



Proposal for Code of Conduct and Conservation Program and Management of striped marlin (*Kajikia audax*) of Baja California Sur in Puerto San Carlos, Baja California Sur

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The Management Plan will incorporate components of social, as well as economic and ecologic impact to allow the creation of strategies with the end goal of furthering striped marlin (*Kajikia audax*) conservation and the ecosystem that sustains them. This will be achieved through protection and management; including allowed activities that promote conservation of the species, a sustainable ecotourism operation, and an improvement in the quality of life and betterment of the local population with an emphasis on the local communities. This plan will guide the decision-making process and the establishment of priorities, actions, and activities in the short, medium, and long term related to striped marlin (*Kajikia audax*) tourism and conservation activities in Puerto San Carlos, Baja California Sur.

1. Abstract

The high abundance of striped marlin (*Kajikia audax*) found South of the Gulf of California is related to both feeding and reproductive behavior of the species¹. In México, recreational swimming and observation of striped marlin (*Kajikia audax*) through non-extractive means is a recent activity, but it has become highly economically meaningful for the local communities where the species can be found. However, lack of regulation of said activities has the potential to cause unintended harm to the feeding and/or reproductive habits of striped marlin (*Kajikia audax*).

2. Introduction

The purpose of this management plan is to sustainably observe and swim with striped marlin (*Kajikia audax*) while they feed on bait balls in the zone delineated in this management plan. This zone can be found in open ocean by the coastal areas of Bahía Magdalena and the municipalities of Puerto Chale and Todos Santos (Figure 1). These activities will take place in a conscientious manner, both ecologically and economically. Through these conservation efforts, there will be a reduced amount of pressure on the species and its habitat.

In México, recreational swimming, and observation of striped marlin (*Kajikia audax*) through non-extractive means is a highly economically meaningful activity for the local communities where the species can be found. However, lack of regulation of said activities has the potential to cause unintended harm to the feeding and/or reproductive habits of striped marlin (*Kajikia audax*).

a. History

Since 2005, a high number of striped marlin (*Kajikia audax*) has been recorded in the Bahía Magdalena area, these reports come from informal sportfishing reports and scientific reports about the species². In 2010, inspired by these reports, an effort was put forward to document the feeding habits of this species through video and still photography. Striped marlin (*Kajikia audax*) were successfully seen feeding on bait balls in the above-mentioned area³. During 2012-2014 an effort was launched with local tour operators and local fishermen to promote the interaction between tourists and pelagic species to replace commercial fishing of sharks. This project was known as, “Call Of The Shark” of Pelagic Protection and Conservation AC and SEMARNAT⁴. Since 2019, local tour operators, tourism providers, and non-profit organizations (See **Exhibit A**) involved in the observation and swimming with striped marlin (*Kajikia audax*) came to an agreement in

¹ <https://www.redalyc.org/articulo.oa?id=175021491006>

² https://www.marinecsi.org/wp-content/uploads/2010/05/domeier_marlin_031.pdf

³ Shark Haphazard & Striped Marlin | Pelagic Life: <https://vimeo.com/32791855>

⁴ Reporte Final ante SEMARNAT, Protección y Conservación Pelágica AC (2014 diciembre 10) <https://static1.squarespace.com/static/542b135de4b0fd39380461a2/t/54d2e46fe4b0f1b69685fc4a/1423107183412/Raporte+Final+-+Al+Llamado+del+Tibur%C3%B3n+Etapa+I+%28Entrega+a+SEMARNAT%29.pdf>

this document to establish a management plan. To this day, we have yet to involve government agencies in this process.

b. Justification

This effort and exchange of information is a medium-term and long-term compromise to create a plan for the best way to approach this sustainable and non-extractive activity. At the same time, being mindful of the environmental ramifications, as well as creating jobs in the local communities near where the species can be found.

c. Legal

RESERVED. This section remains reserved whereas there emerges a need to comply with relevant laws and work with applicable government agencies.

