

CHILE
Voluntary National Cetacean Conservation Report, 2009

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 June 23, 2008, president Bachelet signed a bill for the protection of cetaceans that was unanimously adopted on September 11th by the Chilean Congress. The Law came into force on October 15, 2008 y declares the spaces of national sovereignty and jurisdiction as zone 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:

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

The Law also introduced important amendments to the General Law of Fisheries and Aquaculture in terms of protection, rescue, rehabilitation, reintegration, watching and monitoring of marine mammals, reptiles and seabirds. During 2009, work shall be done on regulations that operates the provisions established in the Law. Additionally, it establishes that all fishing vessels should have a contingency plan for the collision, damage or by-catch of any cetacean, according to an specific regulation..

b. Other regulations regarding cetaceans protection

The Supreme Decree (Ministry of Economy) N° 179 of 2008 permanently bans the hunting as well as the capture of live cetaceans species that are included in the list below wich 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 Under-secretariat of 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 very reduced populations that are associated with programs or reinsertion plans to their natural environment; and rehabilitation of sick and wounded animals.

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

<i>Balaenoptera musculus</i>	<i>Stenella longirostris</i>
<i>Balaenoptera physalus</i>	<i>Stenella caeruleoalba</i>
<i>Balaenoptera borealis</i>	<i>Stenella attenuata</i>
<i>Balaenoptera brydei</i>	<i>Steno bredanensis</i>
<i>Balaenoptera acutorostrata</i>	<i>Cephalorhynchus commersonii</i>
<i>Balaenoptera bonaerensis</i>	<i>Cephalorhynchus eutropia</i>
<i>Megaptera novaeangliae</i>	<i>Delphinus delphis</i>
<i>Eubalaena australis</i>	<i>Delphinus capensis</i>
<i>Caperea marginata</i>	<i>Globicephala melas</i>
<i>Physeter macrocephalus</i>	<i>Globicephala macrorhynchus</i>
<i>Kogia sima</i>	<i>Grampus griseus</i>
<i>Kogia breviceps</i>	<i>Lagenorhynchus obscurus</i>
<i>Mesoplodon hectori</i>	<i>Lagenorhynchus australis</i>
<i>Mesoplodon grayi</i>	<i>Lagenorhynchus cruciger</i>
<i>Mesoplodon layardii</i>	<i>Lissodelphis peronii</i>
<i>Mesoplodon densirostris</i>	<i>Orcinus orca</i>
<i>Mesoplodon traversii</i>	<i>Feresa attenuata</i>
<i>Mesoplodon peruvianus</i>	<i>Pseudorca crassidens</i>
<i>Ziphius cavirostris</i>	<i>Tursiops truncatus</i>
<i>Hyperoodon planifrons</i>	<i>Australophocoena dioptrica</i>
<i>Tasmacetus shephedi</i>	<i>Phocoena spinipinnis</i>
<i>Berardius arnuxii</i>	

2. Ship strikes

At Scientific Committee, document SC/61/BC7 “Vessel collision with a large whale off Southern Chile” was presented. The cruise vessel, Radiance of the Seas (Radiance), with a length of 293 m, docked in Puerto Montt, Chile at 0800 on 30 January 2009. The Radiance, owned by Royal Caribbean International, departed from Punta Arenas at 19:00 on 27 January. After the ship docked in Puerto Montt, a dead baleen whale was found on its bow and reported to the local naval base. Naval personnel authorized the company to tow the floating whale 12 miles offshore from Punta Quillagua (41°33'S – 74°11'S) and release it on the same day. Based on the photographs from the Gobernacion Maritima, the animal was identified as a female sei whale (*Balaenoptera borealis*) and estimated its total length at ca. 13.7 m. The species identification is based on the ventral coloration and specifically the characteristic irregular white coloration of the throat region. Also, the number of ventral grooves appears to be in the range for sei whales (32-60). More details in document SC/61/BC7.

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 maximum level of classification under Chilean legislation for endangered species.

At international level, on August 12, 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).

During 2008, the networks documented seven opportunistic sightings comprising at least ten southern right whales. Four of these whales were individually photo-identified by CCC Southern Right Whale Project/Chile. The records will allow the long-term monitoring of the species and increase the knowledge about this critically endangered population.

c. Protection Measures for Cow-Calf Pair of Southern Right Whales

On July 31st, 2008, a cow-calf pair of southern right whales was recorded in Quintay, a coastal artisanal fishing and tourist community located 100 km to west from Santiago de Chile. The report was sent by CCC.

Protective measures were rapidly adopted by the Chilean Navy, including the prohibition to enter the bay where the whales were located from any marine platform, including artisanal fishing vessels as well as diving operations, and were applied during all the period the whales stayed in the area. Additional measures such as the permanent monitoring of the whales with a surveillance marine vessel and a coastal patrol of the Chilean Navy guaranteed the safety of the whales until they finally left the area on August 15, 2008.

