the back but this was not working very well since they kept slipping off. We then called them back to the boat and simply tied up the boat along side the whale and kept cutting until we were then able to free her back completely, including getting it off her head and allowing the blowhole to operate freely. During this period, we all got drenched a few times with her "exhaust", and she also cried out in a high pitched voice, which now served to bring us together with this beautiful creature and strengthened our resolve to get her free.

We all felt really exhilarated about finally being able to clear the net from her back, but then a sense of hopelessness began to set in, since the net was now dangling beneath her body and she was still tied together from head to tail. We tried again to lift the heavy weight dangling from her mouth but the best we could do was to turn her head slightly and we knew we needed help from divers that could go deeper (and longer!) to work on the head situation. Therefore we called back to San Carlos for help, and through two of the local residents they were able to assist by relaying our calls and contacting Ocean Sports who were willing to send out some divers that I had requested. We were about 29 miles out from San Carlos, so it was an agonizing wait until the Kiki Cat arrived with help. During that time we attempted to work on the wrap on her tail, but that was both "good news and bad news". The good news was that she had plenty of strength left to flap it at us, and she twisted from side to side (seen in the pictures) as well, making it impossible to completely free the tail. At that point I recognized the danger and impossibility of working further so we waited for the other boat.

We were thrilled to see the other boat arrive, and I also admired the bravery of the first diver (Marco Ward) to immediately attack the rope and net around her mouth. They were also planning to be very cautious since they felt this type of whale had dangerous teeth. Our thrill was short lived, however, when the diver began to shout for help. At first I thought I heard him yell " shark... come pick me up", but fortunately it was not yet a shark. During the attempt to cut the net around her mouth, she panicked, turned her head, and entangled him in the net, causing the knife to slip and cut his leg to the bone (15 stitches, we learned later). At the time we did not realize the critical danger of his predicament, but in retrospect it is clear he was in serious danger.

Undoubtedly, the Kiki-Cat made the right decision to get him back to San Carlos for immediate medical assistance. We were disheartened, but we decided to see if more progress could be made as a result of his success.

Unfortunately, we discovered the net was still secure and our attempts to again pull the net loose from the mouth were unsuccessful. The young guys were reluctant to leave her, but I made the sad but prudent decision that we could do no more to save her other than to hope to find her the next day and repeat the process with more help. It was already after sunset, and so we made the sad

journey home, each of us realizing that all of our efforts were in vain, and she no chance for survival without human help...which was also the cause of her predicament.

Shark Drift Nets?

During the course of this adventure, I was perplexed as to how it could be possible that a tuna boat crew would have encircled this net around a group of whales, fully knowing the potential consequences. Now, however, since you have identified this net as a "shark drift net", I am even more concerned how the Mexican government could allow such devices to be used, knowing the risk to other wildlife which makes the Sea of Cortez such a treasure of natural resources. Obviously we need to work with Mexico to see that such nets are banned as they have been off the California coast.

What else could be done to avoid future tragedies of this nature?

Another discussion within our crew was: "why can't we call the Mexican coast guard to help us?" and "if this were California, we'd have helicopters in the air and a dozen conservation groups immediately offering to help." Unfortunately I had to explain to them the realities of the current situation in Mexico, including the fact that it was almost impossible to get a helicopter out (I think 8 hours later!) for a sinking ship a few years ago where human lives were at stake. And then, of course, I showed them the "Dept. of Pesca" panga that sits in the harbor near where I dock my boat. Ironically on the bow is labeled something in Spanish about "protection of resources", yet I have never seen that panga leave the harbor except on the day of the "operation" against the longliners which was filmed on TV. My understanding is that there are no financial resources for fuel, equipment, or personnel! That's why our Cortez initiative must succeed if we ever hope to protect this resource for the people of Mexico and the United States. Ray Cannon must be turning over in his grave again, and again.

