

The following recreational fishing regulations set forth the powers and enforcement duties of the fisheries authority, and the obligations of fishers.

Decree Law N° 2.442, 1978, issued by the Ministry of Economy

Sets forth the powers and duties of the Ministry of Economy, Development and Reconstruction, in fisheries related matters: establishes the Under-Secretariat for Fisheries; creates the National Fisheries Council and the National Fisheries Service.

In its Art. 13 sets forth: That the National Fisheries Service has the duty to execute national fisheries policies and enforce its compliance, especially, ensure the correct application of legal rules and regulations related to fishing, submarine hunting, and other forms of exploitation of aquatic resources.

Art. 16 letter e), is more precise, and sets forth that the National Director has, among others, the duty to: submit fishing and submarine hunting licenses, as provided for in the relevant regulation.

Decree in Force of Law N° 5, 1983, Ministry of Economy

Establishes the consolidated, coordinated and systemitized Decree in Force of Law N° 34 dated 1931 that legislates on the Fisheries Industry and its related activities. Articles 25 and 28 e), underlines the above indicated duties.

Law on Recreational Fishing N° 20.256 (12/04/2008), Ministry of Economy

Anulls Title VIII of Law N° 18.892 and its modifications, General Law on Fisheries and Aquaculture.

1. In Title I, General Provisions of the Recreational Fisheries Law sets forth:

- Scope of application: applies to recreational fishing activities practiced in surface waters, inland waters, territorial sea and exclusive economic zone of Chile. Submarine fishing is also governed by this law only when it is performed for the purpose of non-profit, sport, tourism or leisure related activities.
- Recreational fishing: fisheries activities performed by natural persons to catch aquatic species with personal use gear, for non-profit purposes to practice sports, tourism or leisure related activities.
- The aim of this law is to develop recreational fishing, ensure the conservation of aquatic species and protect their ecosystem, encourage economic and tourism activities associated to recreational fishing and strengthen regional participation.

2. Title II establishes the General Conditions to practice Recreational Fishing:

- Fishing gear: Recreational fishing can be practiced with the exclusive use of fishing gear for personal use. The gear that qualifies as personal fishing gear intended for the practice of recreational fishing shall be established by Decree.
- The prohibition of trade in species captured with personal gear.
- Recreational fishing license: any natural person, either a Chilean citizen or foreign national, that performs recreational fishing or submarine hunting activities in surface waters, inland waters, territorial sea or exclusive economic zone, must hold a license submitted by the Fisheries Service.

The recreational fishing license is personal and non-transferable and must be maintained during the performance of the sport and transportation of captured species, and must be exhibited jointly with an identification card or passport, as appropriate, to the enforcement officers identified in the present law, upon request.

The license shall allow the bearer to perform recreational fishing activities in any body of water, river, lake or sea, and shall be effective for a one year period. The price of the license shall be 0,7 unidades de fomento in the case of Chilean citizens and foreign residents and 1,5 unidades de fomento in the case of foreign tourists.

Chilean nationals or foreign residents with physical disabilities shall be exempt from such payment as long as they are registered accordingly as per Article 12 of law N° 19.284. This regulation also applies to adults over 65 years of age and children under 12 years of age.

The National Fisheries Service shall submit recreational fishing licenses to the applicants, as well as information regard the standing management measures that govern the activity. The Service shall also maintain a fishing license data base accessible by the public.

3. Title III establishes General Management Measures:

- Conservation Measures for recreational fishing activities: such activities that are performed in ocean and inland waters are governed by the General Law on Fishing and Aquaculture and special conservation measures set forth in this law. In inland waters, the territorial sea and the exclusive economic zone, such measures shall be taken within the framework of a grounded resolution issued by the Under-secretariat for Fisheries. In the case of inland waters, measures shall be established through grounded resolution issued by the Zonal Fisheries Director, with respect to the regions located in each relevant zone.

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- Special conservation measures for recreational fishing include: daily catch limits per fishermen, established by area, and authorized size or weight of a species captured in a specific area; catch prohibitions in vulnerable areas; prohibition of boat fishing in specific areas; establishment of schedules for recreational fishing; the practice of catch and release for specific areas and species; regulating type of gear intended for personal use, including bait and related elements.
- Management measures agreed with neighboring countries with respect to bodies of water located on common borders: the Ministry of Economy, jointly with the relevant agencies in neighboring countries, may establish management measures in border areas with regards to shared aquatic species.
- Recreational fishing tournaments, including submarine hunting shall be governed by their relevant rules, which must be previously informed to the appropriate Regional Fisheries offices, and in no case shall they violate standing management measures.
- Repopulation and seeding: shall be governed by a regulation that shall establish the conditions for repopulation activities or the introduction of seeds for recreational fishing purposes for the protection of the environment and heritage, especially biodiversity.

