

COLOMBIA
REGULATIONS

Summarized and translated by Mariano Sironi

Whalewatching regulations for the Pacific of Colombia - Port of Buenaventura

Aims: to regulate whalewatching activities in the Colombian Pacific by people on boats to establish the minimum conditions that will allow the presence, preservation and periodic return of whales, and to establish the role of the institutions that work for the control and monitoring of these regulations.

Regulations:

- 2.1 Law 99/93
- 2.2 Law Decree 2324/84
- 2.3 Law Decree 2811/74: National Code for the Renewable Resources and the Protection of the Environment
- 2.4 Decree 1608 of 1978, article 5: management of cetaceans, pinnipeds and sirenians
- 2.5 Decree 622 of 1977: wildlife management in the National Park system
- 2.6 Convention of the UN on the law of the sea (CONVEMAR)
- 2.7 Action Plan for the protection of the Marine Environment and Coastal Areas of the SE Pacific (PA/PSE) and its regional content.
- 2.8 Decree 1681 of 1978: hydrobiological resources
- 2.9 Agreement 0020 of 1991 - Inderena: measures for the protection of bycaught dolphins in the tuna fisheries in the Pacific
- 2.10 All regulations applicable in the civil, criminal and commercial code
- 2.11 CITES
- 2.12 Protocol for the conservation and administration of marine protected areas of the SE Pacific (PCAAMP/PSE)
- 2.13 Instructions from the Inter American Tropical Tuna Commission (CIAT) to its members

Item III.1. General mission:

The Harbor Master of Buenaventura as the Maritime Authority leads the whalewatching program to be developed in jurisdictional waters, working in collaboration with the rest of the institutions, based on the national and international regulations currently in place. It describes the roles of each institution, authorizes and controls vessel traffic in the whalewatching area, the operational and physical condition of the vessels, the personnel on board and the allowed number of passengers. It regulates also the control and verifies the communications with the aim of preserving human lives and the marine environment.

ANNEX A: GENERAL REGULATIONS FOR THE OBSERVATION OF WHALES

The number of boats in the whalewatching area must be restricted during the whale season (June through November). Considering the area's carrying capacity and the natural activities of whales, a maximum of 15 whalewatching boats are allowed.

BOATS SMALLER THAN 35' WITH OR WITHOUT MOTOR

- The captain or motorist should drive at slow and constant speed, within 300 m or less of a whale, driving not faster than the speed of the slowest whale or should keep the engine in neutral (fig a).
- Whales should be approached from a parallel direction and slightly from behind (fig a). Alternately, the captain could position the boat at a distance of 200 m (not less) ahead of the whales, but allowing them to swim forward and to approach the boat.
- Avoid sudden changes in speed and direction.
- Do not approach the whales closer than 200 m. If the whales show up closer than 200 m of the boat, drive away slowly or stop, put the engine in neutral and allow the whales to come closer. Do not chase the whales.
- Only one boat should approach a whale or group of whales at any one time. Boats should leave after 30 min. No boats should approach the same whales for a period of 60 min.
- When stopping to watch the whales, the engine should be in neutral or at minimum speed for one minute before turning it off. Outboard motors should be lifted.
- Do not approach whales that are being studied by scientists closer than 300 m.
- Do not approach mothers with calves. Calves are whales that are 4 to 8 m long.
- Do not approach breaching whales.
- Leave the whales at no wake speed until the boat is 300 m from the nearest whale.

BOATS LARGER THAN 35' WITH MOTOR

They should follow the same regulations for smaller boats. Additionally they should:

- Avoid approaching any group of whales at distances smaller than 300 m.
- Drive to a minimum distance of 2 km if you encounter scientists doing acoustic recordings.

SWIMMERS AND DIVERS

- Do not approach whales closer than 30 m due to the chances of being hit accidentally.

AIRCRAFT

- Do not drive the aircraft less than 300 m from a whale. The use of helicopters to watch whales should be avoided.

FROM LAND

- Do not move and do not disturb the whales when they approach the shore. Cliffs, high areas and beaches are good vantage points to observe whales.

GENERAL PRECAUTIONS

- Do not separate or disperse a group of whales.
- Do not litter and do not try to feed them.
- Avoid noises when close to the whales.
- Drive at slow speed in the area in front of Bahia Malaga, between Negritos and Isla Palma and the interior of Base Naval Malaga. This area is frequented by mothers and calves and probability of collisions is higher.

GORGONA ISLAND

Chapter VI, article 17 1995

During the period of time from June to November, inclusive, corresponding to the season that whales are located within the maritime areas of the Gorgona Island Park, the following regulations must be kept in mind:

1. Swimmers and divers can only observe whales from a distance greater than 30 meters.
2. Only six boats will be allowed in the area, including those authorized for diving and that of the enforcement patrol.
3. Whale researchers may have two boats in the zone during each observation.
4. Boats that are observing whales cannot cut off the passage of the whales, nor can they stay with a group of whales for more than a half hour.

ARTICLE 18.

Smaller boats are obliged to maintain a distance not less than 200 meters between the boat and the whales.

These boats must navigate at a slow and constant speed, without abrupt changes in velocity and direction, or putting the motor into neutral without turning it off.

In case whales approach the boat at a distance of less than 200 meters the boat must move off slowly or stop the movement of the boat without dropping anchor.

When a group of researchers is in the presence of whales, boats must maintain a minimum distance of 400 meters, and if the research boat is stopped and is flying a red flag, this indicates that recordings are being made of the whales, in which case motors must be turned off until otherwise indicated.

If in the zone a mother and calf appear the area must be left immediately at slow constant speed, that does not cause waves, and a minimum distance from the whales of 500 meters must be kept.

ARTICLE 19: Larger boat must abide by the following;

Do not approach any closer than 300 meters to any group of whales. If they appear within a closer distance, the boat must move to the distance designated.

If any research vessel appears or is found, the larger boats must maintain a distance no less than 2 km.

