

SEM-21-002 (*Vaquita porpoise*)
Environmental Laws in Question

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General Wildlife Act

Article 55. The importing, exporting and re-exporting of specimens, parts and derivatives of wildlife species included in the Convention on International Trade in Endangered Species of Wild Fauna and Flora shall be conducted in accordance with said Convention, the provisions of this Act and of the provisions deriving therefrom, under which it is prohibited to import, export, re-export and trade ivory, when such activities are not in compliance with the international treaties to which Mexico is a party and the applicable laws.

Regulation to the General Wildlife Act

Article 56. The importing, exporting and re-exporting of biological materials from species listed in an appendix to the CITES, shall be subject to the provisions of said Convention.

1975 Totoaba Fishing Ban

The seal in the corner depicts the National Coat of Arms, which reads: United Mexican States.- Ministry of Industry and Trade.

ORDER which establishes a fishing ban on the totoaba (*Cynoscion macdonaldi*), in the waters of the Gulf of California, from the mouth of the Colorado River to Río Fuerte, Sinaloa, on the East Coast, and from the Colorado River to Bahía Concepción, Baja California, on the West Coast.

Based on Article 8 sections XVIII and XX of the Ministries and Departments of State Governments Act (*Ley de Secretarías y Departamentos de Estados*), Articles 1 sections II and III, 12 section II, 13 sections II and VIII, 14 section III, 15 sections I, III, IV and V and other related provisions of the Federal Fisheries Development Act (*Ley Federal para el Fomento de la Pesca*); and

WHEREAS:

ONE. Fish species, as a natural resource, constitute part of the Nation's public wealth, which the State has a duty to conserve so that the exploitation and use thereof may yield the greatest possible benefits to the Nation's economy;

TWO. There is a clear downward trend in totoaba (*Cynoscion macdonaldi*) production statistics, as may be seen in the data obtained in locations which are the traditional fishing grounds for this species, namely in the areas near Santa Clara Peñasco and San Felipe, as well as in the vicinity of the mouth of the Colorado River, Islas Encantadas, Bahía de Santa Inés and Bahía San Rafael;

THREE. According to studies by the National Fisheries Institute (*Instituto Nacional de Pesca—Inapesca*), catches continue to fall despite the adoption of protection measures, such as the creation of a fish refuge in the region, which begins at the mouth of the Colorado River and extends south towards an imaginary line between Bahía Ometepe and the mouth of Río Santa Clara, Sonora, where a year-round ban on totoaba fishing is in effect;

FOUR. In addition to the fact that totoaba (*Cynoscion macdonaldi*) has already been designated a reserved species under the law, the totoaba fishery is a sector of commercial interest, which must be preserved for the benefit of fishing production cooperatives;

FIVE. This species has a restricted distribution range, which makes it highly vulnerable to commercial and sport fishing;

SIX. This species' breeding individuals concentrate in very limited areas with few natural defenses;

SEVEN. In addition to the fact that juvenile totoabas are the accidental by-catch of shrimp trawlers, ecological changes may be occurring, which affect them in their initial development;

EIGHT. The authorities are charged with the responsibility of ensuring maximum security in relation to the reproduction and growth of succeeding generations of fish populations;

NINE. To achieve said objectives it is necessary to establish a total fishing ban on the totoaba (*Cynoscion macdonaldi*), applicable to both commercial and sport fishing, for an indefinite period, in the waters of the Gulf of California, from the mouth of the Colorado River to Río Fuerte, Sinaloa, on the East Coast, and from the Colorado River to Bahía Concepción, Baja California, on the West Coast, until such time as the results of Inapesca studies and research may justify its termination;

TEN. In consequence whereof, and as the provisions hereafter are based on both technical grounds and the public interest, I hereby issue the following:

ORDER

ARTICLE 1. This Order establishes a total fishing ban on the totoaba species (*Cynoscion macdonaldi*), in the waters of the Gulf of California, from the mouth of the Colorado River to Río Fuerte, Sinaloa, on the East Coast, and from the Colorado River to Bahía Concepción, Baja California, on the West Coast, until such time as the results of National Fisheries Institute studies and research may justify its termination.

ARTICLE 2. It is strictly prohibited to fish the totoaba species (*Cynoscion macdonaldi*) in the waters of the Gulf of California, from the mouth of the Colorado River to Río Fuerte, Sinaloa, on the East Coast, and from the Colorado River to Bahía Concepción, Baja California, on the West Coast.

