

## **DOMINICAN REPUBLIC**

### **REGULATIONS**

#### **Samana Bay**

In 1994 in Samana, as a result of a Whale Tourism Workshop in 1992 organized by Centro para la Conservacion y Ecodesarrollo de la Bahia de Samana y su Entotrio (CEBSE) and Centro de Investigaciones de Biologia Marina (CIBIMA), an Agreement was reached between boat owners that conduct whale watching tours. This agreement has a wide acceptance among the different sectors of the community and considers the following:

#### 1.1 Whale Watching in Samana

1.2 A Vigilance Unit was created. It will coordinate the actions of the boat captains involved in whale watching and will assure the fulfillment of the Agreement.

1.3 A Boat Captain Committee was created. It will report any anomaly in the whale watching activities to the Vigilance Unit on a weekly basis.

1.4 The group of boat captains as a whole will evaluate the results of each year's whale watching season with the objective of making the activity more efficient while causing the least impact possible.

1.5 Boat captains and crew will continue to be trained. Environmental education programs directed towards the whale watching tourists will also be developed.

#### 2.1 Whale Watching Measures

2.2 Only 3 boats are allowed to whale watch at the same time, the same group of whales. Other boats must stay 250 meters away waiting for their turn to whale watch making groups of 3.

2.3 Distances between boats and whales are: for mother and calf, 80 meters, for groups of adult whales 50 meters.

2.4 When approaching the whale watch zone, at a distance of 250 meters, all engines must be in neutral until it is their turn to whale watch.

2.5 Boats are allowed to watch a group of whale for 30 minutes, if they want to continue whale watching they have to find another group. At the end of the season the whale watch time could be half depending on the amount of whales and visitors.

2.6 No boat is allowed to let their passengers swim or dive with the whales on Samaná Bay.

2.7 All passengers on a boat less than 30 feet must have a lifevest on at all time.

2.7. Flying over the animals is prohibited at less than 1000 meters of altitude.

2.8 All boats must be out of the sanctuary before 16:00.

2.9 After passing Cayo Levantado, the velocity of the whale watching vessels should not exceed 5 knots (9 km/h). If a vessel encounters whales further into the Bay (before Cayo Levantado) its speed should be immediately lowered to 5 knots.

#### **Whale watch licenses will be revoked for:**

- Driving a boat at high speed close to whales
- Not having a radio for communication
- Not respecting other whale watch boat turns to whale watch
- Not listening to sanctuary inspectors
- Not paying sanctuary fees

### **REGULATIONS**

#### **Silver Bank**

##### **Whale**

##### **Sanctuary**

The Sanctuary Committee (Comision Rectora del Sanruario del Banca del la Plata) is the institution responsible for the administration of the Silver Bank Sanctuary and for

the protection of the humpback whales and other marine mammals (Decree No. 319, 1986) and Internal Regulations of the Governing Committee.

1.1 Visits to the Silver Bank Sanctuary

- 1.2 In order to visit the Sanctuary for research, education recreation (whale watching), sporting, or other purposes, all vessels must have a permit from the Sanctuary Committee. This permit must be authorized by the Executive Director and the Secretary of the Sanctuary Committee (see Internal Regulations of the Governing Committee).
- 1.3 The persons responsible for the vessel must fill in an application that includes information on the purpose of the visit, the time that will be spent in the Sanctuary, the number of passengers on the vessel, dates, as well as any specific activities included in the trip.
- 1.4 The application form can be obtained in the headquarters of the Sanctuary Committee as well as in the premises of the different Delegations of the Committee.
- 1.5 The vessels must display, in a visible place, a copy of their permit and the regulations of the Sanctuary Committee of the Silver Bank Humpback Whale sanctuary.
- 1.6 Given the case that the purpose of the visit is a research and/ or study project, the visitor(s) must deliver a report of the activities and the results to the Sanctuary Committee, as well as a copy of any publication, video, etc. Elaborated during the study.
- 1.7 The Sanctuary Committee will establish a visitation fee dictated by the Internal Regulations of the Committee.
- 1.8 The Sanctuary Committee may limit the number of vessels present simultaneously in the area.
- 1.9 The vessel that visits the Sanctuary for whale watching must, when possible, take on a representative of the Committee with the purpose of collaborating in whale research and conservation.
- 1.10 The use of the Polyxeni as lodging for people is not permitted.
- 1.11 The Port Authority will not dispatch any vessel to visit the Silver Bank Sanctuary if it lacks the permits of the Sanctuary Committee.
- 1.12 All vessels must attain to marine safety and navigational regulations predisposed by Dominican law.

2.1 Protective Measures for Whales and other marine Mammals in the Sanctuary

- 2.2 The capture, hurting, killing, persecution or harassment of any mammal is prohibited.

Paragraph: it is understood that by harassment is meant any activity that affects the normal behavior of the whales. This infers that the animal is being harassed when any sudden change occurs in its behavior, such as:

- a) radical changes in swimming direction
  - b) changes in breathing intervals
  - c) abandonment of area where first observed
  - d) evasive conduct
- 2.3 The discharge or deposition of any contaminants, explosives, or electrical equipment, as well as their use for fishing is prohibited.
  - 2.4 The dredging, perforation, or any type of activity that disturbs the ocean floor, as well as the construction of any structure different to those used for auxiliary

navigation, is prohibited without the corresponding permit from the Sanctuary Committee.

- 2.5 Flights of any nature cannot be made at height under 300m (1000feet) when at a maximum horizontal distance of 300m away from the whale.
- 2.6 Hydroplane landing is not permitted in any area where a whale is present.
- 2.7 Fishing activities by national vessels is permitted. Nets may not be used from November to May in the Sanctuary area as well as in the adjacent zones occupying a diameter of 10 nautical miles away from the limits of the Sanctuary.

### 3.1 Whale Watching Regulations

The Silver Bank is an important reproduction and weaning area for the North Atlantic humpback (*Megaptera novaeangliae*). The Sanctuary Committee has established a set of rules or regulations designed to protect this endangered species and to guarantee the security of the people interested in observing them.

- 3.2 Whale season. The humpback whale season extends every winter from December to April.
- 3.3 The vessels visiting the Sanctuary must obey the following regulations:
  - 3.3.1 The vessel and/or their occupants must not come any closer than 50m from where the whales are found, and less than 80m when in the presence of mothers with their calves.
  - 3.3.2 In the whale watching area, only one vessel may be observing the whales. The presence of various vessels together, be they small or large, confuse the whales.
  - 3.3.3 Each vessel must not stay longer than thirty minutes with any given group of whales.
  - 3.3.4 Each vessel must not make any sudden changes in direction and/or speed when near the whales.
  - 3.3.5 No objects may be thrown into the water, and no unnecessary noise may be made when near the whales.
  - 3.3.6 If the whales come closer than 100m from the vessel, the motor must be put in neutral until the whales are seen receding from the vessel.
  - 3.3.7 The vessel cannot interfere with the swimming direction or the natural behavior of the whales. (Whales can leave their natural habitat if harassed).
  - 3.3.8 If any vessel violates the regulations in any way, the Sanctuary Committee will ask the Fisheries Department of the Ministry of Agriculture and the Navy Secretariat Headquarters to retain their permit for fishing or access to the Sanctuary for a determined time period, and in the case the felony is repeated, to cancel the vessel's permit.

Note: The protection of the humpback whales will always be viable while they are found in Dominican waters.