

**CHILE**  
**Voluntary National Cetacean Conservation Report, 2010**

Report Submitted by:  
Department of Maritime Affairs  
Direction of Environment, Antarctic and Maritime Affairs  
Ministry of Foreign Affairs, Teatinos 180, 13th Floor, Santiago, Chile

**1. Legal developments (laws, regulations and other regulatory measures related to cetaceans):**

**a. Law on Cetacean Protection**

On October 15, 2008, the Law on Cetacean Protection came into force, which declares the spaces of national sovereignty and jurisdiction as zones free of cetaceans hunting, prohibiting the killing, hunting, pursuing, having, possessing, transporting, landing, slaughtering or carrying out any transformation process as well as commercialization or storing of any species of cetacean that inhabit or cross maritime spaces of national sovereignty and jurisdiction.

The objectives of the Law are:

- Seeking the protection and conservation of cetacean populations, their related biodiversity and the ecosystems they depend upon.
- Protecting areas that are relevant for the development of their biological cycles, by implementing additional protective measures in breeding, nursing and feeding areas, as well as their migratory routes.
- Guaranteeing that the activities related to the observation of cetaceans are conducted in a responsible, regulated and sustainable manner.
- Guaranteeing the effective protection of the diversity of cetacean species that inhabit and navigate maritime areas of national sovereignty and jurisdiction, through promoting the creation of marine and coastal protected areas, marine parks or marine reserves.

The Law also introduced important amendments to the General Law on Fisheries and Aquaculture in terms of protection, rescue, rehabilitation, reintegration, watching and monitoring of marine mammals, reptiles and seabirds.

Since the enactment of the Law, the Regulation for the Observation of Hydrobiological species of mammals, reptiles and birds was developed, which will be made official over the next weeks, as indicated in section 4 of this report.

Additionally, the proceedings and characteristics that shall govern the rescue of individuals of vertebrate hydrobiological species (mammals, reptiles and birds) are under development. Finally, the Law on Cetacean Protection establishes that all fishing vessels should have a contingency plan for the collision, damage or by-catch of any cetacean, according to a specific regulation, which shall be developed during 2010 and 2011.

**b. Other regulations regarding cetaceans protection**

Supreme Decree (Ministry of Economy) N° 179 as of 2008 permanently bans the hunting as well as the capture of live cetacean species that are included in the list below, which represents the species recorded in Chilean jurisdictional waters. It also bans the commercialization, transport, process, production of products and maintenance, dead or alive, of whole specimens and/or parts of cetaceans. By resolution of the Undersecretariat for Fisheries, permits could be issued for the live capture of one or more species of cetaceans

for their maintenance in captivity, exclusively in national territory and only for the purposes of research and temporary retention of the animals; ex situ conservation of endangered species or highly reduced populations that are associated with programs or plans for reinsertion to their natural environment; and rehabilitation of sick and wounded animals.

Supreme Decree (Ministry of Economy) N° 230 as of 2008 declares the following species as Natural Patrimony:

*Balaenoptera musculus*  
*Balaenoptera physalus*  
*Balaenoptera borealis*  
*Balaenoptera brydei*  
*Balaenoptera acutorostrata*  
*Balaenoptera bonaerensis*  
*Megaptera novaeangliae*  
*Eubalaena australis*  
*Caperea marginata*  
*Physeter macrocephalus*  
*Kogia sima*  
*Kogia breviceps*  
*Mesoplodon hectori*  
*Mesoplodon grayi*  
*Mesoplodon layardii*  
*Mesoplodon densirostris*  
*Mesoplodon traversii*  
*Mesoplodon peruvianus*  
*Ziphius cavirostris*  
*Hyperoodon planifrons*  
*Tasmacetus shephedi*  
*Berardius arnuxii*

*Stenella longirostris*  
*Stenella caeruleoalba*  
*Stenella attenuata*  
*Steno bredanensis*  
*Cephalorhynchus commersonii*  
*Cephalorhynchus eutropia*  
*Delphinus delphis*  
*Delphinus capensis*  
*Globicephala melas*  
*Globicephala macrorhynchus*  
*Grampus griseus*  
*Lagenorhynchus obscurus*  
*Lagenorhynchus australis*  
*Lagenorhynchus cruciger*  
*Lissodelphis peronii*  
*Orcinus orca*  
*Feresa attenuata*  
*Pseudorca crassidens*  
*Tursiops truncatus*  
*Australophocoena dioptrica*  
*Phocoena spinipinnis*