3. Description of the specie - striped marlin (*Kajikia audax*)

The striped marlin, identified by the scientific name, *Kajikia audax*. Is a pelagic species that can measure up to 3500 mm in length and reach a weight of 200 Kg. It has an elongated body and moderately compact in width. It is a highly migratory species and it is distributed throughout tropical, subtropical, and temperate waters in the Pacific and Indian Oceans. Specifically, in the Pacific it is observed that its distribution is limited by water temperatures between 20 y 25 °C. Geographically, this species can be found between Chile to the south of California, with the highest concentration found in coastal Mexico⁵.

4. Objectives for the protection of striped marlin

a. General Objective

- Contribute to the activities of observation and swimming with striped marlin (*Kajikia audax*), through the strengthening of conservation efforts and non-extractive activities (observation and swimming with the species) that will allow the reduction of pressure caused by human activities over the species and it's habitat.

b. Specific Objectives

- Collaborate on the creation and continued updating of a plan with tour operators and vessel operators, which will allow a better effort to achieve the reduction of pressure caused by human activities over the species and its habitat.
- Strengthen coordination efforts between tour operators and those non-profit and scientific organizations for the conservation of the species.
- Strengthen efforts and contribute to the monitoring of this management plan and code of conduct.

⁵ <http://www.fao.org/3/ac480e/ac480e00.htm>

5. Goals and measurements of success

Specific Objectives	Goal			Indicator of success
	Collaborate in updating the plan with the tour operators, which will allow a better effort in achieving reducing pressure caused by human activities over the species and its habitat.			
	Short term	Medium term	Long Term	
	Strengthen coordination efforts between tour operators and those non-profit and scientific organizations for the conservation of the species			
	Short term	Medium term	Long term	
	Strengthen efforts and contribute to the monitoring of this management plan and code of conduct			
	Short term	Medium term	Long term	

6. Geographical and biological description of the area

- The concentration of striped marlin (*Kajikia audax*) of Baja California Sur and the Pacific Ocean, can be found in Bahía Magdalena and in the coastal areas of Puerto Chale and Todos Santos which belong to the La Paz municipality.



Figure 1. Observation zone of striped marlin (*Kajikia audax*) adjacent to María and Magdalena Bays.

7. Calendar of activities

The following table shows the season for swimming and observing striped marlin in the Bahía de Magdalena region. (Sept. 1st – Dec. 31st)

Season

Zone for activities	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Bahía Magdalena												

8. Tourism Component

The non-extractive activities of observation and swimming with striped marlin (*Kajikia audax*) are subject to the rules established in this management plan and code of conduct.

a. Allowed Activities

- i. Swimming with bait balls where the following are present: striped marlin (*Kajikia audax*), sardines (*Sardinops sagax*), or other species, such as: sea lions (*Zalophus californianus*), whales, or other pelagic species.

- ii. Scuba diving with tanks or a supplemental air supply in or near bait balls where the following mix of species are present: striped marlin (*Kajikia audax*), sardines (*Sardinops sagax*), or other species, such as: sea lions (“*Zalophus californianus*”), or other pelagic species.
- iii. Use of equipment to capture underwater footage or images, including the use of lights or flash
- iv. Use of equipment to capture aerial footage or images, including drones or other related equipment⁶
- v. Scientific investigation and/or research with the intent of furthering conservation efforts and the protection of the species, or the behaviors associated with feeding and bait balls in the above-mentioned area. Scientific investigation and/or research must be authorized by the appropriate authorities (CONAPESCA, SEMARNAT). Researchers and scientists must share the information obtained and/or their findings with the local community of Puerto San Carlos. (See **Exhibit A**). Scientific investigation and/or research must be done separately of any tourism activity.

b. Prohibited activities

- i. Recreational fishing, sportfishing, or commercial fishing in the area where tourism, observation, and/or swimming with bait balls is taking place. This includes: the use of fishing equipment (fishing rods, reels, spearguns, pole Spears, nets, hooks, or any other method used for fishing). A minimum distance of 1 nautical mile or 1852 meters must always be maintained away from vessels engaged in observation or swimming with the bait balls and/or any pelagic species. No vessel can use sportfishing equipment in the zone where tourism activities (swimming or observation) are being conducted.
- ii. Use of scooters or other motorized aquatic propulsion device/equipment is prohibited inside the zone where tourism activities (swimming or observation) are being conducted (excluding its use, specifically for professional underwater photographers or when necessary for scientific research)
- iii. Consuming alcohol, drugs or any psychotropic drug while participating in these activities.
- iv. Use of sunscreens that include harmful substances to marine life and their habitat.
- v. Swimmers must never attempt to touch or have any type of physical contact with marine life.

c. Emergency and security measures

- In case of an emergency, the following protocol will be used **Manual in case of emergencies** (See **Exhibit B**).

