

Federal Act 12,725 issued on October 16th 2012.

It provides information about wildlife control surrounding aerodromes.

The PRESIDENT OF THE FEDERAL REPUBLIC OF BRAZIL gives acknowledgment that the National Congress enacts and sanctions the following Law:

First Article

This Act establishes rules that aim to reduce the risk of aircraft accidents and incidents arising from wildlife strike on, and in the vicinity of, aerodromes.

Second Article

Under this Act the following definitions are considered:

- I. culling: killing of animals at any stage of their life cycle caused and controlled by humans;
- II. aerodrome: area designed for landing, take-off and movement of aircraft;
- III. military aerodrome: aerodrome designed to be used solely by military aircraft;
- IV. airport: all public aerodromes equipped with installations and facilities to support aircraft operation, boarding and disembarking of passengers and cargo;
- V. Airport Safety Area (ASA): A 20km radius area centred at the middle point of the longest runway of the civil or military aerodrome, may include territory of one or more municipalities, where land-use planning are subject to special restrictions derived from its attractiveness to fauna;
- VI. fauna attracting activity: solid waste dumping areas and any other man-made activities that attract hazardous fauna within the ASA, compromising aviation safety;
- VII. potential fauna attractive activity: sanitary or controlled landfills and other man-made activities within the ASA that are managed to reduce the fauna attraction, but have the potential to attract hazardous fauna if management is not implemented.
- VIII. environmental authority: federal, state, or municipal authority that integrates the National Environmental System (Sistema Nacional do Meio Ambiente – SISNAMA) responsible for the granting of environmental permits;
- IX. Military Aviation Authority: Air Force Command (Comando da Aeronáutica – COMAER) or anyone to whom COMAER has delegated responsibility to perform its duties;
- X. Civil Aviation Authority: the National Civil Aviation Agency (Agência Nacional de Aviação Civil – ANAC);
- XI. municipal authority: board or authority responsible for the Municipality and the Federal District;
- XII. trapping: the act of capturing fauna using mechanical devices, followed by its translocation and release;
- XIII. problematic species: native or exotic fauna that create a hazard to aviation safety;
- XIV. synanthrope species: non-domesticated animals that are adapted to human environments (urban & rural);
- XV. wildlife management: the application of ecological knowledge to manage fauna and flora populations that aim to find a balance between fauna and flora requirements and the requirements of humans;
- XVI. aerodrome operator: company or organisation responsible for the administration of an aerodrome;
- XVII. parameters of adequacy: agreed levels determined by the competent authority to manage and reduce wildlife strike risk on aerodromes;

- XVIII. Aerodrome Fauna Management Plan (Plano de Manejo de Fauna em Aeródromos – PMFA): technical document that specifies required interventions at aerodromes, natural or anthropogenic environments, that directly manages either the fauna or their habitat in order to reduce the wildlife strike risk;
- XIX. National Wildlife Risk Management Program (Programa Nacional de Gerenciamento do Risco da Fauna – PNGRF): normative document that establishes goals and objectives in order to enhance flight safety throughout the country via the proactive management of the wildlife strike risk involving native or exotic fauna;
- XX. special restrictions: any of the following restrictions imposed by the competent aviation authority within the ASA for the use of public or private property:
- a) prohibiting the implementation of fauna attractive activity;
 - b) immediate or gradual removal of fauna attractive activities, including strict responsibilities for degraded area recovery;
 - c) potential fauna attractive activity compliance with the parameters defined by the competent authority, with or without suspension;
 - d) land-use activities that have the potential to attract hazardous fauna are still required to be authorised and comply with the parameters defined by the competent authority;
- XXI. safety: the state in which the possibility of harm to persons or of property damage is reduced to, and maintained at or below, an acceptable level through a continuing process of hazard identification and safety risk management.
- XXII. translocation: trapping of living animals in a given area for later release in another area previously determined suitable in accordance with the species geographic distribution.

Third Article

The ASA is established for the management and reduction of aircraft accidents and incidents arising from the wildlife strike risk, where the exploitation and land-uses are restricted and subjected to comply with specific flight and environmental safety regulatory requirements.

Paragraph 1: The perimeter of ASA at an aerodrome is a 20km radius area centred at the middle point of the longest runway of the civil or military aerodrome.

Paragraph 2: The PNGRF, developed and overseen by civil aviation, military aviation and environmental authorities, has common goals and targets for aerodromes and their ASAs.

