

8th June 2020

LOCAL NOTICE TO MARINERS N^o 014(A) OF 2020 CETACEAN PROTOCOL

To: All Mariners, Owners, Agents and Charterers;

You are reminded that, all Cetaceans (Whales and Dolphins) and marine reptiles (Turtles) are protected by law in British Gibraltar Territorial Waters under the Nature Protection Act 1991.

The Mobile Cetacean Conservation Area is defined as an imaginary cylinder of sea and air space with a 500m radius centred on the cetacean or group of cetaceans, with a height of 500m into the air and a depth of 60m under the sea. The Marine Protection Regulations Cetacean Protocol shall apply within this space. (See attached protocol).

All vessels must maintain a sharp lookout and reduce speed to 4 knots if they sight any animals.

All vessels are to keep a minimum distance of 60 meters from any animal or group of animals.

All vessels must comply with the Nature Protection Act 1991 and the Marine Protection Regulations Cetacean Protocol in its entirety. (See attached protocol).

**VTS MANAGEMENT
GIBRALTAR PORT AUTHORITY.**

Owners, Agents and Charterers should ensure that the contents of Local Notice to Mariners are made known to Masters and persons in charge of their vessels. All notices are available to view on the Gibraltar Port Authority website at: www.gibraltarport.com



Department of the Environment, Heritage and Climate Change

HM Government of Gibraltar

Marine Protection Regulations - Cetacean Protocol

The main objective of the Cetacean Protocol is to protect dolphins and whales in British Gibraltar Territorial Waters (BGTW) given that several species of Cetaceans use the Bay as feeding and calving grounds. Gibraltar is responsible for their protection in BGTW and all Cetaceans and marine reptiles are protected by law in Gibraltar under the Nature Protection Act 1991. The Protocol is also enshrined in law under Schedule 2 of the Marine Protection Regulations 2014.

For further information on the Cetacean Protocol or to report any breaches of the Protocol please contact the Department's Environmental Protection and Research Unit on (+350) 58009620.

1. Zonation.

The Mobile Cetacean Conservation Area is defined as an imaginary cylinder of sea and air space with a 500m radius centred on the cetacean or group of cetaceans, with a height of 500m into the air and a depth of 60m under the sea. This protocol shall apply within this space.

Five zones are established within the Mobile Cetacean Conservation Area within which a specific code of conduct is set out depending on the distance from the animals under protection.

The Mobile Cetacean Conservation Area is made up of the following zones:

The Exclusion Zone has a radius of no less than 60m from the cetacean or group of cetaceans. Considering special requirements for the protection of cetaceans a larger exclusion zone may be defined by the relevant authorities.

The Restricted Access Zone is the area between the limit of the exclusion zone (60m) and the Approach Zone (300m).

The Approach Zone extends from the 300m limit of the Restricted Access Zone and the 500m limit of the Mobile Cetacean Conservation Area.

The Air Space is the space with a 500m radius centred on the cetacean or group of cetaceans and 500m into the air.

The Submarine Space is the space with a 500m radius centred on the cetacean or group of cetaceans and extending 60m beneath the surface.

2. General code of conduct.

Bathing and diving are prohibited in the Exclusion Zone.

Feeding of the animals is prohibited. No foodstuffs, drinks, waste, rubbish, litter or any other object, solid or liquid substance which may be harmful may be thrown into the sea.

Any physical contact between the animals and persons or vessels must be prevented and avoided.

The free movement of the cetaceans must be permitted at all times and in all directions without limiting their freedom of movement by intercepting their trajectory, cutting across their path or passing through one of their groups.

It is prohibited to separate or disperse a group of cetaceans. Nothing and no-one must ever come between an adult and its young, unless this can be justified on grounds of safety or conservation of the species.

The Mobile Cetacean Conservation Area shall be left if there is any sign of alarm, discomfort or alteration of the behaviour of a cetacean or group of cetaceans, such as sudden changes in direction or speed, sudden jumps on approach, etc.

It is forbidden to produce noise or high pitched sounds which may disturb the animals, unless this is necessary for public safety or for the protection of cetaceans. The emission of sounds under the surface in order to attract or repel cetaceans is forbidden.

In the event of a vessel carrying out non-recreational activities being approached by cetaceans, the vessel shall continue without any abrupt changes or if possible, the activity shall stop. In all cases, the vessel shall act according to reasonable criteria in the best interests of the protection and conservation of the animals.

3. Code of conduct applicable to recreational vessels observing cetaceans within the Mobile Cetacean Conservation Area.

Sonar and depth sounders shall be turned off.

Vessels shall move at a constant speed no greater than four knots, or no greater than the slowest animal in the group except in the Exclusion Zone where the rules in section 4 apply. Once the observation is over, the vessel's speed shall not change until it is outside the Mobile Cetacean Conservation Area.

All approaches to cetaceans shall be gentle and convergent with the direction of movement of cetaceans, never at right angles to the direction of movement of the animals, nor from the front or behind, and must be at an angle of at least 30 degrees of their direction of movement. During periods of observation the vessel must continue on a parallel course, without abrupt changes in direction or speed.

When more than one vessel approaches the same cetacean or group of cetaceans simultaneously, these should co-ordinate their approach and manoeuvres by radio so that there will be a minimum impact on the animals.

On turning off the engine and after starting up, it shall be maintained at neutral or out of gear for at least one minute. All changes in speed or revolutions of the engine shall always be carried out gradually and slowly.

The vessels shall never be put in reverse except in an emergency or to avoid a collision with another vessel or with a cetacean.

It is prohibited to navigate in a circle around a cetacean or group of cetaceans.

4. Specific regulations regarding recreational cetacean watching activities in the different zones:

In the Exclusion zone:

It is forbidden to enter or remain in this zone, except in emergency situations or for reasons of health and safety of persons or the conservation of species.

If the animals approach or appear within 60m of a vessel, the engine will be placed in neutral or stopped if possible.

It is forbidden to start the propeller or the engine while the animals are less than 60m of the vessel, and they may only be started up several minutes after the animals have started leaving the Exclusion Zone. In case of emergency the engine should be started slowly and any manoeuvre should be gradual and progressive, taking special care that no animals are near the propeller.

Only in the case that the cetaceans approaching the vessel are dolphins, the vessel need not be stopped. The vessel may continue moving maintaining its speed and course, without any sudden changes in speed or direction of movement.

In the Restricted Access Zone:

It is forbidden to enter this zone if the animals are feeding or moving away to maintain their distance.

It is forbidden to enter this zone if there are adults with young or young on their own.

Only one vessel may remain in this zone at any one time for a period no of more than 20 minutes. After this time the vessel must leave the Mobile Cetacean Conservation Area completely.

Only two successive entries into this zone are allowed by two different vessels after which time the cetacean or group or cetaceans must not be approached for 30 minutes.

In the Approach Zone:

Only one vessel may remain in this zone awaiting entry into the Restricted Access Zone when one of the vessels then has to leave this zone on expiry of their 20 minutes. All vessels must be in continuous radio contact to co- ordinate their movements.

In the Air & Submarine Space:

Entry is prohibited into these zones.

Cetacean Protocol