9. Administrative rules

a. General dispositions

- i. The local authorized tourism operators must present the flag provided to them by the “**Community Committee**” (See **Exhibit A**) and it should be prominently and visibly displayed on the authorized vessel. Authorization to perform these allowed ecotourism activities should be presented when necessary or required (See **Exhibit C**).

⁶ Estudio de Pelagios

- For the safety of participants and ecotour providers, a maximum of 15 vessels will be permitted to operate at the same time in the zone where observation and swimming with striped marlin (*Kajikia audax*) feeding on bait balls is taking place.

b. Rules and recommendations for ecotour providers

- i. Tour providers and vessels can leave the dock starting 07:00 hours and should be back at the dock no later than 18:00 hours.
- ii. It is recommended that each vessel has a professional guide (responsible for supporting the Captain with logistics and all tourism activities). The guide will be responsible for managing the behavior of the participants as well as their safety. He/she must have basic knowledge of using any equipment required for the activity, safety protocols, knowledge of species participants may encounter, and the importance of striped marlin (*Kajikia audax*) conservation. Before each tour, the captain of the vessel and the tour provider will make sure that each participant reads, understands, and signs the **Liability Release and Assumption of Risk Agreement (See Exhibit D)**.
- iii. Before each tour, the tour provider will inform all participants about allowed and prohibited activities during the tour. Including: use of environmentally safe sunscreen; harass, touch, or in any way injure striped marlin; throw any manmade object or trash overboard; feed marine life, etc. We propose following the guidelines established in **Exhibit E**.
- iv. A maximum of 6 participants can be in the water at the same time during tour activities of observing and swimming with striped marlin (*Kajikia audax*). In the case that there is a professional guide in the water, then 7 people can be in the water at the same time. It is recommended that a maximum of 6 participants (plus a guide, where applicable) be in the water at the same time when it is a static bait ball and a maximum of 3 participants per guide when it is a dynamic bait ball. Ultimately, it is left to the discretion and experience of the Captain as to how many participants can safely be in the water at the time (depending on weather and other relevant circumstances).
- v. It is recommended that the professional guide not carry camera equipment or other equipment that may cause distractions from the main responsibility of safeguarding the tour participants. It is recommended that vessel captains follow a rotation protocol, or “**Protocol for rotation of groups and vessels**” (See **Exhibit G**) with the understanding that vessels will take turns near the bait ball to allow for the maximum number of participants to safely observe and swim with striped marlin (*Kajikia audax*). If there are not many bait balls, vessels are to share what is available in an orderly and organized manner. Vessel captains will maintain constant communication to ensure that participants have a good experience. If a professional guide is present, they will help and support coordination around the guidelines mentioned in **Exhibit G**.
- vi. No guarantees of an actual encounter with striped marlin or other marine species should be made when advertising or promoting these tour and activities.

