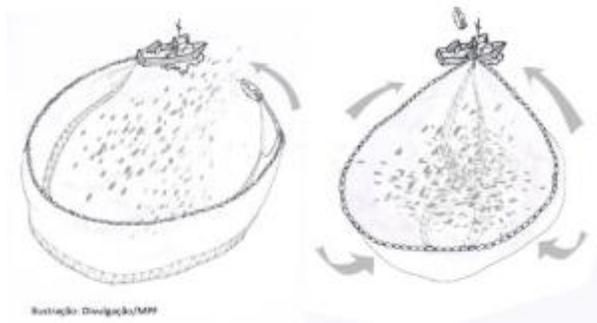


MPF/RJ¹ files lawsuits against irregular industrial fishing in Sepetiba Bay²

The Federal Public Ministry (MPF), in Angra dos Reis (RJ), filed 15 public civil actions against 31 people for irregular industrial fishing in the Bay of Sepetiba. The action was possible because IBAMA³ issued 109 infraction notices [similar to citations] against 32 boats, for environmental infractions.

The action focuses on the irregular industrial fishing taking place in the Bay of Sepetiba to capture live bait. This kind of fishing occurs through the use of a large rectangular net, called a "purse seine," which, stretched out by auxiliary boats, surrounds the shoal of fish, and through its own mechanisms closes around it to carry out the capture of the desired species, as shown in the diagram below:



After capture, the bait fish are placed in aquaria ("tubs"), and are kept in the vessel where they remain alive until they are used to capture the vessel's main quarry, usually tuna and the like. Due to the fragility of the marine environment in Sepetiba Bay, purse seine fishing has been banned since 1993.

MPF's legal motions have shown that irregular industrial fishing, practiced by the defendants, is superimposed on the largest concentration of boto-cinza [*Sotalia guianensis*, a.k.a., Guiana dolphin] in the world, removing their main food: sardines and corvina. In addition, such criminal acts harm the traditional local fishing community.

¹ MPF/RJ stands for Ministério Público Federal (MPF) for the State of Rio de Janeiro (RJ). The *Ministério Público* is the body of independent public prosecutors in Brazil. Although technically under the Executive Branch, in Brazil these prosecutors belong to an independent institution. In contrast with the U.S. approach, for example, federal prosecutors are not appointed by the chief executive.

² Sepetiba Bay (Baía de Sepetiba) is located in the State of Rio de Janeiro, about 100km southwest of the city of Rio. One easy way to locate the bay on Google Maps, for example, is by searching for the municipality (*município de*) Mangaratiba.

³ IBAMA is the environmental federal agency in Brazil. Its main duty is to enforce the law and draft public policies. IBAMA's role in Brazil is very similar to the EPA's role in the U.S.

The boto-cinza (*Sotalia guianensis*) is part of the coat of arms of the [city of] Rio de Janeiro as a symbol of the city and is listed as a threatened species by the Ministry of the Environment, also listed as 'vulnerable' under the List of Brazilian Fauna Endangered Species, according to *Portaria MMA* number 444, of December 17, 2014⁴.

By a combination of negative factors, among which is irregular industrial fishing, in less than ten years, the population of boto-cinza was reduced from approximately two thousand specimens to just over eight hundred. If the percentage of mortality remains high, the species is expected to disappear from Sepetiba Bay in eight years.

In view of this serious situation, the *Procuradoria Geral da República*⁵ launched the #SalveOBoto campaign on social networks, as well as creating a web page [in order to educate the population] of the greatest risks to the survival of the boto-cinza: <http://salveoboto.mpf.mp.br/>

In addition to requesting the defendants to no longer enter Sepetiba Bay with fishing boats, under penalty of payment of a fine of R\$ 100,000.00⁶ for noncompliance, the MPF motions also request the Judiciary to cancel the fishing licenses, as well as an interruption of the federal subsidy for diesel oil, granted to the violators [in the past]. Federal prosecutor Monique Checker states that "if the Union [the government of Brazil] financially helps environmental offenders, it is itself participating in the criminal practice."

In addition, the motions also require the payment of environmental damages to Sepetiba Bay, which should be reverted to the *Área de Proteção Ambiental (APA) Marinha Boto-Cinza* [Boto-Cinza Marine Environmental Protection Area], created through Municipal Law [local ordinance] No. 962, of April 10, 2015.

⁴ *Portaria* has the same legal status as a Decree, or a federal regulation issued by a Secretary or Agency (not through Congress).

⁵ PGR is the main chief for the prosecutor's institution, equivalent to the Attorney General's Office in the U.S.

⁶ This amount is set in Brazilian currency, Real.