



SIXTH REGULAR SESSION
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**CONSERVATION AND MANAGEMENT MEASURE PROHIBITING FISHING ON DATA
BUOYS**

Conservation and Management Measure 2009-05

The Western and Central Pacific Fisheries Commission:

Aware that many nations, including Commission Members, operate and deploy data buoys throughout the Convention Area and oceans worldwide to gather information used to make improved weather and marine forecasts, provide assistance to fisheries by generating data on sea surface and subsurface measurements, 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 tuna species, aggregate in the vicinity of data buoys.

Noting that a reduction of fishing around data buoys may assist the Commission in its efforts to reduce the mortality of juvenile bigeye and yellowfin tunas;

Recognizing that the World Meteorological Organization and the Intergovernmental Oceanographic Commission have determined that vandalism and damage to data buoys by fishing vessels are significant problems 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 for search and rescue efforts at sea, and that Commission Members expend considerable time and resources to locate, replace and repair data buoys damaged or lost by fishing methods or vandalism;

Noting that information about the description, type and location of several data buoy programs is publicly available through the Internet;

Further noting the mandate given to the Commission to adopt generally recommended international minimum standards for the responsible conduct of fishing operations;

Adopts the following conservation and management measure in accordance with Article 10 of the Convention:

1. CCMs shall prohibit their fishing vessels from fishing within one nautical mile of or interacting with a data buoy in the high seas of the Convention Area, 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 or its mooring; or cutting a data buoy anchor line.
2. For the purposes of this measure, 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 and measuring environmental data, and not for the purpose of fishing activities.
3. CCMs shall prohibit their fishing vessels from taking on board a data buoy unless specifically authorized or requested to do so by the Member or owner responsible for that buoy.
4. CCMs shall encourage their fishing vessels operating in the Convention Area to keep watch for moored 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.
5. CCMs shall 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. CCMs 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 contained on the data buoy. CCMs shall notify the Secretariat of all such reports.
6. Fishing activities inconsistent with paragraphs 1 and 2 above shall be deemed fishing activities that undermine the WCPF Convention and WCPFC conservation and management measures and shall constitute a serious violation in accordance with Article 25 of the Convention.
7. Notwithstanding paragraph 1, scientific research programs notified to and authorized by the Commission may operate fishing vessels within one nautical mile of a data buoy so long as they do not interact with those data buoys as described in paragraph 1.