c. Rules and recommendations for the captains of local vessels

- i. The vessels authorized to participate in these activities must make themselves known as tourism vessels from Puerto de San Carlos with a maximum of 15 vessels in operation at a time in the zone (See **Fig. 1**).
 - ii. The 15 vessels authorized to engage in tourism activities will be selected and approved by the “**Community Committee**” (See **Exhibit A**), currently operating in the abovementioned zone.
 - iii. The vessels authorized to participate in these activities can be no bigger than 30 feet (9.2 meters) in length and no smaller than 25 feet (7.62 meters) in length. They must have an outboard motor with a capacity between 70-200 horsepower. Vessels known as “*liveboards*” will not be allowed to participate (including their tenders, inflatable tenders, or any other vessels accompanying the “*liveboard*” in the zone where the bait balls can be found).
 - iv. The Captain is ultimately responsible for his vessel as well as all of its passengers, in light of such responsibility, it is crucial to follow all rules and regulations established by the profession and by, “la Capitanía de Puerto para embarcaciones menores”
 - v. The vessels will have only the maximum allowed number of people per the “capitanía de puerto” of the vessel and tourism permit as required by the corresponding authority.
 - vi. Any vessel leaving out to sea must have in their possession the necessary first aid equipment, and any other equipment required to operate safely and safeguard human life accordingly, (See **Exhibit F**).
- d. Protection program**
- i. **Inspection, enforcement, and policing**
 - RESERVED. This section remains reserved in the event it becomes necessary to include a program for inspection, enforcement, and policing of this management plan and code of conduct.
 - ii. **Monitoring and preservation of the species**
 - RESERVED. This section remains reserved if a program is instituted for the monitoring of the species.
 - Creating and applying of a model that measures the environmental effects caused by this tourism activities will be fundamental for the sustainable future of this activity.
- e. Management Program**
- i. **Management and sustainable use of aquatic resources, fisheries**
 - In Baja California Sur (BCS), the striped marlin (*Kajikia audax*) is a crucial species in recreational fishing or sportfishing. It is fished the entire year, with an average catch rate of 0.6 fish per fisherman/woman per day⁷. The annual number of fish in BCS, Mazatlán and Sinaloa have increased in recent years to exceed the quota of 60,000 marlins, of which 93.7% are striped marlin (DOF., 24/08/2012). Considering that the data is from 2012 and the increase in tourism in BCS, it's probable and likely that this number has also increased substantially in recent years. This species is also very

⁷ <http://www.scielo.org.mx/pdf/ciemar/v29n3/v29n3a5.pdf>

valuable for commercial fishing operators in the Pacific Ocean⁸ (NOAA, 2015).

- ii. RESERVED. Currently, we are not including either recreational (sportfishing) or commercial fishing in this management plan. This section remains reserved in the event it becomes necessary to include these activities.

Community development

- RESERVED

- iii. **Conservation education**

- RESERVED

10. Operations and cost associated with this management program

- At this time, there are no costs associated with this management plan or code of conduct.
- This section remains reserved in the event it becomes necessary to include costs associated with this management plan and/or code of conduct.
- It is important to take note of the advantages of conservation efforts, such as ecotourism. In this manner, this plan presents an economic analysis of such efforts:
 - Establishing the economic value of the zone, measuring the value of each of the ecosystems it encompasses.
 - Determining the environmental costs associated for any impact to the zone.
 - Calculating the economic benefits generated by ecotourism activities in the zone and adjacent areas.

11. Bibliography

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⁸ <https://www.fisheries.noaa.gov/species/striped-marlin>

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PROTOCOLO DE MONITOREO DEL PARQUE NACIONAL BAHÍA DE LORETO ... cobi.org.mx/wp-content/uploads/2013/05/2013-protocolo-monitoreo-loreto-cabo-pulmo-COBI.pdf.

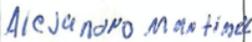
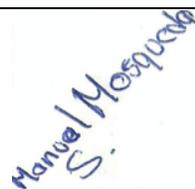
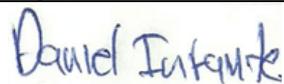
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12. Exhibits

Exhibit A

1. Community Committee – Captains of local vessels with tourism permits

Names and Contact Information	Signature	LOGO
Gabino Zarabia Cel(+6131181664), Email (magbaysport@hotmail.com)		
Melecio Zarabia (+6131178355), email (jurel_mele@hotmail.com)		
Jesús Braulio Ruiz Moroyoqui, Cel (+ 6131092253) , Email (brauliobma78@gmail.com)		
Octavio Zarabia Mendivil, Cel (+ 6131070021), Email(octaviozarabia@hotmail.com)	Octavio ZARABIA M.	
Jesus Martin Flores Ramirez, Cel(+6131176705), Email (martinfloresramirez263@gmail.com)		
Enrique Soto Osuna, Cel (+6131180217)	Enrique soto O.	
Juan Manuel Zarabia Mendivil, Cel (+6131138945)		
Ignacio Garcia Rodriguez ,Cel(+6131101701), Email (nacho.710210@hotmail.com)		
José Alberto Soto Osuna, cel (+6131093976), Email (minijesus_7969@hotmail.com)	José Soto O.	
Isaac Alejandro Madera Camacho, Cel (+6131097268), Email (maderita.16@hotmail.com)		

