

Sr. Presidente de la República
Don Ricardo Lagos Escobar
Palacio de la Moneda
Santiago, Chile

Sra. Ministra de Relaciones Exteriores
Sra. Soledad Alvear
Catedral 1158
Santiago, Chile

Sr. Ministro de Bienes Nacionales
y Vivienda y Urbanismo
Don Jaime Ravinet
Juan Antonio Rios 6
Santiago, Chile

Sr. Ministro de Agricultura
Don Jaime Campos
Teatinos 40
Santiago, Chile

Sr. Director Ejecutivo de CONAF
Don Carlos Weber Bonte
Av. Pdte Bulnes 285
Santiago, Chile

Subject: Concerns about the future of the
Humboldt Penguin National Reserve, IV Region, Chile

Dear Mr. President Ricardo Lagos Escobar, dear Ministers,

The Humboldt Penguin National Reserve is a protected area of international relevance. Since 1990 the islands Damas, Choros and Chañaral, which form the reserve, are protected by law (Decreto No. 4 del Ministerio de Minería) because of their ecological value and uniqueness. Among the plant and animal species inhabiting the islands you will find several species that are endemic to the Humboldt Current upwelling system. The reserve includes important breeding colonies (1,500 breeding pairs) of the worldwide endangered Peruvian-diving Petrel (*Pelecanoides garnotii*) (IUCN – The World Conservation Union 2000) with an overall declining trend. The complex of Damas-Choros hosts more than 300 breeding pairs of the Humboldt Penguin (*Spheniscus humboldti*), a species which is considered as critically endangered (peligro de extinción) on national level and is classified as vulnerable on international level (IUCN 2000, CMS Appx. I) with an ongoing underlying decline in both range and population size; it also includes a population of the endangered South-american Marine Otter (*Lontra felina*) (IUCN 2000); a colony of the South-american Tern (*Sterna hirundinacea*) and breeding pairs of the Black-faced Ibis (*Theristicus melanopis*) just to name some of the most important species.

Today, this National Reserve is at great risk: to allow the construction of a five star hotel (200 rooms), apartment buildings and a wharf for at least 15 motor boats, it has been proposed to exclude Damas island, or parts of the island from the reserve. An Environmental Impact Assessment has not taken place. This proposal ignores the Chilean Constitution and international conventions and agreements signed by your country.

The constitution of the Republic of Chile names nature conservation as a governmental aim to assure the wellbeing of its people (Article 19 No. 8). The Republic of Chile has taken responsibility to protect reserves and areas in other conservation categories by its own law (No. 18.362 and 19.300). Furthermore, your country has signed international conventions and is responsible to fulfil the commitments agreed upon (Table 1).

Table 1. International conventions and contracts signed by the government of Chile applicable to the Humboldt Penguin National Reserve, especially for the Damas-Choros complex.

	International Convention	Date of subscription
1	Regulation of Marine Hunt in South Pacific Waters	D.S. N° 432 de 1954
2	Convention for the Protection of Flora, Fauna and Beauty of Scenic Natural Areas of America	D.S. N° 531, 04/10/1967
3	The Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	D.L. N° 873, 14/02/1975
4	International convention for the regulation of whaling	D.L. N° 489, 21/09/1979
5	Convention concerning the Protection of the World Cultural and Natural Heritage	D.L. N° 259, 27/03/1980
6	Convention for the Conservation of Antarctic Seals	D.S. N° 191, 1980
7	Ramsar Convention on Wetlands	D.L. N° 3.485, 27/09/1980
8	CMS – Convention on Migratory Species (Bonn Convention)	D.S. N° 868, 12/12/1981
9	Action Plan for the Conservation of Mammals in the Southeast Pacific	1991
10	Convention on Biological Diversity	D.S. N° 1.963, 06/05/1995

We understand and welcome the development of eco-touristic activities in the surroundings of the reserve. Nature based tourism re-values nature by allowing “responsible travel to natural areas which conserves the environment and improves the welfare of local people”, “producing economic benefits that encourage conservation”.

With the aim to facilitate the development of eco-touristic activities in the region the Ministry of National Property and the Chilean Economic Development Agency offered in 2001 private investment opportunities on Gaviota island, which neighbours on protected Damas and Choros island. Two projects have been proposed: “Isla Modelo”, handed in by a local group, suggested apartments, restaurant, pool, museum, environmental education programme, souvenir store, camping etc. (investment US \$ 600,000) without any direct impact on Damas island. The other project was postulated by Genera Inversiones Ltda. (investment US \$ 80 Mio.) and included the above mentioned construction of a five star hotel (200 rooms), apartment buildings and a wharf for at least 15 motor boats on Gaviota island as well as on protected Damas island. Genera Inversiones offered furthermore the pavement of 42 km dirt road leading to the fishing village Pt. Choros which faces the protected islands. Following press reports, the vote of the Concession Committee, which was to decide on the projects, was 10 to 9 votes in favour of Genera Inversiones – whereby the 10 votes in favour consisted in 8 “normal” and 2 “additional” votes because the Regional Intendent and the Biseremi of National Property had for some obscure reasons two votes (*El Día*: 28. June 2002). In

later articles the votation has been changed and now consists officially of 11 votes in favour and 5 against the project with 1 abstention.

Even though the proposed project was required to be “compatible with the Humboldt Penguin National Reserve” (Ministry of National Property and Chilean Economic Development Agency) the actual project of Genera Inversiones is not. According to CONAF (1997) the carrying capacity of Damas island is thought to be 50 visitors a day. **How can a project which plans to establish among other constructions a five star hotel of 200 rooms claim to be ecologically sustainable?** The project proposed by Genera Inversiones Ltda. is far from being eco-tourism – this is tourism at its worst. It should be taken into account that a tourism project like this would have negative impacts on visitors which already visit the island and which are interested in real eco-tourism.

As part of a long term study organized by the University Católica del Norte, Coquimbo, Chile and the Institute of Marine Sciences, Kiel, Germany, we recently investigated the impact of human disturbance on reproduction and stress of nesting Humboldt Penguins. Following our results, the breeding success of the penguins is severely affected by human disturbance. The Humboldt Penguin is more sensible towards human disturbance than other penguin species, this has to be considered whenever planning an intervention in the reserve.

The Concession Committee of Coquimbo has decided on the project on the 27th of June 2002 allowing constructions on Gaviota island but excluding Damas island from the project. Nevertheless right now a commission in Santiago is working in weekly conferences on the proposed intervention of protected Damas island. Why has there been called a new commission to work on an already decided case? Does this commission search for arguments or mechanisms to change the conservation status of Damas island, or parts of the island, to allow Genera Inversiones Ltda. to continue with its project?

Dear Mr. President Ricardo Lagos Escobar, dear Ministers: Could you please explain the irregularities which have occurred in the course of the project?

Chile would lose much of its international credibility if it were that easy to sacrifice a reserve of international value for pure financial interests. We request you, with all respect, to consider the case thoroughly, and hope that steps which could affect the reserve negatively, its habitat and endangered species living therein, will not be taken.

Sincerely,