

**Province of Río Negro**  
PROVINCIAL LAW No 4066/06

Article 1.- Declare natural monument, in the field of jurisdictional waters of the Province of Río Negro and subject to the rules established by provincial law No. 2669, to the southern right whale (*Eubalaena australis*).

Article 2.- The objectives of this law are:

- 1) The conservation of the species in provincial jurisdiction establishing measures for its protection and management.
- 2) The stimulus to scientific research, monitoring, observation and knowledge of the species.
- 3) The dissemination of knowledge and the ecological value of the species among the inhabitants of the province and the region.
- 4) The controlled use of the resource through non-consumptive uses thereof.
- 5) The ordering and regulation of human activities related to the presence of southern right whales in order to avoid interference, disturbances or other adverse effects on their natural biological processes.

Article 3.- The hunting, capture, apprehension, intentional killing or destruction of this species by any means is prohibited.

Article 4.- Any activity of approaching the species for purposes of persecution, harassment or harassment is prohibited. Scientific investigations that necessarily require some type of persecution activity and low level of harassment require a special authorization issued for this purpose by the enforcement authority hereof.

Article 5.- Any activity of approaching the species for scientific, educational, recreational or tourist purposes is prohibited, without authorization from the competent bodies of the Provincial Executive Power, which is granted according to specific purposes and within the limitations

imposed by this law.

Article 6°.- It is prohibited, without due authorization, any activity that without implying an explicit approach to the species, results by itself or through the impact it generates on the environment, harmful to the resource or to the habitat in which the it unfolds itself.

Included in this typology are dredging activities, seismic surveys, nautical sports events, boat fishing competitions, navigation by private parties, the use of jet skis or similar and other activities that at the discretion of the competent organs of the Provincial Executive Power, will be established by regulation.

Article 7°.- The Provincial Service of Protected Areas created by law n° 2669, with the attributions and functions that the same law grants, is the enforcement authority of this law.

Article 8°.- The enforcement authority shall constitute within the term of sixty (60) consecutive days, counted as of the promulgation of this law, the Local Conservation Authority provided in article 21 of the norm of creation of the Provincial System of Areas Protected from Río Negro.

Article 9°.- The application authority, with the intervention of the local conservation authority, defines the start and end dates of each whale season, and will determine the type and condition of authorized educational, scientific, recreational and touristic practices during the season and out of it.

Article 10.- The Executive Power, through its competent bodies, regulates the granting of permits for carrying out the activities included in articles 4, 5 and 6, subject to control by the enforcement authority.

Article 11.- The journalistic activities supported by national, provincial, Argentine or foreign entities that imply interaction with the species, must comply with the provisions of this law and its corresponding regulatory standards.

Article 12.- Scientific research, study and whale watching activities are subject to the provisions of article 4.

Article 13.- For the attention of strandings or entanglements of live specimens, Interdisciplinary Rescue Groups will be created involving local natural and legal persons with interest and interference in the subject, with direct dependency of the Local Conservation Authority.

Article 14.- Create the Operator Registry with Whales that is the responsibility of the Local Conservation Authority of the Southern Right Whale.

Article 15.- All those natural or legal persons who obtain permit to interact with the species under conservation by competent authorities, whether for the purpose of research or scientific study, journalistic, rescue, recreational or tourist.

Article 16.- Providers or operators of active tourism services must also demonstrate compliance with the requirements set forth in the provincial law on active tourism.

Article 17.- Persons who contract observation or immersion services with whales in Río Negro waters have the following rights and obligations:

1) 1) Rights:

- a) Preserve the environment you visit avoiding producing annoying noises to the environment; throw waste or waste or attack the fauna of the visited habitat.
- b) Obtain on the part of the operator or corresponding tourist provider all the necessary information regarding the characteristics of the activity that has chosen to perform and the provision of specific elements and equipment and security for its practice.

2) 2) Obligations:

- a) Provide written consent to access said practice under the conditions specified. The same type of compliance operates for minors under their care.
- b) Declare in writing, in a reliable manner, be psychophysically fit for the practice of the selected activity, when it implies some degree of risk.

c) Avoid departing from the prescriptions and activities pre-established by the operators or service providers and adopt behaviors that place their own safety, the group's safety or the integrity of the resources visited at risk.

Article 18.- The providers or operators of observation or immersion with whales are obliged to observe the following precepts:

1) Properly inform tourists who have hired the respective service about the characteristics of the activity they have chosen to develop (degree of risk involved, degree of difficulty in their practice, use of equipment and specialized clothing and safety, indications to observe during his practice in case of accidents, among others).

2) Inform tourists about the applicable legislation in force before the respective practices.

3) Obtain written agreement from the tourist to access said practice under the explicit conditions. The same type of compliance operates for minors in charge of the former.

