



**TECHNICAL AND COMPLIANCE COMMITTEE**  
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**US – PROPOSED CMM ON DATA BUOYS**

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WCPFC-TCC5-2009/DP-03 (Rev.1)  
3 October 2009

**Conservation and Management Measure on Damage to Data Buoys by Fishing Vessels**

**Proposal by the United States**

*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 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 tuna species, 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 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* 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, this includes, but is not limited to, encircling the buoy with gear, tying up to or attaching the vessel, or any gear, part or portion of the vessel, to a data buoy or its mooring, and cutting a data buoy anchor line in the high seas of the Convention Area.
2. 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.
3. CCMs shall encourage their fishing vessels operating in the Convention Area to keep watch for moored buoys at sea and to take all reasonable measures to avoid entanglement or interacting in any way with those buoys.
4. CCMs shall require their fishing vessels that become entangled with a data buoy to remove the entangled 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.
5. Fishing activities inconsistent with paragraphs 1, 2, and 4 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.