Other notes:

John, if there is any chance to get someone searching, here is what I can remember and I will check my GPS (handheld tonight). She started at about 28 miles on approximately 198 degrees from Double point. However, she moved a mile or two while we were with her (about 4 hours) and as I recall the direction was more southwest. The calf drifted away (after we cut it loose), so it is clear that the cow was able to move slowly herself or perhaps did not drift with the current as much due to the heavy weight on the front. The next day was rough and I followed her track for 6-8 miles beyond the last sighting but there was no sign of her (and harder to locate due to waves and some whitecaps).

Best regards,
Dick Replogle

Dear PROFEPA:

I called Dick Replogle after receiving the story on the whales below from him by e-mail. Dick and his son and two friends were touched by the heart-wrenching experiences. They could have been killed but had to try; who wouldn't?

This is not the first time; over the past three years I can think of seven incident, one, two years ago also with cow and calf caught up and both dead in gill-nets.

This I found on Internet; "Global trends in entanglement of whales and dolphins are alarming. The United States World Wildlife Fund released research in August of 2002 suggesting 60,000

cetaceans are killed annually by destructive fishing practices around the world. Some populations of more endangered whales are even heading towards extinction.”

The Mexican governments need to do something instead of making believe that this does not happen.

- 1) We are not sure what kind of gill-net, can you tell by description?
- 2) Can you tell from picture what kind of Whale?
- 3) What are we to do?
- 4) Better yet what can we do to help you do a better job?

Gill nets and longlines are going to be end of the Sea of Cortez it's already damaging tourism in Sonora. If this keeps the Sea of Cortez will become the Sea of Plankton soap.

Respectfully, Amigo John

PROFEPA WROTE:

RV: Fishing The Sea of Cortes

Tue, 29 Jul 2003 09:18:47 -0500

AMIGO JOHN:

El caso es muy lamentable. No deberían de estar pasando estos eventos. Todo ello está asociado a la falta de regulación pesquera. Dos pesquerías están usando las redes de enmalle: la pesquería de tiburón y la pesquería de escama. Ninguna de ellas está regulada. En el caso del tiburón estamos próximos a obtener una regulación satisfactoria si los barcos de mediana altura y altura salen del Mar de Cortez. Tendremos entonces que trabajar con la pesca incidental de escama. Teniendo reglas hay que aplicar la Ley. De acuerdo a las responsabilidades legales establecidas en el Gobierno Federal, le corresponde a SAGARPA aplicar la Ley a la pesca comercial. PROFEPA podrá intervenir en el caso de protección a quelonios y mamíferos marinos, areas naturales protegidas y el uso de redes en arrecifes. Espero que podamos controlar muy pronto estas prácticas negativas y podamos recuperar la riqueza natural del mar de cortez. Ese es nuestro compromiso y seguiremos luchando para disponer de un marco legal adecuado y un programa de inspección y vigilancia estricto.

LUIS FUEYO

(Computer translated)

FRIEND JOHN:

The case is very terrible. These events should not be passing. Everything is associated to the lack of fishing regulation. Two fisheries are using these nets of caught in the meshes of a net: the shark fishery and the flake fishery. None of them is regulated. In the case of the shark we are next to obtain a satisfactory regulation if the ships of medium height and height leave the Sea of Cortez. We will have then to work with the incidental fishing of flake. Having rules is to apply the Law. According to the legal responsibilities settled down in the Federal Government, it corresponds SAGARPA to apply the Law to the commercial fishing. PROFEPA will be able to intervene in the case of protection to quelonios and marine mammals, protected natural areas and the use of nets in reefs. I hope we can control these negative practices very soon and we can

recover the natural wealth of the sea of Cortez. That is our commitment and we will continue fighting to have an appropriate legal mark and an inspection program and strict surveillance.

LUIS FUEYO

The net the two whales were entangled in has been identified as a Drift Gill-net.



Whale still has ropes in mouth and weights tied to ropes, net still around tail. There are indications that the adult whale is still alive but this cannot be confirmed. If you want to help with the situation in the Sea of Cortez, please support the efforts of the Amigos del Mar de Cortez.