ARTICLE 3. Persons who commit the prohibited acts referred to in the preceding Article shall be subject to the penalties established under the Federal Fisheries Development Act and other applicable legal provisions.

TRANSITORY ARTICLES:

ARTICLE 1. This Order shall be published immediately in Mexico's Official Gazette (*Diario Oficial de la Federación*—DOF).

ARTICLE 2. This Order shall enter into effect on the day following its publication in DOF.

ARTICLE 3. All prior provisions which conflict with the ones established in this Order are abrogated.

2015 Gillnets Order

The seal in the corner depicts the National Coat of Arms, which reads: United Mexican States.- Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food.

JUAN JOSÉ GUERRA ABUD, Minister of the Environment and Natural Resources, and ENRIQUE MARTÍNEZ Y MARTÍNEZ, Minister of Agriculture, Livestock, Rural Development, Fisheries and Food, on the basis of Articles 26, 32 Bis sections II and XLII and 35 sections XXI and XXII of the Basic Law of the Federal Public Administration (*Ley Orgánica de la Administración Pública Federal*); Article 4 of the Federal Administrative Procedures Act (*Ley Federal de Procedimiento Administrativo*); Articles 1, 8 sections I, III, XII, XXXVIII, XXXIX and XLI, 9 sections II and V, 10, 17 sections VII, VIII and X, 19, 29 sections II, 124, 126 and 132 of the General Sustainable Fisheries and Aquaculture Act (*Ley General de Pesca y Acuacultura Sustentables*); Articles 79 sections III and VIII, 83, 160, 161 and 162 of the General Ecological Balance and Environmental Protection Act (*Ley General del Equilibrio Ecológico y la Protección al Ambiente*); Articles 1, 2, 5 section II, 9 sections I and XVII, 14 and 122 section III of the General Wildlife Act (*Ley General de Vida Silvestre*); Articles 5 section XXV, 41, 42, 45 section I and the final paragraph thereof and 70 sections I, XIII and XV of the Internal Regulation of the Ministry of the Environment and Natural Resources (*Reglamento Interior de la Secretaría de Medio Ambiente y Recursos Naturales*); Articles 1, 2 subparagraph D of section III, 3, 4, 5 sections I and XXII, 44, 45 and Transitory Article 8 of the current Internal Regulation of the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food (*Reglamento Interior de la Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación*), in conjunction with Articles 37 and 39 sections III, V, VIII and XXII of the version of the Internal Regulation of the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food published in *Diario Oficial de la Federación* (DOF) on 10 July 2001; and

WHEREAS

The Ministry of the Environment and Natural Resources is vested with the responsibility to conserve and protect endangered species and populations, including the vaquita porpoise (*Phocoena sinus*), along with their natural environments, and to institute measures that may contribute to their conservation;

Acting through the National Aquaculture and Fisheries Commission (*Comisión Nacional de Acuacultura y Pesca*), the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food (*Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación*—Sagarpa) is responsible for managing and regulating the use of aquatic flora and fauna resources, as well as for promoting the sustainable exploitation thereof, by regulating the activities of the persons active in this area and by establishing the conditions under which fishing activities must operate. The Ministry is also charged with proposing, formulating, coordinating and executing the national sustainable fisheries policy; establishing the administrative and control measures governing the operation of fishing activities and determining the methods and measures required to conserve fish resources; as well as with regulating fish refuges to protect the aquatic species requiring such protection;

Pursuant to the Decree published in DOF on 11 December 2013, in which the Agriculture, Fisheries and Food Development Sectoral Program was approved, Sagarpa endeavors to encourage sustainable use of the country's natural resources, to which end it pursues as one of its strategies the establishing of instruments designed to rescue, preserve and leverage genetic resources;

A protected natural area, with the status of a Biosphere Reserve, known as the Upper Gulf of California and the Colorado River Delta, located in the waters of the Gulf of California and the municipalities of Mexicali, Baja California, Puerto Peñasco and San Luis Río Colorado, Sonora, was declared by Decree published in the DOF on 10 June 1993, with the objective of establishing measures conducive to the recovery of the cetacean, *Phocoena sinus*, which is principally but not exclusively distributed within this protected natural area. Likewise, on 8 September 2005, the *Order establishing a refuge for the protection of the vaquita (Phocoena sinus)* was published in the same official medium. Subsequently, on 29 December 2005, the Vaquita Protection Program, was declared to be instituted in the Refuge located in the western part of the Upper Gulf of California, and which required the implementation of measures to encourage the performance of local economic activities in ways conducive to eliminating the risk factors underlying the status of *Phocoena sinus* as an endangered species;