4. Title IV refers to waters under special regime for the purposes of Recreational Fishing:

- Preferential Areas: course of water or surface waters from a basin that comprises inter-dependent sectors that require an integrated management to ensure the conservation of ictic fauna and the development of recreational fishing activities. Degraded areas may be declared under this regime.
- This Title sets forth the procedure for the designation of Preferential Areas; technical studies that serve as the basis for their designation; contents of management plans for each area; management issues, management of bidding process; obligations of the manager; conditions for the development of recreational fishing in these areas; termination of management contract; renewal and finalization of preferential area.
- Once the Preferential Area has been designated and prior to the approval of the management plan, catch and release is the only authorized method.
- In preferential areas, the prohibitions and general management measures adopted in accordance to Title III of this law, shall NOT be applied, and shall be exclusively be governed by the provisions set forth in the relevant management plan.
- Fishing preserve: course of surface waters that runs through artificial river beds that accumulates in an artificial tank or reservoir, used to develop recreational fishing activities, with commercial purposes. Courses or bodies of water as per the provisions of Article 20, paragraph two, of the Water Code, and intended with the same purpose, are also included.
- The construction and operation of a fishing reserve must comply with the measures for the protection of the environment set forth in the relevant regulation.
- Registration of the fishing reserves: the National Fisheries Service shall maintain a registry of fishing reserves prior to their construction.
- Conditions for recreational fishing activities in fishing reserves: persons that perform recreational fishing activities in fishing reserves shall be exempt from the general conditions set

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forth in Title II (fishing gear, licenses, etc.) and from the management measures adopted in accordance to Title III of this law (General Management Measures).

- Repopulation and seeding activities in fishing reserves: make take place in accordance to the conditions set forth previously in 3.e).

- Recreational fishing under official protection: in Management Areas and Marine Protected Areas, recreational and submarine fishing may take place as determined by this regulation and the relevant management plan. In courses of water located in National Parks not declared as preferential fishing areas, boat fishing is prohibited and catch and release is the only fishing method authorized in especially designated areas. In other waters under official government protection, management plans shall be approved by the Under-Secretariat for Fisheries, as appropriate, with regards to recreational fishing activities authorized in this area.

5. Title V refers to Fishing Guides

- Fishing guide: natural person with knowledge of experience in recreational fishing who develops tourism activities on his/her own account or for third parties, by leading recreational fishing expeditions.

- Certification: applicants may request their certificates at the National Tourism Service in order to exercise their activities in a specific region. Certification requirements and the reasons for its denial are also established therein.

6. Title VI establishes Recreational Fishing Councils

- Establishment and members: The Zonal Director, as appropriate, shall establish a Recreational Fishing Council in each region as a consulting agency tasked with encouraging and developing recreational fishing activities. They shall be comprised by the Zonal Director, who shall also act as Chair, the Regional Director for Tourism, the Regional Fisheries Director, a representative of the Regional Government, four representatives of the recreational fishing community, a representative of local universities.

- Functions: Fishing councils shall provide advice on matters put forward by the Zonal Fisheries Director, specifically regarding the decree setting forth fishing gear, seeding and repopulation activities, recreational fishing management measures, the technical report to designate preferential areas, management plans for preferential areas and the results of the follow-up programs.

7. Title VII deals with Recreational Fishing Education and Awareness

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- Educational Programs: educational texts and resources aimed at elementary and high school education approved by the Ministry of Education related to recreational fishing shall include guides to identify species of wild ictic fauna in Chile, stressing the ecological importance of their preservation, shall orient students about the correct measures that should be taken to protect their preservation and for the responsible performance of recreational fishing. These texts shall also encourage interacting with the natural environment in order to directly learn about and identify the wild ictic fauna that exists in Chile.

- Recreational fishing manual: the Ministry of Economy shall develop a manual to encourage responsible recreational fishing activities.

8. Title VIII deals with Enforcement, Violations and Sanctions

- The officers of the National Fisheries Service, the Navy and Carabineros shall enforce the compliance of the provisions of the present Law and fisheries management measures, in accordance to their relevant powers. Municipal Inspectors and Park Rangers from Conaf shall also act in the capacity of Inspectors.

