

INTER-AMERICAN TROPICAL TUNA COMMISSION

81ST MEETING

ANTIGUA (GUATEMALA)
27 SEPTEMBER – 1 OCTOBER 2010

RECOMMENDATION C-10-03

RECOMMENDATION PROHIBITING FISHING ON DATA BUOYS

The governments of Belize, Canada, Colombia, Costa Rica, Ecuador, El Salvador, the European Union, France, Guatemala, Japan, the Republic of Korea, Mexico, Nicaragua, Panama, Peru, Chinese Taipei, the United States of America, Vanuatu, and Venezuela (“the governments”), all members of the Inter-American Tropical Tuna Commission (IATTC):

Aware that many nations, including Members of the IATTC, operate and deploy data buoys throughout the eastern Pacific Ocean (EPO) and oceans worldwide to gather information used to improve weather and marine forecasts, provide assistance to fisheries by collecting data on sea surface and subsurface temperatures, provide assistance to search and rescue efforts at sea, and collect critical data used to conduct research on meteorological and oceanographic topics and climate prediction;

Knowing that highly migratory species, in particular tunas, aggregate in the vicinity of data buoys;

Recognizing that the World Meteorological Organization and the Intergovernmental Oceanographic Commission have determined that vandalism and damage to data buoys by fishing vessels are a significant problem in the Pacific Ocean and worldwide;

Concerned that vandalism or damage to data buoys results in significant loss of data critical to weather forecasting, to the study of marine conditions, to tsunami warnings, to support search and rescue efforts at sea, and that Members of the IATTC expend considerable time and resources to locate, replace, and repair data buoys damaged or lost due to fishing activities or vandalism;

Alarmed that the loss of data critical to the study of marine conditions from vandalism or damage to data buoys undermines analyses by IATTC scientists seeking better understanding of tuna habitat use and relationships between climate and tuna recruitment, and research by environmental scientists in general;

Mindful that several data buoy programs publish information on the internet describing the type and location of such buoys;

Noting that it is a function of the IATTC to promote, to the extent practicable, the development and use of environmentally safe fishing techniques and such other related activities, and to promote the application of the relevant provisions of the Code of Conduct for Responsible Fishing; and

Further noting that it is also a function of the IATTC to adopt measures as may be necessary to achieve its objective, including non-discriminatory and transparent measures to prevent, deter and eliminate activities that undermine the effectiveness of the conservation and management measures adopted by the IATTC;

Agree to apply in the EPO the following measures regarding fishing on data buoys:

For the purpose of this Recommendation, data buoys are defined as floating devices, either drifting or anchored, that are deployed by governmental or recognized scientific organizations or entities for the purpose of electronically collecting environmental data, and not in support of fishing activities.

1. The governments shall:

- a. Prohibit their fishing vessels from fishing within one nautical mile of, or interacting with, a data

buoy in the EPO, which includes, but is not limited to, encircling the buoy with fishing gear, tying up to or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy, and, if the buoy is anchored, cutting its anchor line.

- b. Prohibit their fishing vessels from taking on board a data buoy, unless specifically authorized or requested to do so by a member or cooperating non-member of the IATTC or owner responsible for that buoy.
 - c. Encourage their fishing vessels operating in the EPO to keep watch for data buoys at sea and to take all reasonable measures to avoid fishing gear entanglement or directly interacting in any way with those data buoys.
 - d. Require their fishing vessels that become entangled with a data buoy to remove the entangled fishing gear with as little damage to the data buoy as possible.
2. Members and cooperating non-members of the IATTC are encouraged to require their fishing vessels to report to them all entanglements and provide the date, location, and nature of the entanglement, along with any identifying information on the data buoy. The governments shall notify the IATTC of all such reports.
 3. Fishing activities inconsistent with paragraphs 1 and 2 above shall be deemed to undermine the effectiveness of the resolutions adopted by the IATTC in accordance with Article XVIII of the Antigua Convention, and shall, for purposes of paragraph (1)(e) of IATTC Resolution C-05-07, be considered the use of prohibited fishing gear.
 4. Notwithstanding paragraph 1, scientific research programs notified to the IATTC may operate fishing vessels within one nautical mile of a data buoy, provided they do not interact with the data buoy, as described in paragraph 1.