The vaquita porpoise (*Phocoena sinus*) is an endemic species in the Upper Gulf of California with a restricted distribution range, which, as with the most endangered among the world's 128 cetacean species, is listed as a species in danger of extinction under Official Mexican Standard NOM-059-Semarnat-2010, *Environmental Protection - Native wild flora and fauna species of Mexico - Risk categories and the specifications for the inclusion, exclusion or change in category of species - List of threatened species*, as well as the object of protection measures under Official Mexican Standard NOM-024-Semarnat-1993, *which establishes measures to protect the totoaba and vaquita species in the waters under federal jurisdiction in the Gulf of California*;

The National Fisheries Institute (Inapesca) issued, by means of communication no. RJL/INAPESCA/DG/120/2015, of 27 February 2015, a positive technical opinion regarding the viability of implementing a temporary suspension of gillnets and longlines in the Northern Gulf of California, as an effective measure for reducing the risk of endangered species such as the vaquita (*Phocoena sinus*) being subject to by-catch;

The Report of the Fifth Meeting of the International Committee for the Recovery of the Vaquita (CIRVA-5), held in Ensenada, Baja California, on 8-10 July 2014, determined that, despite all efforts to date, the vaquita population had experienced a notable decline. In response, the said report recommended emergency regulations to establish a gillnets exclusion zone;

Accordingly, the Government of Mexico endeavors, via the implementation of regulatory measures, to contribute to protecting the vaquita (*Phocoena sinus*) and to a recovery in its population, as well as to lessening the risk factors underlying its status as an endangered species;

Specifically, the Government of Mexico decreed a temporary two-year suspension of fishing with gillnets and longlines in the vaquita's distribution range, as a measure designed to contribute to this species' conservation;

Under the Vaquita (*Phocoena sinus*) Refuge Protection Program, actions carried out to protect said species must proceed in a manner that seeks to avoid negatively affecting the levels of wellbeing of populations engaged in economic activities in the Refuge;

In consequence whereof, and as the provisions herein are based on both technical grounds and the public interest, we hereby issue the following:

ORDER WHICH TEMPORARILY SUSPENDS COMMERCIAL FISHING BY MEANS OF GILLNETS AND LONGLINES OPERATED ON SMALL VESSELS, IN THE NORTHERN GULF OF CALIFORNIA

ARTICLE ONE. The use of gillnets and longlines in small vessel commercial fishing is temporarily suspended in the fishing grounds delimited by the following geographical coordinates: (west) longitude -144.0228° and latitude 31.4933°, longitude -114.022° and latitude 30.095°, longitude -114.6° and latitude 30.095°, longitude -114.8203° and latitude 31.5875°, longitude -114.5322° and latitude 31.7033°. This suspension shall be in place for a two-year period, beginning as of the date this Order enters into effect. Part of this area is found within the natural protected area known as the Upper Gulf of California and Colorado River Delta Biosphere Reserve, located in the waters of the Gulf of California and the municipalities of Mexicali, Baja California, Puerto Peñasco and San Luis Río Colorado, Sonora. The Vaquita Protection Refuge is also located therein.

The gulf corvina (*Cynoscion othonopterus*) fishery is excluded from the preceding provision every year from 1 February to 30 April. This fishery may proceed in accordance with the administrative provisions currently in effect, provided gillnets are employed in "purse seine fishing" – where said gillnets are made of 14.6 cm (5 ¾ inch) single filament mesh and do not exceed a maximum length of 293 meters (160 braces) of luff cloth – or provided one hand line is used per fisher, without prejudice to the provisions of the *Order establishing a temporary fishing ban on the gulf corvina (Cynoscion othonopterus), in the marine and estuary waters under federal jurisdiction of the Upper Gulf of California and Colorado River Delta Biosphere Reserve, every year during the period from 1 May to 31 August*, published in DOF on 25 August 2005.

ARTICLE 2. The provisions of this Order shall apply to the holders of commercial fishing permits and concessions engaged in fishing activities where use of the fishing gear identified in Article 1 is authorized.