4) Obtain from each tourist a written statement acknowledging their psychophysical aptitude for the practice of the selected activity, when it implies any degree of risk. The same type of declaration operates for minors under the responsibility of the former.

5) Have adequate means for proper management of waste and garbage during tours and practices, ensuring the conservation of the species and its habitat.

6) Promote practices that generate added value to the environment in which they take place and refrain from promoting those that cause a negative impact on it and its components.

7) Refrain from undertaking contracted activities when there are obvious grounds for temporary suspension of the practice of the same, such as weather alerts, unfavorable weather conditions, etc., which could mean the exposure of tourists and individuals belonging to the species to unnecessary and

avoidable risk situations.

Should, in such cases, arbitrate the means to compensate the affected tourists by offering them alternative services or the reimbursement of the payment made for the benefits not fulfilled.

8) Indicate to the tourist the convenience of not departing from prescriptions and activities pre-established by operators or service providers and adopt behaviors that put their own safety, the group or the integrity of the natural resources visited at risk.

9) Inform the tourist about the degree of fragility of the visited ecosystems and vulnerability of the southern right whale population involved, contributing to generate a positive attitude in relation to the visited environment.

10) Have permanent communication equipment with the base of operations of the operators or service providers.

11) The provider and the operator of the service are jointly and severally liable for the acts and omissions contrary to the prescriptions established in this law, as well as for the safety of the tourists under their management.

Article 19.- The activities authorized by this law are, under strict control of the competent organisms of the Provincial State in whale season, the activities of:

1) Whale watching, as an ecotourism modality, on small boats, with adjustment to the regulations that the enforcement authority will dictate with exclusive intervention of the Local Conservation Authority.

2) Immersion with whales, as a modality of adventure tourism, under strict safety conditions and of low environmental impact, which are pre-established by the authority of application of this law previous intervention of the Local Conservation Authority.

Article 20.- General guiding principles for authorized practices during whale seasons, subject to particular regulations issued by the enforcement authority in

concurrence with the local conservation authority, the following prohibitions:

- 1) The sighting embarked by private parties.
- 2) The sighting embarked by more than one vessel simultaneously.
- 3) The sighting embarked in groups of more than ten passengers per boat.
- 4) Dives by private parties.
- 5) Dives without previous training.
- 6) Dives with unauthorized equipment.
- 7) Dives in groups of more than five people each.
- 8) Dives by more than one group at a time.
- 9) The nocturnal dives, with mating groups, with mothers in calving, with mothers with calves and in general in the areas delimited as of restricted activity.
- 10) Dives without qualified guide and without proper authorization by the qualified diving service provider.

Article 21.- The enforcement authority, with the intervention of the local conservation authority, will delimit via regulatory the management areas of the resource in restricted areas, zones of controlled activity, zones of migratory transit and the places of embarkation and disembarkation enabled.

This zoning of use must be reviewed and ratified annually prior to the start of each whale season according to the behavior of the population that uses the Río Negro waters.

Article 22.- The number of service providers simultaneously authorized to operate in the zones of controlled activity shall be established by regulation by the enforcement authority with the local conservation authority, in relation to the size of the surface portions enabled as such, keeping absolute relationship with the carrying capacity of the resource.

Article 23.- The Fund for the Conservation of the Southern Right Whale is created, which is integrated by:

- 1) The funds assigned by the general budget to the Protected Areas System of the province.
- 2) The funds that could be allocated by the budgets of public or private organizations that co-participate or co-manage the administration of the resource under conservation.
- 3) The amounts received by the enforcement authority for concession rights, authorizations, permits of any nature established in relation to the management of the resource.
- 4) The funds generated from the perception of the right of sighting or immersion that must be paid by each individual who hires commercial services to the authorized providers, which operate as withholding agents in the perception of the right.
- 5) Funds from fines for contraventions to the provisions of this law and its regulations.
- 6) The funds coming from subsidies, donations, or contributions from individuals, non-governmental, governmental, national or international organizations with interest in the defense of the species.

Article 24.- The application authority with the local conservation authority shall determine annually the value of the corresponding sighting or immersion right prior to the start of each whale season.

Article 25 .- The dead specimens or their remains are part of the provincial natural heritage and will be used for scientific studies or as educational material. Researchers or institutions interested in their study or exhibition must present their requirements to the Local Conservation Authority, which will define the best destination for them.

Article 26.- The present law adopts for itself the sanctioning and legal action regime provided for in provincial law No. 2669, which operates as a supplement to that established by

provincial law No. 2056 and to which it regulates this norm.

Article 27.- Every inhabitant of the Province of Río Negro is vested with the character of custodian of the species, object of conservation and obliged to comply with and enforce this law and its regulations and to report immediately before the competent authority, any act which implies an infraction to the prescriptions established herein.

Article 28.- Communicate to the Executive Power and file.

LAW N° 4066