## 2. Ship strikes

On 02 July 2009, the Chilean Navy reported a dead whale floating at sea in Punta Delgada, Strait of Magellan. Pictures were analyzed by Chilean NGO Cetacean Conservation Center, in cooperation with the international experts: Dr. Robert Brownell, Dr. Carole Carlson, and Dr. William McLellan. The species was identified as southern right whale. There were evenly spaced abrasions/gouges in the blubber on the left side. The gouges do not apparently go very deep and not as deep as would be expected from large prop wounds. It is believed that these are deep abrasions through the epidermis, but not through the deeper blubber layer. It is unknown if the whale was hit by a ship (it could be the deep keel(s) or rudder(s) from one or more boats running across the top of the whale), or if the wounds were deep line abrasions from entanglement.



### 3. Southern Right Whale population of Chile-Peru

#### a. Conservation Status of Southern Right Whale Sub-population

On March 03, 2009, the population of southern right whales (*Eubalaena australis*) was officially classified under Chilean legislation as “endangered” under the Fourth Species Classification Process conducted by the National Environmental Commission (CONAMA). This is the highest level of classification under the Chilean legislation for endangered species.

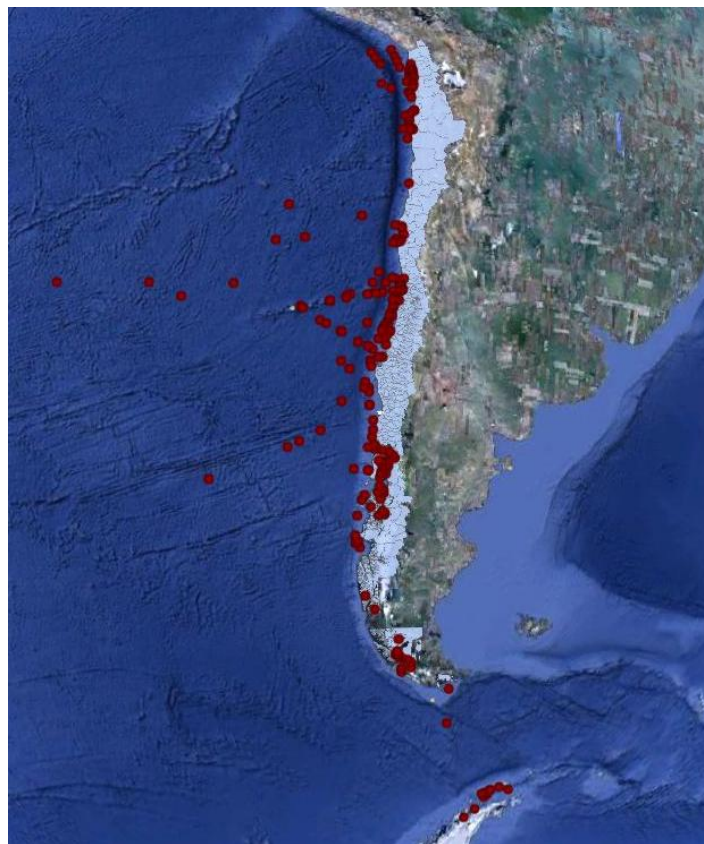
At an international level, in 2008, the conservation status of all cetacean species was finalized for the 2008 IUCN Red List of Threatened Species. Scientists from the Cetacean Specialist group of the IUCN Species Survival Commission conducted the assessments. The Chile/Peru “sub-population” of *E. australis* was classified as “critically endangered”.

These classifications confirm that the southern right whale sub-population of Chile/Peru is one of the most endangered populations of whales worldwide. Therefore, several measures have been adopted in order to afford maximum protection to the species in Chilean waters.

#### **b. Sighting Records of Southern Right Whales**

Sighting efforts of southern right whales and other cetacean species are conducted along the Chilean coast and Chilean jurisdictional waters through two national sightings networks implemented by the Chilean Navy and the Chilean NGO Cetacean Conservation Center (CCC).