ARTICLE 3. The monitoring of compliance with this Order shall be the responsibility of the Ministry of the Environment and Natural Resources, acting through the Federal Attorney for Environmental Protection, as well as the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food, acting through the National Aquaculture) and Fisheries Commission, within the scope of their

respective jurisdictions. Both ministries shall coordinate with the Ministry of the Navy to ensure monitoring in Mexican marine areas.

TRANSITORY ARTICLES

ONE. This Order shall enter into effect on the day of its publication in Mexico's Official Gazette (*Diario Oficial de la Federación*—DOF).

Mexico City, 19 March 2015.- Minister of the Environment and Natural Resources, Juan José Guerra Abud.- Initials.- Minister of Agriculture, Livestock, Rural Development, Fisheries and Food, Enrique Martínez y Martínez.- Initials.

2017 Gillnets Order

ORDER which prohibits specified fishing gear, systems, methods and techniques, as well as restricts permissible hours, for small vessel fishing activities in marine waters under the jurisdiction of the federal government of Mexico in the Northern Gulf of California, and which establishes landing sites and mandates the use of monitoring systems by such vessels.

The seal in the corner depicts the National Coat of Arms, which reads: United Mexican States.- Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food.

RAFAEL PACCHIANO ALAMÁN, Minister of the Environment and Natural Resources and JOSÉ EDUARDO CALZADA ROVIROSA, Minister of Agriculture, Livestock, Rural Development, Fisheries and Food, on the basis of the provisions of Articles 26, 32 Bis sections II and XLII, and 35 sections XXI and XXII of the Basic Law of the Federal Public Administration; Article 4 of the Federal Administrative Procedures Act; Articles 1, 4, 8 sections I, II, III, XII, XIV, XXI, XXII, XXIX, XXXVIII, XXXIX and XLI, 9 sections I, II and V, 17 sections I, III, IV, VII and VIII, 19 paragraph 2, 29 section II, 124, 126 and 132 of the General Sustainable Fisheries and Aquaculture Act; Articles 5 sections I, VIII, XI and XVIII, 6, 79 sections I, III and VIII, 83, 160, 161 and 162 of the General Ecological Balance and Environmental Protection Act; Articles 1, 2, 3, 5 sections I and II, 9 sections I, IV and XVII paragraphs 2 and 3, 14 and 122 sections I, II and III of the General Wildlife Act; Articles 5 section XXV, 41, 42, 45 section I final paragraph, 70 sections I, XIII and XV of the Internal Regulation of the Ministry of the Environment and Natural Resources; Articles 1, 2 subparagraph D section III, 3, 5 section XXII, 44, 45 and Transitory Article 8 of the current Internal Regulation of the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food, in conjunction with Articles 37 and 39 sections III, V, VIII and XXII of version of the Internal Regulation of the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food published in *Diario Oficial de la Federación* on 10 July 2001; and

WHEREAS

The Ministry of the Environment and Natural Resources is responsible for promoting the protection, restoration and conservation of ecosystems and natural resources, as well as that of environmental goods and services, in order to foster the sustainable use and development thereof.

The Ministry of the Environment and Natural Resources is vested with the responsibility to conserve and protect endangered species and populations, including the vaquita porpoise (*Phocoena sinus*), along with their natural environments, and to institute measures which may contribute to their conservation.

Acting through the National Aquaculture and Fisheries Commission, the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food is responsible for managing and regulating the use of aquatic flora and fauna resources, as well as for promoting the sustainable exploitation thereof, by regulating the activities of the persons active in this area and by establishing the conditions under which fishing activities must operate. The Ministry is also charged with proposing, formulating, coordinating

and executing the national sustainable fisheries policy; establishing the administrative and control measures that govern the operation of fishing activities and determining the methods and measures required to conserve fish resources.

Among the different species of cetaceans present in the Gulf of California, the vaquita porpoise (*Phocoena sinus*) is of special interest as one of the world's smallest marine mammals (maximum length: 1.5 meters), as an endemic species, of which the biology and habits are nonetheless little known, as a species in danger of extinction and because it is generally found in association with the totoaba (*Totoaba macdonaldi*), which increases its potential for interaction with different types of gillnets, including those known as *agalleras*.

