

**BRAZIL
REGULATION**

Environmental Protection Area of Anhatomirim

The federal government has established this as a protection area to protect tucuxi dolphins and assure proper regulation of tourism and fishing activities. Information incomplete.

Brazilian Institute of The Environment and Renewable Natural Resources-Ibama

EDICT 117 OF DECEMBER 26, 1996

THE PRESIDENT OF THE BRAZILIAN INSTITUTE OF THE ENVIRONMENT AND RENEWABLE NATURAL RESOURCES – IBAMA, in the use of his authority as provided in Article 24 of the Regimental Structure annexed to decree 78 of April 5, 1991, and in Article 83, item xiv of its Internal Rules, approved by EDICT GM/MINTER no. 445 of August 16, 1989, and what is contained in Process no. 02001.4424/90-23;

Considering the need to reform Edict no. 2306 of November 22, 1990, which defined rules to avoid intentional harassment of cetaceans in Brazilian jurisdictional waters, in order to allow its application to every cetacean species;

Considering the existence of several cetacean species, which regularly occur inside Conservation Units¹⁷ where public access is allowed and the need to ensure their adequate protection against intentional harassment;

Considering the growing development of tourism aimed at the observation of cetaceans in Brazilian waters and the need to regulate it, in order to provide for its adequacy to the conservation needs of these animals;

Resolves:

Article 1 – It is hereby defined a regulation to prevent and suppress the intentional harassment of cetaceans found in Brazilian jurisdictional waters, in accordance with Law 7.643 of December 18, 1987.

Article 2 – it is forbidden to all vessels operating in Brazilian jurisdictional waters:

- a) approach any whale species (cetaceans of the order Mysticiti; sperm whale *Physeter macrocephalus*; and orca, *Orcinus orca*) to less than 100 metres of the closest animal, with engines operating;
- b) resume engine operation before clearly sighting the whale(s) at the surface, or in a distance of at least 50 metres from the vessel;
- c) chase any whale, with engine operating, for more than 30 minutes, even when respecting the above mentioned distances;
- d) interrupt the path of any cetacean of any species, or try to direct or alter its movement;
- e) intentionally penetrate in a group of cetaceans of any species, dividing or dispersing it;
- f) make excessive noises, such as music, any kind of percussion, or others beyond those generated by the normal operation of the vessel, when less than 300m from any cetacean;

¹⁷ Conservation Units in Brazilian law are any legally established protected areas such as National Parks, Reserves, and Environmental Protection Areas.

- g) dump overboard any sort of detritus, substance or materials when less than 500m of any cetaceans, in addition to all other pollutant dumping prohibitions contained in the laws.

Article 3 – It is forbidden to swim within a distance of 50m from any whale.

Article 4 – During operation of commercial tour vessels inside Conservation Units where cetaceans regularly occur, such Unit will determine:

- a) the registration of vessels regularly engaged in operation inside the Conservation Unit, including its Navy registration number, name, size, propulsion type and passenger capacity, as well as qualifications and address of its responsible person(s);
- b) the maximum number of vessels which are allowed to simultaneously operate inside the Conservation Unit;
- c) in the case of units with know areas of regular cetacean use, the route(s) and speed(s) for vessel traffic inside such areas;

Article 5 – It is mandatory, for commercial tour vessels operating inside Conservation Units where cetaceans regularly occur, the provision for passengers, on a permanent basis, of interpretive information on these animals and their conservation needs.

Article 6 – For the effect of enforcing this Edict, commercial tour vessel is any vessel transporting paying tourists.

Article 7 – It is forbidden to approach any cetacean with aircraft in altitudes less than 100 meters.

Article 8 – Infractions to this Edict and its norms will be punished according to Law 7.643 of December 18, 1987.

Article 9 – This Edict is valid from its publication date, all depositions in contrary to it being hereby revoked.