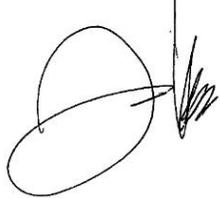
Cipriano Enrique Ramirez Ruelas, Cel (+613116 3486)		
Alejandro Martinez Garcia, Cel (+6131248825), Email (chore.tours1@gmail.com)		
Alfredo Dominguez Alfaro, Cel (+6131139978), Email(adventuresbay@gmail.com)		
Cristhian Rafael Flores Ramirez, Cel (+6131213373), Email(corre.kabras_12@hotmail.com)		
Manuel Antonio Mosqueda Simental, Cel (+6131404548), Email (piolin_vrd.15@hotmail.com)		
Daniel Infante Gregory, Cel(+6131250998), Email(danielinfantejr@hotmail.com)		
Nolberto Baldemir Flores Ramirez, Cel (+6131098174),Email (alfaxtrim@gmail.com)		
Daniel Efraín Parra Pacheco, Cel (+6131096982), Email (danielparra2812@gmail.c)		

2. Foreign tour operators that hire local vessels

Names and contact information	Signature	Logo
<p>Industrias Solmar V SA de CV, representado por Rodolfo Rodriguez (+52 624 132 4032) email (rodo@pelagicfleet.com) y Fernanda Nieto (+52 5550643809), email (safari@pelagicfleet.com) , pagina web (www.pelagicfleet.com)</p>	 	
<p>Nomad Diving, representado por Cristobal Perez Gonzalez , (+ 786 773 7355), y por Irene Orozco Heinze, (984-184-03-37), email (info@nomaddiving.com), pagina web (www.nomaddiving.com)</p>	 	
<p>Dive Ninjas Expeditions representado por Jay Clue (+52 624 177 4661) y Whatsapp (+44 7548 689 690) email (info@diveninjaexpeditions.com), pagina web (www.diveninjaexpeditions.com)</p>		
<p>Nakawe Experiences ,representado por Regina Domingo, (+52 984165 3603), email (regisunay@gmail.com) , pagina web (nakaweproject.org) y por Valentina Kochian Grimaldi, (+9841061079), email (valentinafreedive@gmail.com)</p>	 	
<p>Mexico Liveboards. Operator Owner Dora Sierra, representado por Dora Sierra y Edgar Gonzalez. Tel (6381148711), Mail (edgar@rociodelamarliveaboard.com y dsandoval@rociodelmarliveaboard.com) webpage (mexicoliveboards.com)</p>		
<p>Cabo Shark Dive, representado por Jacob Brunetti (+52 6241558246) , email (info@cabosharkdive.com)</p>		

<p>Baja Shark Experience, representado por Evans Baudin (+52 624 161 7961), email (bajasharkexperience@gmail.com), pagina web (www.bajasharkexperience.com).</p>		
<p>Nautilus Explorer Mexico, S de RL de CV representado por Ronald Zepeta Vilches, email (ronald@nautilusdive.com)</p>		

3. Non-profits

Name and contact information	Signature	Logo
<p>Protección y Conservación Pelágica, representado por Jerónimo Prieto, (+52 55 5415 8146), email (jero@pelagiclife.com) página web (www.pelagiclife.com)</p>		
<p>Pelagios Kakunjá, A.C. representado por Mauricio Hoyos (+52 612 154 5063), email (amuakua@gmail.com) y James Ketchum (+52 612 148 1805), email (jtketchum@ucdavis.edu), pagina web (pelagioskakunja.org)</p>	 <p>Hoyos Pabilla Mauricio</p>	
<p>Nakawe Project, representado por Regina Domingo, (+52 984165 3603), email (regisunay@gmail.com) , pagina web (nakaweproject.org) y por Valentina Kochian Grimaldi, (+9841061079), email (valentinafreedive@gmail.com)</p>	 	