- Violations: the Law sets forth the following minor, serious and very serious violations:

- Minor: Failure to register the fishing reserve as indicated in Article 35; violation of prohibitions or limitations related to activities other than recreational fishing in the management plan of a preferential area.

- Serious: Practicing recreational or submarine fishing without holding a license, as provided in Article 6º; Practicing recreational or submarine fishing in violation of management measures established in Title III of this law; performing recreational fishing activities in protected waters in violation of regulations established for each case in paragraph 3º of Title IV of this law; abuse or damage other persons, use unnecessary force or exceed the powers conferred by law Nº 18.465, in the exercise of pro bono inspectors in the performance of their duties, in those cases where such actions do not constitute felonies, and; trade in aquatic species captured with personal gear. In this case, the sanction shall be applied on the basis of each captured specimen.

- Very serious: repopulation or introduction of fish seeds without the authorization established in Article 11; practicing recreational fishing activities in violation of management measures agreed with bordering countries, in bodies or courses of water located at the border; practice of recreational fishing with toxic or dangerous elements such as explosives, fire arms or electricity, in such cases where such actions do not constitute a felony established in Article 136 of the General Law on Fisheries and Aquaculture; the construction of a fishing reserve without complying with the environmental measures established in the relevant regulation set forth in Article 32; practice recreational fishing activities without holding the special authorization set forth in Article 27 and; performing recreational fishing activities in preferential areas in violation of the existing management plan.

- Sanctions: sanctions are applied in accordance with the type of violation:

- Minor violations shall be sanctioned with a penalty of one to three monthly tax units.

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- Serious violations shall be sanctioned with a penalty of four to ten monthly tax units.
- Very serious violations shall be sanctioned with a penalty of one hundred monthly tax units.
- The violations to this law that may not be considered in the present law under a specific sanction, shall be subject to a penalty of between one and thirty monthly tax units.

- Competent courts and court procedures: violations to the regulations herein shall be seen and sanctioned in accordance to the procedures set forth under Title IX of the General Law on Fisheries and Aquaculture. Regarding such violations that are not regulated under this Title, the rules contained under Title IX of said Law shall apply.
- Destination of penalties: penalties applied in accordance with this law shall be destined to the municipalities of the commune in which the violation is committed.

Resolution N° 44 dated 2000, issued by the National Fisheries Service

Sets out relevant powers and duties.

Art. 2 sets forth: “Delegate the Regional Directors of the National Fisheries Service, the powers to enter the following agreements, within the scope of Regional Fisheries Management”. Letter c) provides for “Agreements with Municipalities or private companies regarding the sale of recreational fishing licenses and the charge of the relevant price. A copy of said signed agreements must be sent to the Fisheries Enforcement and Inspection Department”.

Decree N° 545 dated 1995, Ministry of Economy

Regulates the submission of recreational fishing licenses. Sets forth amendments to the Recreational Fishing Law.

Decree N° 539 dated 1993, Ministry of Economy

Regulates Recreational fishing gear.

Resolution N° 2.401 dated 1992, National Fisheries Service

Contains the regulations for the approval of the recreational fishing and submarine fishing tournaments. Sets forth amendments to the Recreational Fishing Law.

Resolution N° 1.690 dated 1999, National Fisheries Service

Establishes the Regulation related to the Designation of Recreational Fishing Pro Bono Inspectors.

Law 18.465 dated 1985. Sets forth the powers of the National Fisheries Director

Empowers the National Fisheries Director to designate and dismiss pro bono inspectors that will enforce the compliance of legal provisions that govern recreational fishing activities.

Management Measures for Recreational Fishing

These measures are a set of actions to manage recreational fishing on the basis of updated

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information regarding biological, fisheries, economic and social aspects.

The following general management measures are applied across the national territory. Specific measures are described under titles Closures, Quotas and Gears per zone.

- Recreational fishing requires a license submitted by the National Fisheries Service that must be obtained prior to practicing this sport.
- Recreational fishing may only be practiced with the use of personal gear, hand held rod.
- Once the fish is captured, it may be lifted from the water with the use of a hand held net with a maximum length of 100 cm. and a diameter that does not exceed 70 cm.
- Fishing from boats at night is prohibited from 9 p.m. until 6 a.m. in river mouths, streams, lake, lagoons and reservoir drainages, up to 500 meters from the mouth of drainage, as appropriate.
- Fishing with the use of nets is prohibited in any course of continental water in national territory.