



Cetacean code of conduct for the Falkland Islands

Falklands Conservation: Version 2, July 2020

Introduction

The Falkland Islands support a diverse array of cetaceans (whales, dolphins and porpoises), with at least 26 species recorded in the islands to date (Table 1). While many of those species typically inhabit pelagic waters, several species occur regularly in coastal areas where they may come into contact with marine traffic. Peale's and Commerson's dolphins are encountered year-round in nearshore waters throughout the islands, with killer whales being seen regularly in some areas on a seasonal basis (e.g. Sea Lion Island). Baleen whales including the sei whale, southern right whale and minke whale also occur seasonally in coastal water, sometimes close to shore.



Cetacean-watching ecotourism in the Falkland Islands is currently small-scale compared to many other locations worldwide, consisting of occasional commercial whale-watching boat trips in Berkeley Sound during the sei whale season (primarily January to May). Additionally, during the summer season a large number of cruise, expedition and sailing vessels travel through Falkland waters on tours that incorporate, or focus on, marine wildlife viewing. Cetaceans may also be approached by privately-owned recreational craft and during scientific monitoring surveys.

Non-ecotourism vessels may also encounter cetaceans incidentally while operating in Falkland waters. This currently includes a wide variety of fishing vessels, reefers, launches, tankers, supply boats, ferries and military vessels.

This Code of Conduct was drafted by Falklands Conservation with funding from the European Union BEST 2.0 Programme. This version is available to download at:

<https://www.falklandsconservation.com/downloads/>

Table 1. Cetacean species recorded in the Falkland Islands.

Family	Species common name	Scientific name	IUCN global status (July 2019)*	
Balaenidae	Southern right whale	<i>Eubalaena australis</i>	LC	
Neobalaenidae	Pygmy right whale	<i>Caperea marginata</i>	LC	
Balaenopteridae	Blue whale	<i>Balaenoptera musculus</i>	EN	
	Fin whale	<i>Balaenoptera physalus</i>	VU	
	Sei whale	<i>Balaenoptera borealis</i>	EN	
	Minke whale**	<i>Balaenoptera</i> sp.	LC / NT	
	Humpback whale	<i>Megaptera novaeangliae</i>	LC	
Physeteridae	Sperm whale	<i>Physeter macrocephalus</i>	VU	
Ziphiidae	Arnoux's beaked whale	<i>Berardius arnuxii</i>	DD	
	Southern bottlenose whale	<i>Hyperoodon planifrons</i>	LC	
	Andrews' beaked whale	<i>Mesoplodon bowdoini</i>	DD	
	Gray's beaked whale	<i>Mesoplodon grayi</i>	DD	
	Hector's beaked whale	<i>Mesoplodon hectori</i>	DD	
	Strap-toothed beaked whale	<i>Mesoplodon layardii</i>	DD	
	Cuvier's beaked whale	<i>Ziphius cavirostris</i>	LC	
	Delphinidae	Killer whale	<i>Orcinus orca</i>	DD
		Long-finned pilot whale	<i>Globicephala melas</i>	LC
False killer whale		<i>Pseudorca crassidens</i>	NT	
Common bottlenose dolphin		<i>Tursiops truncatus</i>	LC	
Hourglass dolphin		<i>Lagenorhynchus cruciger</i>	LC	
Dusky dolphin		<i>Lagenorhynchus obscurus</i>	LC	
Peale's dolphin		<i>Lagenorhynchus australis</i>	LC	
Southern right whale dolphin		<i>Lissodelphis peronii</i>	LC	
Commerson's dolphin		<i>Cephalorhynchus commersonii</i>	LC	
Phocoenidae	Spectacled porpoise	<i>Phocoena dioptrica</i>	LC	
	Burmeister's porpoise	<i>Phocoena spinipinnis</i>	NT	

* IUCN Conservation Status definitions: EN = Endangered, VU = Vulnerable, NT = Near Threatened, LC = Least Concern, DD = Data Deficient. ** Both the Antarctic minke whale (*Balaenoptera bonaerensis*; NT) and the dwarf subspecies of the common minke whale (*Balaenoptera acutorostrata* subsp.; LC) potentially occur and overlap in the Falklands.