The Government of Mexico has contributed to protecting the vaquita (*Phocoena sinus*) and the recovery in its numbers, as well as to lessening the risk factors underlying its endangered status, by instituting measures conducive to the recovery of the vaquita's population in its distribution range, which is located in the Northern Gulf of California. In effect, on 8 September 2005, it published in DOF the *Order which establishes a refuge for the protection of the vaquita* (*Phocoena sinus*). In addition, on 29 December 2005, the "Program to Protect the Vaquita in the Refuge located in the western part of the Upper Gulf of California" was likewise published in DOF.

In keeping with the foregoing measures, the Government of Mexico decided to institute a two-year temporary suspension of fishing with gillnets, including longlines, in the vaquita's distribution range, as a measure conducive to its conservation. Hence the publication in DOF, on 10 April 2015, of the *Order which temporarily suspends commercial fishing by means of gillnets and longlines operated on small vessels in the Northern Gulf of California*.

There exist fish species of commercial interest, distributed in waters under federal jurisdiction in the Northern Gulf of California, which, due to their availability and abundance, are suitable for exploitation under a fisheries management scheme designed to ensure the maintenance of their populations.

There exists an established gulf corvina (*Cynoscion othonopterus*) fishery, operated by fishers from Golfo de Santa Clara, Sonora, as well as fishers from San Felipe and the area known as the "Lower Colorado River," in Baja California, which includes the Cucapá community whose annual fishing activities are concentrated in the months of February to April and consist of purse seine shoal fishing.

Under Article 8 section XXI of the General Sustainable Fisheries and Aquaculture Act, the Ministry is responsible for proposing the establishment and regulation of landing sites and collection points for fishing and aquaculture operations, as well as for proposing the locations of said sites to the competent authorities.

The establishing of fishing management measures is necessary to increase the likelihood of zero interaction with non-target species.

The National Fisheries and Aquaculture Institute (Inapesca) issued a technical opinion via communication no. RJL/INAPESCA/DGAIPP/0520/2017, dated 17 March 2017, in which it indicated

that there exist no technical objections to the federal government's decision to reaffirm its commitment to protect the vaquita (*Phocoena sinus*) by totally suspending the use of gillnets in the Northern Gulf of California region, except when such are employed in the gulf corvina fishery by means of the purse seine fishing system. This opinion confirmed a previous opinion issued in a similar document, i.e., communication no. RJL/INAPESCA/DG/120/2015, dated 27 February 2015.

In communication no. RJL/INAPESCA/DGAIPP/1030/2017, of 16 June 2017, the National Fisheries and Aquaculture Institute issued a favorable technical opinion in relation to the following measures: a permanent ban on gillnets in the Upper Gulf of California; the prohibition of night fishing between 9 pm and 5 am; the recovery of ghost or abandoned nets; the installation of monitoring systems on small vessels; and the designation of mandatory small vessel landing sites.

In consequence whereof, and as the provisions herein are based on both technical grounds and the public interest, we hereby issue the following:

ORDER WHICH PROHIBITS SPECIFIED FISHING GEAR, SYSTEMS, METHODS AND TECHNIQUES, AS WELL AS RESTRICTS PERMISSIBLE FISHING HOURS, FOR SMALL VESSEL FISHING ACTIVITIES IN MARINE WATERS UNDER THE JURISDICTION OF THE FEDERAL GOVERNMENT OF MEXICO IN THE NORTHERN GULF OF CALIFORNIA, AND WHICH ESTABLISHES LANDING SITES AND MANDATES THE USE OF MONITORING SYSTEMS BY SUCH VESSELS

ARTICLE ONE. This order applies to the small vessel fishing activities conducted in the marine waters of the northern Gulf of California under the federal jurisdiction of the United Mexican States, within the area indicated in the following table and as presented in the sole annex to this Order:

Vértice	Coordenadas Decimales		Coordenadas Métricas (UTM)		Coordenadas Grados, minutos, segundos	
	X	Y	X	Y	X	Y
A	31.493300	-114.022800	782806.16	3488114.57	31 °29'35.86"	114 °1'22.09"
B	30.095000	-114.022000	787011.95	3333054.46	30 °5'41.99"	114 °1'19.24"
C	30.095000	-114.600005	731287.04	3331742.07	30 °5'42.00"	114 °36'0.02"
D	31.587500	-114.820300	706823.40	3496775.96	31 °35'14.97"	114 °49'13.10"
E	31.703300	-114.532200	733876.99	3510197.40	31 °42'11.87"	114 °31'55.96"

ARTICLE 2. The use of gillnets for fishing activities in the marine area specified in the preceding Article is permanently banned, including in the form of passively operated *agalleras*. Said fishing gear may not be transported into this marine area by any method, including by terrestrial means or by air, nor may such gear be transported between cities, populations, *ejidos* (communal lands), communities and/or from fishing camps adjacent to said marine area.