4. Others

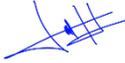
Name and contact information	Signature
Jorge Cervera (+52 55 9198 4577) email(jorge@calypsomedia.com), website (www.fishsaycheese.com)	
Alfredo Barroso (+52 612 152 5454) , email (alfredo@azuloceano.com) y Liisa Juuti, email (liisa@azuloceano.com)	
Valentina Weis Miele, Esq. 1-561-603-8188 Email: Valentina.Weis@gmail.com	
Carlota Creel Ramos Cárdenas, (+525534791915), email carlotacreel@gmail.com	

Exhibit B

Manual in case of emergencies

1) **Index:**

- 1) Emergencies
- 2) Criteria
- 3) Action plan
- 4) Superficial wounds
- 5) Expedition member lost
- 6) Cardiac arrest
- 7) Fracture
- 8) Deep wound and / or severe bleeding
- 9) drowning
- 10) Blog

2) **Emergencies**

Five types of emergencies are contemplated:

- 1) Cardiac arrest
- 2) Shark bite or other injuries
- 3) Fracture
- 4) Expedition member lost
- 5) Drowning

3) **Criteria**

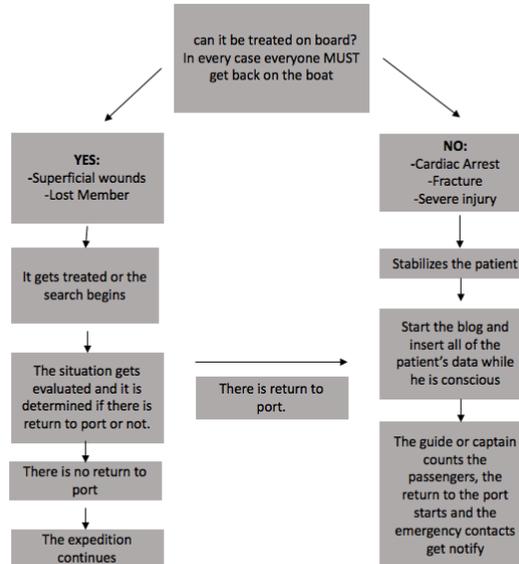
They can be solved on board:

- I. Superficial wounds
- II. Lost expedition member

They are stabilized for further treatment:

- I. Deep wounds, severe bleeding
- II. Heart attack
- III. Fracture
- IV. Drowning

4) **Action Plan**



5) Superficial Wounds

- I. They all come out of the water (the patient is the last to leave)
- II. A space is prepared to comfortably put the patient
- III. Wound is located
- IV. Disinfects / cleans
- V. Cover and bandage
- VI. The victim is evaluated and it is determined whether or not to return to port

6) Expedition member lost

- I. They all come out of the water
- II. Passenger counting is done
- III. Point is marked on GPS
- IV. Start searching in circles increasing 50 meters. diameter at a time

7) Cardiac Arrest

- I. They all come out of the water
- II. A space is prepared to comfortably put the patient
- III. Pulse and respiration are checked
- IV. Starts CPR (Cardio Pulmonary Resuscitation)
- V. The victim is stabilized and the information log begins
- VI. Passengers are counted and return to port begins and authorities and emergency services are notified

8) Fracture

- I. Everyone out of the water (the patient is the last to leave) except for the guide or person in charge who will help the patient from the water
- II. A space is prepared to comfortably put the patient
- III. The victim is stabilized and the information log begins
- IV. Fracture is located
- V. If it is exposed, it is covered. If there is severe bleeding, it is controlled with compression or tourniquet
- VI. Passengers are counted, return to port begins and authorities and emergency services are

9) Deep wound and / or severe bleeding

- I. Everyone out of the water (the patient is the last to leave) except for the guide or person in charge who will help the patient from the water
- II. A space is prepared to comfortably put the patient
- III. Wound is located
- IV. Compression and / or tourniquet bleeding stops
- V. The victim is stabilized and the information log begins
- VI. Passengers are counted, return to port begins and authorities and emergency services are notified