Why do we need a code of conduct?

Encounters with cetaceans are an exciting and memorable experience for many people, leading to a better awareness of the marine environment and an eagerness to protect it. With increasing whale populations around the Falkland Islands in recent decades and a growing interest from both local inhabitants and tourists, interactions between cetaceans and human activities are rising. For example, during late 2017, an influx of southern right whales to coastal waters near Stanley resulted in approaches by a variety of boats, aircraft, kayakers, drones and swimmers. While such widespread interest in cetaceans is positive, it is important to acknowledge that there is potential for animals to be adversely-affected by interactions with human activities. Concerns may include:

Vessel strikes. Collisions between cetaceans and a range of vessels (both motor and sail) are increasingly reported worldwide, and are considered a major source of mortality for some cetacean populations. Impacts include mortality, serious injury, amputation and propeller scars. Vessel strikes have been documented in numerous cetacean species from the smallest dolphins to the largest whales, and can result from craft of all sizes from zodiacs to cruise liners. In the Falkland Islands, recent collisions with vessels are known to have occurred with at least sei whales and Commerson's dolphins.

Noise disturbance. Cetaceans are acoustically-sensitive animals that rely on sound for fundamental behaviours including navigation, communication, prey localisation and capture, and predator detection. Human noise can potentially disrupt or completely mask cetacean sounds, causing animals to alter their behaviour, or making them more susceptible to vessel strike. This is particularly important when critical behaviour such as feeding, resting or nursing is disrupted. The major source of human noise in the oceans is vessel traffic (engine noise and echo-sounders). However, some studies have also documented short-term avoidance responses from cetaceans to the noise produced by helicopters and fixed-wing aircraft.

Disturbance from the physical presence of vessels. Persistent direct approaches toward and "chasing" of cetaceans by boats will most likely cause avoidance and short-term displacement of animals from an area. Not only may this affect the animals if they are repeatedly displaced from favourable habitat, but it also spoils the opportunity for other people to enjoy marine wildlife.

The response of an individual or group of cetaceans to vessels, aircraft and other platforms is not always consistent, and may vary according to factors including the species (and their hearing range), group size, presence of calves, behaviour at the time, the number and type of platforms in the area, and specific platform-related factors such as vessel speed or aircraft altitude. Sometimes no obvious reaction may be apparent, while at other times animals may exhibit clear negative (i.e. avoidance) or positive (i.e. approach) responses. All require appropriate conduct by the platform operator in order to ensure a safe and respectful encounter for both cetaceans and human observers.

Objectives

The purpose of the code of conduct is:

- To raise awareness amongst human marine users of the potential impacts of interactions with cetaceans;
- To provide advice towards limiting the disturbance of cetaceans during recreational and commercial ecotourism carried out from various platforms;
- To provide advice to reduce the risk of vessel strike to cetaceans from all marine traffic.

Code of Conduct

The full code of conduct is provided in Appendix I. The Code was adopted at the Falkland Islands Government Environment Committee meeting in December 2017.

Licensing

Voluntary compliance with the code of conduct is expected from all marine users of Falkland waters. The FIG Environmental Planning Department (EPD) should be approached prior to any situations where it is anticipated that the code of conduct may be breached, for example media work or scientific studies that require closer approaches to cetaceans. A formal licence application will likely be required in those circumstances.

Reporting your sightings

Reporting your sightings of cetaceans in Falkland waters is a great opportunity to contribute to monitoring and conserving these animals. Please submit your records to Falklands Conservation (Tel: 22247; Email: whales@conservation.org.fk), providing as much information as possible including the date and time, location, species (if known) and estimated group size. Your records will be entered into a database that will be available for scientific and conservation work.