An exception has been made to the aforementioned ban: gillnets may be used in actively operated purse seine fishing in the sierra and gulf corvina fisheries, provided that, having incorporated the

technological improvements recommended in a National Fisheries and Aquaculture Institute technical opinion, they are authorized in the permits issued by the fisheries authority.

ARTICLE 3. It is prohibited to engage in small vessel fishing activities, including sport and recreational fishing, in the area identified in Article One of this Order, between 9 pm and 5 am.

ARTICLE 4. Persons who engage in small vessel fishing activities in the area specified in Article 1 beyond the permissible hours stipulated in Article 3 shall inform the local office of the National Fisheries and Aquaculture Commission nearest to their residence, within 24 hours of their vessel's arrival at its landing site or home base, of any fishing gear lost or misplaced during their operations, which they were unable to recover, in whole or in part. The fishing authority shall make a written record of the event's circumstances, including the time and place, and the fishing method used, and it shall require of said persons their participation in the fishing gear recovery tasks it deems necessary.

ARTICLE 5. Small vessels holding a concession or permit to engage in fishing activities in the area identified in Article 1 of this Order must have a duly installed and functioning monitoring system, which is equipped with the technology and features specified in the relevant fishing concessions or permits, in accordance with the provisions of Article 125 of the General Sustainable Fisheries and Aquaculture Act.

ARTICLE 6. Small vessels holding a concession or permit to engage in fishing activities in the area identified in Article 1 of this Order shall have the following locations as their departure and landing sites:

I.- Golfo de Santa Clara

Landing sites	Geographical coordinates
El Delfín	31 °41'7.75"N - 114 °30'13.50"W
Duarte	31 °40'56.93"N - 114 °29'54.40"W
Las Cabinas	31 °40'35.31"N - 114 °29'31.12"W
Las Brisas	31 °31'31.36"N - 114 °13'21.07"W
Los Pinitos	31 °30'52.87"N - 114 °12'28.65"W

II.- San Felipe

Landing sites	Geographical coordinates
Muelle de San Felipe	30 °59'31.56"N - 114 °49'37.50"W
Puertecitos	30 °21'1.16"N - 114 °38'20.32"W
San Luis Gonzaga	29 °47'45.44"N - 114 °23'47.52"W
Lucky Landing	30 ° 4'47.80"N - 114 °35'18.52"W

III.- El Indiviso/Bajo Río

Landing sites	Geographical coordinates
El Zanjón	31 °56'50.05"N - 114 °57'48.08"W

ARTICLE 7. Observance of this Order is compulsory for holders of small vessel fishing concessions and permits, as well as for fishing boat captains or skippers, motorists or operators, fishers and the crews of such vessels, including sport fishers and providers of sport and recreational fishing services and any other subjects engaging in fishing activities in the marine waters under federal jurisdiction specified in Article 1.

ARTICLE 8. Persons who fail to comply with this Order or who are in contravention thereof shall be subject to the penalties established under the General Sustainable Fisheries and Aquaculture Act and other applicable legal provisions.

ARTICLE 9. The monitoring of compliance with this Order shall be the responsibility of the Ministry of the Environment and Natural Resources, acting through the Federal Attorney for Environmental Protection and, where required, the National Commission for Protected Natural Areas, as well as the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food, acting through the National Aquaculture and Fisheries Commission, within the scope of their respective jurisdictions. Both ministries will coordinate with the Ministry of the Navy to ensure monitoring in Mexican marine areas.

TRANSITORY ARTICLES

ARTICLE 1. This order shall enter into effect on the day of its publication in Mexico's Official Gazette (*Diario Oficial de la Federación*—DOF).