Similar measures will be taken when sightings of southern right whales near the Chilean coast occurs, until regulations are in place for whale watching operations of the species in the country. These regulations consider the possibility of limiting whale watching of southern right whales to coastal platforms until the species evidence signs of recovery in Chilean jurisdictional waters.

4. Whalewatching

a. Whalewatching regulations

According to the national policy of non-lethal use of cetaceans, since 2009 a process to regulate whale watching operations is being implemented in order to guarantee that the activities related to the observation of these animals are conducted in a responsible, regulated and sustainable manner. The regulation will refer in general to the observation of marine mammals, sea birds and marine reptiles, and will establish procedures and requirements for the recording of sightings. The work is being conducted by the Under-secretariat of Fisheries in association with non governmental organizations.

b. Project “Agendas of Innovation in Tourist Products: High Quality Whale and Other Marine Mammal Watching in Chile”

The Chilean Economic Development Agency (CORFO), is currently sponsoring the project “Agendas of Innovation in Tourist Products: High Quality Whale and Other Marine Mammal Watching in Chile”. The project, coordinated by the main agency of CORFO in charge of promoting innovative business proposals, InnovaChile, comprises two separate studies oriented to develop an agenda of actions that can be implemented in the short term to consolidate high quality whale watching operations in two major areas of interest in Chile: Southern/Austral Chile (from Chiloé to Magellan) and northern Chile (from Arica and Punta de Choros/Chañaral).

c. International Seminar on Responsible Whale Watching

An International Seminar on Responsible Whale Watching was conducted in the southern city of Ancud, Isla de Chiloé, between 24 & 25 February 2009 by the Chilean NGO Centro de Conservación Cetacea (CCC). The seminar was conducted under the framework of the Second Blue Whale Week of the @Alfaguara Project (blue whale project) of CCC and the InnovaChile CORFO mentioned below which southern/austral area was assigned to CCC and the University of Magellan's. The seminar was developed with the support and sponsorship of InnovaChile CORFO, Global Ocean, Rufford Maurice Laing Foundation, Regional Museum of Ancud, Bicentenary Commission of Chile, project Chile

Country Image, National Tourist Office of Los Lagos Region, Municipality of Ancud, Cultural Corporation of Ancud, Radio Estrella del Mar and Centro Ecoceanos.

Governmental representatives from the Undersecretariat for Fisheries, Chilean Navy, National Environmental Commission, National Tourist Service and Project Chile Country Image, attended the seminar and made presentation on several issues of their competence. The Commissioner from Brazil to the International Whaling Commission and researchers from Argentina, the United States and Uruguay, participated in the seminar with presentations related to their experience in responsible whale watching. The seminar also included the presentation and active participation of local tourist operators and artisanal fishers unions. As a result, the participants agreed to create a Plan of Action to develop a responsible whale watching industry, that includes the creation of regulations for whale watching operations in the country, the generation of strategies oriented to position cetaceans as iconic species of Chile, strengthen community based whale watching opportunities, strengthen coastal whale watching platforms, promote whale watching operations as platforms of opportunity for cetacean research initiatives and encourage the systematic development of seminars and workshops related to the subject.

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 region of Coquimbo (IV region) and Chañaral de Aceituno, located in the III region of Atacama. These plans consider a Management Program that includes, among its objectives, the regulation of dolphin watching operations. The programs should be implemented later this year after the conduction of the correspondent environmental assessment.

6. Investigation permits

During the last year, several permits have been issued for conducting cetacean research in Chilean jurisdictional waters. In this sense it is important to mention the research programs conducted on humpback whales (*Megaptera novaeangliae*) and other cetaceans in the Magellan Strait region, including the Marine and Coastal Protected Area "Francisco Coloane", conducted by the University of Magellan, the Antarctic Chilean Institute (INACH) and the CEQUA Research Center.

Also studies on several cetacean species are being conducted in the Corcovado Gulf and Moraleda Channel, with special emphasis on blue whales (*Balaenoptera musculus*), by the Austral University and Centro Ballena Azul (CBA).

Centro de Conservacion Cetacea (CCC) is conducting research program on blue whales, humpback whales, sei whales (*Balaenoptera borealis*), fin whales (*Balaenoptera physalus*) and southern right whales (*Eubalaena australis*) in the northwestern region of Isla de Chiloé, Los Lagos Region, under the "Álfaguara Project", with the sponsorship of the Chilean Navy, the Ministry of Foreign Affairs and the Ministry of Education.

Studies on Chilean dolphins (*Cephalorhynchus eutropia*) are being conducted by the research center EUTROPIA along the distribution range of the species. Additionally, the project of the Permanent Commission of the South East Pacific (CPPS) "Implementation of Actions for the Conservation of *Cephalorhynchus eutropia* in the Area of Constitucion, VII Region of Maule" is being conducted by EUTROPIA with the sponsorship of the Under-secretariat of Fisheries.

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 the taking of biopsy samples. These studies are increasing the scientific knowledge of the cetacean species in the country.