Appendix I: Cetacean code of conduct

November 2017

Adopted at the Falkland Islands Government Environment Committee meeting, December 2017.
Available to download at: <https://www.fig.gov.fk/policy/downloads>

WATERCRAFT¹

Slow down. For watercraft intending to approach cetaceans for viewing purposes, speed should be reduced to a maximum of 6 knots at a distance of at least 300 m away from the animals and throughout the encounter. Only increase speed after checking carefully that no animals remain in proximity to the vessel. For watercraft in transit and not intending to deliberately approach cetaceans: WHALES - slow down to ≤ 10 knots if passing within 500 m of whales, or adjust course if possible to provide whales with a wider berth; DOLPHINS - if dolphins approach of their own accord to bow-ride a transiting vessel then the speed and heading should be consistently maintained until they depart.

Consider your approach. The manner of approach is often crucial in determining the response of cetaceans to a watercraft. Ideally, the situation should be managed such that it allows cetaceans to control the nature and duration of the encounter. Do not approach directly from the front or behind, but move towards the animals gradually at an oblique angle from the side to close the distance (Figure 1). Then alter course slowly to travel parallel alongside the animals. Do not cut them off by travelling across their path. Do not chase animals that choose not to interact.

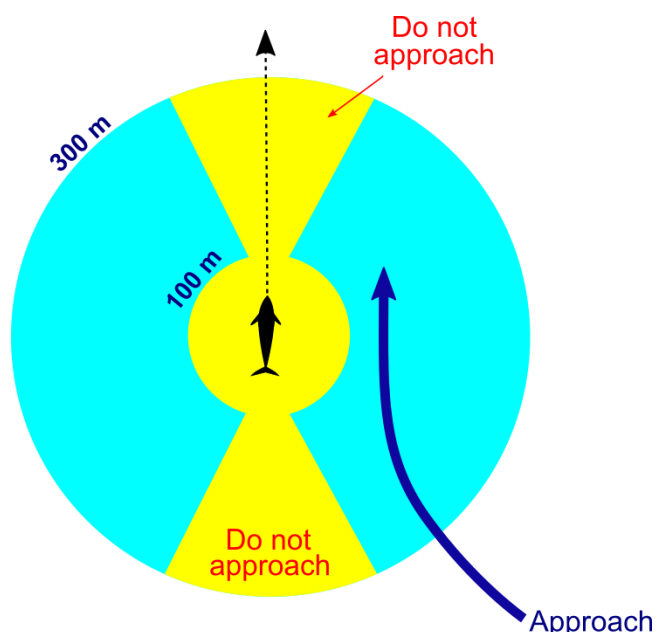


Figure 1. The correct method of approaching cetaceans is shown in blue. Approach speeds should be less than 6 knots in the blue area within 300 m of the animal(s). All areas in yellow are non-approach zones.

¹ Watercraft are defined for this code of conduct as water-borne vehicles with propulsive capability (whether by sail, oar or engine). Examples include motorised vessels (e.g. from jet-skis and rigid-hulled inflatable boats with outboard motors, up to cruise ships and tankers), sailing vessels, kayaks and rowing boats. While underwater noise from non-motorised vessels is much lower than motor boats, it has been suggested that quieter watercraft may represent a greater threat for collision or startling animals due to the lack of acoustic cues for animals to detect and avoid them. Consequently, this guidance applies to all watercraft.

Maintain your distance. If whales are observed ahead of a ship while in transit, alter course to give them space whenever possible. For ecotourism (commercial and recreational) watercraft wishing to view cetaceans, appropriate minimum closest distances (i.e. the distance to which you should not actively approach any closer) are:

- 50 m for dolphins;
- 100 m for whales;
- 200 m for animals accompanied by calves.

Peale's and Commerson's dolphins frequently approach vessels to ride the bow-wave. If dolphins move closer to your vessel of their own accord, maintain your speed and heading. If whales move closer to your vessel of their own accord, gradually slow down and place the engine in neutral until they have passed.