10) **Drowning**

- I. All out of the water
- II. A space is prepared to comfortably put the patient
- III. Starts CPR
- IV. The victim is stabilized and the information log begins
- V. Passengers are counted and return to port begins and authorities and emergency services are notified

11) **Blog**

I. Personal information

- i. Name
- ii. Age
- iii. Allergies
- iv. Background
- v. Contact:

1. Name: _____ Tel: _____ Relationship: _____

I. And, what happened?

- i. What is the accident?
- ii. a) bleeding b) fracture c) Cardiac Arrest d) Other _____
- iii. Details of what happened:

II. II. When and where?

- i. Date and time of the accident
- ii. Mark the coordinates where the accident happened

III. Why?

- i. What was happening when the accident happened:

IV. Status

- i. Details of the injury

* If relevant, take photos of the situation (for the medical report attach them here)

Exhibit C – Flag

Sample flag that will be awarded by the local authorized tourism operators (Community Committee) and must be prominently and visibly displayed by all authorized tourism or scientific vessels.



Exhibit D

Liability Release and Assumption of Risk Agreement

I _____, hereby affirm that I am aware that free diving and interacting with sharks have inherent risks which may result in serious injury or death.

I understand and agree that neither my instructor(s) _____, nor _____ nor its members, affiliates and subsidiaries nor any of their respective employees, officers, agents, contractors or assigns (hereinafter referred to as "Released Parties") may be held liable or responsible in any way for any injury, death or other damages to me, my family, estate, heir or assigns that may occur as a result of my participation in this diving program or as a result of the negligence of any party, including the Released Parties, whether passive or active.

I understand that the open water diving trips which are necessary for interacting with pelagic species such as sharks and other marine life may be conducted at a site that is remote, either by time or distance or both from a specialized facility to treat injuries sustained during the activity. I still choose to proceed with such dives in spite of the possible absence of specialized facility to treat injuries.

In consideration of being allowed to participate in this activity, hereinafter referred to as "program", I hereby personally assume all risks of this program, whether foreseen or unforeseen, that may befall me while I am a participant in this program including but not limited to, the academics (security session) and/or open water activities.

I understand and agree Pelagic Life that the companies operating the program are independent, and are neither owned nor operated by Pelagic Life, and that Pelagic Life does not have the right to control the operation of program's activities and the day-to-day conduct of the operators and their associated staff.

I further release, exempt and hold harmless said program and Released Parties from any claim or lawsuit by me, my family, estate heirs or assigns, arising out of my enrollment and participation including both claims arising during the program or after.

I also understand that free diving and interacting with sharks are physically strenuous activities and that I will be exerting myself during this program, and that if I am injured as a result of heart attack, panic, hyperventilation, drowning or any other cause, that I expressly assume the risk of said injuries and that I will not hold the Released Parties responsible for the same.

I further state that I am of lawful age and legally competent to sign this liability release, or that I have acquired the written consent of my parent or guardian (attach file if needed). I understand the terms herein are contractual and not a mere recital, and that I have signed this Agreement of my own free act and with the knowledge that I hereby agree to waive my legal rights. I further agree that if any provision of this Agreement is found to be unenforceable

or invalid, that provision shall be severed from this Agreement. The remainder of this Agreement will then be construed as though the unenforceable provision had never been contained herein.

I understand that I am not only giving up my right to sue the Released Parties but also any rights my heirs, assigns or beneficiaries may have to sue the Released Parties resulting from my injuries or death. I further represent I have the authority to do so and that my heirs, assigns or beneficiaries will be stopped from claiming otherwise because of my representations of the Released Parties.

I, _____, BY THIS INSTRUMENT AGREE TO RELEASE MY INSTRUCTORS, _____, AND PELAGIC LIFE, AND ALL RELEASED ENTITIES AS DEFINED ABOVE, FROM ALL LIABILITY OR RESPONSIBILITY WHATSOEVER FROM PERSONAL INJURY, PROPERTY DAMAGE OR WRONGFUL DEATH HOWEVER CAUSED, INCLUDING BUT NOT LIMITED TO THE NEGLIGENCE OF THE RELEASED PARTIES WHETHER PASSIVE OR ACTIVE.

