**JUAN JOSÉ GUERRA ABUD**, Secretary of Environment and Natural Resources and **ENRIQUE MARTÍNEZ Y MARTÍNEZ**, Secretary of Agriculture, Livestock, Rural Development, Fisheries and Food, based on Articles 26, 32 Bis fractions II and XLII and 35 fractions XXI and XXII of the Fundamental Law of the Federal Public Administration; Article 4 of the Federal Administrative Procedure Act; Articles 1, 8, Sections I, III, XII, XXXVIII, XXXIX and XLI; Articles 9 fraction II and V, 10, 17 fractions VII, VIII and X, 19, 124, 126 and 132 of the General Law of Sustainable Fisheries and Aquaculture; Articles 79 Sections III and VIII, 83, 160, 161 and 162 of the General Law of Ecological Equilibrium and Environmental Protection; Articles 1, 2, 5 fraction II, Sections I and XVII, 9, 14 and 122 Section III of the General Wildlife Act; Articles 1, 2 letter "D" section III, 3, 4, 5 sections I and XXII, 44, 45 and eighth transitory article of the Rule of Procedure of the Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food, published in the Official Journal of the Federation on April 25, 2012; First, Second and Third Articles of the Decree establishing the organization and functioning of decentralized agency called the National Fisheries Institute, published in the Official Journal of the Federation on July 1, 2013; Articles 5, fraction XXV, 41, 42, 45, Section I and last paragraph, and 70, fractions I, XIII and XV of the Internal Regulations of the Secretariat of Environment and Natural Resources, and

**WHEREAS**

the Secretariat of Environment and Natural Resources is mandated to the conservation and protection of populations and species that are at risk, including the vaquita (*Phocoena sinus*), as well as their natural environment and to establish measures that contribute towards their conservation;

Whereas the Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food, through the National Commission of Aquaculture and Fisheries, is mandated to manage and regulate the use and promote the sustainable use of marine natural resources managing the activities of those involved and establishing the conditions under which fishing operations should be conducted; as well as to propose, formulate, coordinate and implement the national policy on sustainable fisheries; to establish the administrative and control measure under which the fishing activities should be carried out and to determine the methods and measures for the conservation of fishery resources, as well as to regulate the fisheries refuge area in order to protect the aquatic species as necessary;

Whereas the vaquita (*Phocoena sinus*) is an endemic species of the Upper Gulf of California with a restricted distribution, being the most threatened of all 128 cetacean species [sic] in the world;

Whereas with the aim of establishing measures towards the recovery of this cetacean species, whose main distribution area, although not exclusively, is in the Northern part of the Gulf of California, on the 8th of September 2005, it was published in the Official Journal of the Federation the Agreement that establishes the Area of the Refuge for its protection and the Protection Programme for the Area of the Refuge, that establishes that in order to protect and recover the vaquita (*Phocoena sinus*), it is necessary to implement measures to promote that the development of the activities in this area be conducted in a manner that eliminates the risk factors that have taken this species to the brink of extinction;

Whereas according to the report of the fifth meeting of the Comité Internacional para la Recuperación de la Vaquita (CIRVA), held in Ensenada, B.C., Mexico, from the 8th to the 10th of July 2014, it was determined that despite all efforts to date, the vaquita population has decreased notably, therefore, it is recommended that emergency regulations be applied establishing an exclusion zone for gillnets.

Whereas in accordance with the above, the Government of the United Mexican States has decided to establish a temporary ban on the use of gillnets, including long lines as well, in the distribution area of the vaquita (*Phocoena sinus*), for a period of two years, as a measure to advance the conservation of the species;

Whereas the Programme for the Protection of the Refuge Area of the vaquita (*Phocoena sinus*) establishes that the implementation of actions to protect the species should be developed seeking to not negatively affect the welfare of the local communities whose economic activities take place in the Refuge area;

Whereas consequently, being these provisions based on technical reasons and of public interest, we have seen fit to issue the following:

**AGREEMENT TO TEMPORARILY BAN COMMERCIAL FISHING USING GILLNETS AND/OR LONG LINES OPERATED FROM SMALL VESSELS IN THE NORTH OF THE GULF OF CALIFORNIA.**

ART. 1 - The use of gillnets and/or long-lines is temporarily banned, for commercial fishing from small vessels in the fishing area delimited in Annex I of this Agreement, for a period of two years, from the day of its publication in the Official Journal of the Federation.

An exception to the above provision is fisheries targeting the Gulf corvine (*Cynoscion othonopterus*) in the area, that can legally conduct commercial fishing from the 1st of February to the 30th of April each year, in agreement with the current administrative provisions, using a ‘rodeo’ or ‘round-up’ technique that encircles the fish with gillnets made of monofilament yarn of 14.6cm (5 3/4 inches) of mesh size and a maximum of 293 meters (160 fathom) in length or through one hand line, per fisherman.

ART. 2 - The provisions of this Agreement shall apply to those holding permits and licences of commercial fishing dedicated to fisheries exploitation, where fishing gear mentioned in Art 1 of this instrument are authorized.

ART. 3 - The enforcement of this Agreement shall be in charge of the Secretariat of Environment and Natural Resources, through the Federal Attorney for Environmental Protection and the Secretariat of Agriculture, Livestock, Rural Development, Fisheries and Food, through the National Commission of Aquaculture and Fisheries, and through the Navy Secretariat (Secretaria de Marina), each in their respective areas of competence.

**TIMEFRAME FOR ESTABLISHING THE PROVISIONS**

FIRST This Agreement shall enter into force on 1st March 2015.

SECOND Any financial support to fishermen due to the suspension established in this Agreement, shall be subject to the guidelines of a compensation program for fishermen and licensees, in the northwest Upper Gulf of California, that will be released by the Federal Government, not later than 10 working days from the publication of this Agreement.

México, D.F., a \_\_\_ de \_\_\_\_\_\_\_ de 2014.

SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES

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JUAN JOSÉ GUERRA ABUD

SECRETARY OF AGRICULTURE, LIVESTOCK, RURAL DEVELOPMENT, FISHERIES AND FOOD

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ENRIQUE MARTÍNEZ Y MARTÍNEZ