According to the sighting record of the Chilean Navy, cetaceans have been sighted 237 times between January 2009 and April 2010, accounting for 700 individuals. The species sighted have been: Humpback Whales, Blue Whales, Bryde's Whales, Southern Right Whales, Fin Whales, Minke Whales, Fin Whales, Sperm Whales and Orca. The following image shows the location of the 237 sightings.



### **4. Whalewatching**

#### **a. Whalewatching regulations**

According to the national policy of non-lethal use of cetaceans, a process to regulate whale watching operations is being implemented since 2009, in order to guarantee that activities related to the observation of these animals are conducted in a responsible, regulated and sustainable manner. The regulation, which will be made official within the upcoming weeks, refers, in general, to the observation of marine mammals, sea birds and marine reptiles, and establishes procedures and requirements for the recording of sightings. The work is being conducted by the Undersecretariat for Fisheries, in association with other government organisms (Navy and Tourism) and non-governmental organizations.

## **b. Regional Workshop on Whale Watching**

The Executive Secretariat of the Action Plan for the protection of the marine environment and coastal areas of the South-East Pacific convened the *Taller sobre Aspectos Técnicos y Legales del Turismo de Avistamiento de Cetáceos en el Pacífico Sudeste* (Workshop on the Technical and Legal Aspects of Cetaceans Sighting Tourism in the South-East Pacific). This workshop was originally scheduled for late March, in Puerto Montt, Chile. However, due to the earthquake that hit Chile on February 27, 2010, the workshop was postponed for the last trimester of 2010.

The objectives of the workshop are the following:

1. Documenting the national experiences on management and management tools developed for cetaceans sighting activities in the South-East Pacific.
2. Identifying mechanisms to promote good practices and responsible cetacean sighting in the region.
3. Create international initiatives on cetacean sighting with the Action Plan for the Conservation of Marine Mammals in the South-East Pacific

## **5. Conservation Management Plans**

During 2008, governmental agencies and private associations jointly developed general plans for the management of the Marine Reserves Isla Choros & Damas, located in the Coquimbo Region. The plan is under consultation among the involved parties.

Regarding the marine reserve of Chañaral de Aceituno, located in the Atacama Region, the environmental assessment was completed in 2010, and it will be officially declared a marine reserve in the near future.

The plans of both marine reserves consider a Management Program that includes, among its objectives, the regulation of dolphin watching operations.

## **6. Investigation permits**

During 2009 and 2010, several permits have been issued for conducting cetacean research in Chilean jurisdictional waters. Non-lethal research has been authorized in all these studies (mainly sighting and photo identification permits), as well as the use of satellite tags. For the purposes of genetic analysis, permits have been issued for biopsy sampling. These studies are increasing the scientific knowledge of the cetacean species in the country.

- a. Trophic ecology of marine birds and mammals in the National Reserve Pingüino de Humboldt:  
The study conducted by the Universidad de Valparaíso aims at determining the diet composition and trophic position of mammals of the reserve (Islas Choros y Damas), through stable isotopes of carbon and nitrogen. The sampling of 20 individuals of Common Bottlenose Dolphin was authorized for this.
- b. Cetacean study in Isla de Chiloé, Los Lagos Region:  
The study, conducted by the Cetacean Conservation Center (CCC), is aimed at increasing the knowledge of the use of habitat, the distribution, stock size and conservation status of the Blue Whale and other cetacean species, in order to propose conservation measures. The study is developed in Chiloe and considers sampling of cetacean tissues previously photo identified.
- c. Study on the Chilean dolphin and other cetacean species:  
It is aimed at determining the structure and genetic differentiation of Chilean dolphin stocks along distribution range. The conduction of biopsies and skin and fat sampling was authorized.
- d. Study on cetacean species throughout the whole national territory:  
The study, conducted by the Cetacean Conservation Center (CCC), points at increasing the knowledge of the use of habitat, the distribution, stock size and conservation status of cetacean species present in Chile. The study is conducted in the throughout the whole national territory and considers the sampling of cetacean tissues and photo identification.