I HAVE FULLY INFORMED MYSELF AND MY HEIRS OF THE CONTENTS OF THIS LIABILITY RELEASE AND ASSUMPTION OF RISK AGREEMENT BEFORE SIGNING BELOW ON BEHALF OF MYSELF AND MY HEIRS.

PARTICIPANT SIGNATURE _____

Date (Day/Month/Year): _____

SIGNATURE OF PARENT OR GUARDIAN (where applicable): _____

Date (Day/Month/Year): _____

Exhibit E

Recommendations for activities and behavior around the zone where bait balls are present

The boat leaves on time to be able to arrive at the baitballs early and thus have time to interact with the striped marlin or with any other species that is in the activity.

When arriving at the interaction site, entering the water without authorization from the captain is prohibited. Once the entry is authorized, the guide is the first to enter the water to be able to carry out the safety assessment and continue with the expedition. It is important that the entrance to the water is calm, avoiding sudden movements and noises that could drive away any nearby animal. As soon as you start swimming towards the baitball, it is forbidden to cross and / or break it. It is important to stay out of the bait ball and watch the show from there. Once the baitball is over, quickly return to the boat to continue with the activity.

People who enter the water must have a mask, snorkel and fins.

Any encounter in the open sea has to be very careful, we are in the habitat of these animals and we have to respect them, it is strictly forbidden to touch, push, harass or attack them in any way. Always have the animal in sight and give them their space so that they feel comfortable and we can observe them for a longer time. Follow the instructions of the guide and the captain at all times since if there is an indication to get out of the water it has to be done immediately, also if at any time you feel insecure or nervous you have to get out of the water calmly.

You are going to be in the water and in the sun for a long time, the use of any sunscreen that is not biodegradable is prohibited.

It's forbidden:

- The ingestion of any alcoholic beverage or use of any psychotropic drug, from the departure of the port until the return to the mainland.
- The disposal of any article to the sea.
- Not following the captain's rules.

Exhibit F

Each boat when leaving the San Carlos port must have the following:

- a) First aid kit
- b) Flashlight
- c) Lifeguards for each of its passengers and captain
- d) Communication kit:
 - a. 2 radios with full load
 - b. GPS device
 - c. Satelital phone
- e) Lifebuoy
- f) Fire extinguisher and blanket to put out fire

Exhibit G

Protocol for rotation of groups and vessels

On days when there are few baitballs, it will be understood that the boats will have to share the sightings with the other boats so that the greatest number of tourists involved can live the experience and in this way increase the general satisfaction of tourists and visitors.

During the explanation and general instructions that the guide must present to his tourists before carrying out the activity, or in the event that there is no guide, the captain, the rotation protocol used to manage their expectations must be explained. It is understood that sightings are unpredictable, and communication and coordination between groups is key to generating a better experience for all.

Protocol for static bait balls

1. The first boat to arrive at the baitball will have a minimum of 30 minutes preference in the water before rotating.
2. The second boat to arrive at the baitball must first coordinate with the captain of the first boat to identify how long group one has been in the water and thus plan in how long they can enter the water.
3. The Captain of the group one must coordinate with their guide and / or tourists, informing them that a second boat has arrived and how much time they have left in the water.
4. At the end of the agreed time, the guide or captain will call their tourists and help them to get out of the water; Group two must wait until all tourists are out of the water and the captain gives them the "OKAY" before entering.
5. In the event that there is a third, fourth or more vessels, the same rotation protocol of 30 minutes per group will be followed.
6. A second group should not enter the water without prior coordination with the guide and authorization from the captain. This is to provide the best experience for all tourists, as well as to comply with the recommendation set forth in Section 9B, paragraph IV, which establishes that the number of people in the water should not be greater than 6. If there is a guide, you can increase the number to 7 people.
7. In case of a dynamic baitball, the groups will rotate; Every time a group gets out of the water because it is no longer within reach of the baitball, or after the agreed 30 minutes. Always coordinating with the captain of the boat who has his group in the water and maintaining a greater distance since tourists tend to be more dispersed when it is moving.