Fourth Article

It is mandatory that the special restrictions contained in PNGRF be followed by:

- I. Municipal Authority responsible for controlling land-uses in urban areas, as well as implementation and monitoring the PNGRF;
- II. Environmental Authority during the licensing process, and the inspection and control process;
- III. Aerodrome Operator, during the management of the aerodrome.

Paragraph 1: Rural properties contained inside the ASA are also subjected to special restrictions under the PNGRF and monitoring by the Municipal Authority.

Paragraph 2: Municipal planning instruments regulating the division, use and occupation of land shall comply with the provisions of this Act and the special restrictions provided in the PNGRF.

Fifth Article

The federal, state or local governments, the aerodrome operator and the landowners of the properties located inside the ASA shall provide all information required by the Civil Aviation Authority or the Military Aviation Authority.

Sixth Article

Wildlife management on-aerodrome and surrounding areas will be authorised by the Environmental Authority with the approval of the PMFA and may involve:

- I. habitat management;
- II. fauna management;
- III. transport and disposal of fauna remains;
- IV. fauna trapping and translocation;
- V. egg and nest collection and destruction, and
- VI. fauna culling.

Paragraph 1: The PMFA shall evaluate all methods to control and reduce the wildlife strike risk based on scientific data gathered specifically to monitor and understand population dynamics of problematic species.

Paragraph 2: Animal culling is permitted only:

- I. after evidence proving that direct and indirect management of problematic species and its habitat has not provided effective (including costs) outcomes to reduce the wildlife strike risk at the aerodrome;
- II. after evidence proving that the economic costs to translocate the synanthrope or problematic species is unjustifiably high and the species is not threatened to extinction.

Paragraph 3: Culled animals, nest material, and other animal remains may be collected and forwarded to scientific collections or may be discarded.

Paragraph 4: The disposal of animal material shall be done through burial, sanitary landfill, incineration or other appropriate and available forms in the municipality where the aerodrome is located.

Paragraph 5: The authorisation for wildlife management does not exempt personnel from compliance with Federal Law 9605, issued on February 12th, 1998.

Seventh Article

The following items constitute a violation of provisions given in this Law:

- I. the implementation or operation of an activity that has the potential to attract fauna within the ASA without receiving approval from the Municipal Authority and the Environmental Authority;
- II. the promotion, development or unauthorised permission of a prohibited activity within the ASA that has the potential to attract fauna;
- III. disregarding a deadline that has been established for the closure of activity potentially attractive to fauna;
- IV. failure to align the activity that has the potential to attract fauna within the parameters defined by the special restrictions, and
- V. disregarding the resolution to stop the activity that is attractive to fauna.

Eighth Article

Considering the offenses listed in the Seventh Article of this Act, the following administrative sanctions may apply:

- I. warning notification;
- II. simple fine;
- III. daily fine;

- IV. suspension of the activity;
- V. prohibit all access to the activity area, and
- VI. implement a construction embargo.

Paragraph 1: Administrative penalties will be suspended when all required issues are resolved.

Paragraph 2: The penalties provided in sections II and IV of this Article may be applied together.

Paragraph 3: The fines will be applied according to the severity of the offense, within the following ranges:

- I. for simple fine, minimum of R\$1,000.00 (one thousand reais), maximum of R\$1,250,000.00 (one million, two hundred and fifty thousand reais), and
- II. for the daily fine, minimum of R\$250.00 (two hundred and fifty reais), maximum of R\$12,500.00 (twelve thousand five hundred reais).

Ninth Article

The circumstances below aggravate the penalties provided in this Act:

- I. reoffending;
- II. evidence that the offender contributed to the occurrence of an aviation accident or incident resulting from a wildlife strike in the vicinity of the aerodrome, as per the violations listed in the Seventh Article of this Act.

Tenth Article

The Municipal Authority is responsible for the application of the administrative sanctions provided in this Act.

Eleventh Article

The amount of funds gathered by the fines listed in this Act shall be used for implementing activities that contribute to reduce wildlife strike risk.

Twelfth Article

This Law shall enter into force after the period of 180 (one hundred eighty) days after its official issuing.

Brasilia
October 16th, 2012.
Dilma Vana Rousseff
President of the Republic
Celso Luiz Nunes Amorim
Minister of Defence

Free adaptation and translation into English solely for wildlife strike preventive purposes made by

Henrique Rubens Balta de Oliveira

&

English review made by

Kylie Patrick