Be consistent. Individual cetaceans may be present underwater in close proximity to a boat even if you cannot see them from the surface. Dolphins are often curious about propellers and may approach closely to investigate them. Cetaceans are more likely to be startled or accidentally struck if there are sudden changes in a boat's direction, speed or engine gear. Be steady and predictable when cetaceans are around.

Limit your time. Do not spend more than 30 min in proximity to any individual or group of cetaceans. When more than one watercraft is in proximity to animals, the maximum time for each should be reduced to 15 min. Assess animal behaviour throughout the encounter. If signs of disturbance are observed, all craft should slowly depart the area.

Keep a look out while manoeuvring in harbours. Commerson's dolphins are frequently found in harbours and around jetties in the Falklands, including well-used areas such as the Canache and FIPASS in Stanley, Mare Harbour and Port Howard. These dolphins are highly-attracted to boat propellers and may swim under and around a vessel's stern. During manoeuvres to bring a vessel alongside a jetty, the propellers can alter suddenly between forward and astern propulsion and the vessel will also move sideways. Such changes are difficult for dolphins to predict and there is an increased risk of propeller strike. Keep a careful look out for dolphins close to the stern of the vessel before implementing sudden changes in forward and astern thrust. If dolphins are seen in proximity to the propellers, postpone manoeuvres if it is safe to do so, or ensure that they are carried out as slowly as possible.

Additional guidance:

- Do not attempt to touch or feed cetaceans.
- There should not be more than two watercraft within a 300 m radius of an individual or group of cetaceans at any time.
- Consider switching off your echo-sounder and other acoustic equipment when in proximity to cetaceans and if it is safe to do so. Noise from echo-sounders and fish finders is known to disturb some cetacean species.
- Boats that regularly operate in proximity to cetaceans (e.g. whale-watch boats and research vessels) should consider fitting propeller guards to reduce the risk of strikes, and should ensure engines are well-maintained to minimise noise.
- Swimming with whales is not recommended due to the potential to disturb the animals and concerns regarding human safety given their size and often unpredictable behaviour.
- Avoid disturbance and injury to other marine wildlife, by keeping an eye out for rafting birds (such as penguins, shearwaters, cormorants and steamer ducks) and for seals or sea lions resting at the surface. Alter heading to provide a safe wide berth to wildlife whenever possible rather than driving

through them. If intending to approach, reduce your speed and stop if signs of disturbance are observed.

- Ensure that litter is secured throughout and is taken home with you so that it does not end up in the ocean. Cetaceans and other wildlife may swallow plastic bags and other garbage, causing illness and potential mortality. Leave the environment as you find it.

AIRCRAFT

Maintain an appropriate altitude. Keep a minimum of 150 m (500 ft) altitude above sea level when over cetaceans, unless lower altitude is required for aircraft safety or legal reasons.

Avoid disturbance. The angle of the aircraft affects the level of sound entering the water. Do not make repeated passes directly overhead an individual or group of cetaceans. Adhere to the same minimum distances of radial approach as for watercraft:

- 50 m for dolphins;
- 100 m for whales;
- 200 m for animals accompanied by calves.

Limit your time. Do not spend more than 10 min in proximity to any individual or group of cetaceans.

UNMANNED AERIAL VEHICLES (UAVs OR "DRONES")

The operation of drones in proximity to wildlife in the Falklands is covered by FIG policy. Flying drones near to cetaceans requires a licence from EPD. Please contact the EPD for more information.

WATCHING FROM SHORE

Watching from shore is an excellent way to observe the natural behaviour of cetaceans without any risk of disturbing them. The Falkland Islands are an excellent location for land-based watching, with several whale and dolphin species occurring very close to the coast where they can be easily seen even without binoculars. Suitable vantage points should be selected carefully to avoid disturbing sensitive terrestrial wildlife including birds and hauled-out seals, and to avoid damaging vegetation.