ARTICLE 2. The National Fisheries and Aquaculture Commission shall act to simplify the administrative procedure indicated in the annex to the Regulatory Impact Statement (*Manifestación de Impacto Regulatorio*—MIR) and, thereby, give effect to Article 5 of the *Order which establishes the guidelines to be observed by the decentralized agencies and bodies of the Federal Public Administration in respect of administrative acts of a general character, which are subject to Article 69-H of the Federal Administrative Procedures Act*, within nine months of the publication of this Order in DOF.

ARTICLE 3. All prior provisions which conflict with the provisions established in this Order are abrogated.

Mexico City, 21 June 2017.- The Minister of the Environment and Natural Resources, Rafael Pacchiano Alamán.- Initials.- The Minister of Agriculture, Livestock, Rural Development, Fisheries and Food, José Eduardo Calzada Rovirosa.- Initials.

ANNEX

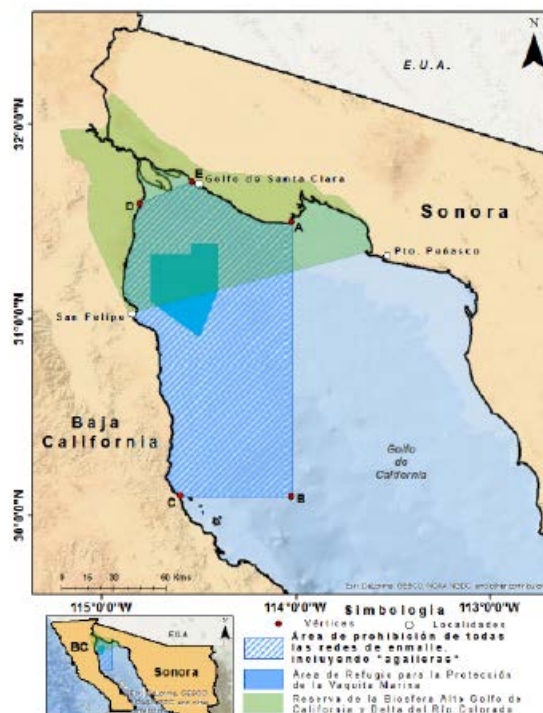


Figure. Map of the area where gillnets, including so-called *agalleras*, are banned in the Northern Gulf of California.

Vértice	Coordenadas Decimales		Coordenadas Métricas (UTM)		Coordenadas Grados, minutos, segundos	
	X	Y	X	Y	X	Y
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Tabla. Vértices del área de prohibición de redes de enmalle, incluyendo las denominadas "agalleras", en el Norte del Golfo de California.

2020 Gillnets Order

ORDER which regulates fishing gear, systems, methods, techniques and permissible hours for small and large vessel fishing activities in marine waters under the jurisdiction of the federal government of Mexico in the Northern Gulf of California, and which establishes landing sites and mandates the use of monitoring systems by such vessels.

The seal in the corner depicts the National Coat of Arms and reads: United Mexican States.- Ministry of Agriculture and Rural Development.- Ministry of the Environment and Natural Resources.- Ministry of the Navy.

VÍCTOR MANUEL VILLALOBOS ARÁMBULA, Minister of Agriculture and Rural Development, MARÍA LUISA ALBORES GONZÁLEZ, Minister of the Environment and Natural Resources and ADMIRAL JOSÉ RAFAEL OJEDA DURÁN, Minister of the Navy, based on the provisions of Articles 26, 30 sections IV, V, VII, VII subparagraph c, VII subparagraph d, XXIV, XXV and XXVI, 32 Bis sections I, III, VI, VII and XLII and 35 sections XXI, XXII and XXIV of the Basic Law of the Federal Public Administration; Article 2 section IV Bis of the Basic Law of the Mexican Navy (*Ley Orgánica de la Armada de México*); Article 4 of the Federal Administrative Procedures Act; Articles 1, 3, 8 sections I, II, III, XII, XIV, XXI, XXII, XXIX, XXXVIII, XXXIX and XLII, 9 sections I, II and V, 17 sections I, III, IV, VII and VIII, 19 paragraph 2, 29 section II, 124, 126 and 132 of the General Sustainable Fisheries and Aquaculture Act; Articles 1, 5 sections I, II, VIII, XI, XVIII and XX, 6, 79 sections I, III and VIII, 83, 160, 161 and 162 of the General Ecological Balance and Environmental Protection Act; Articles 1, 5 sections I and II, 9 sections I, IV and XVII and paragraphs 2 and 3, 14 and 122 sections I, II and III of the General Wildlife Act; Articles 8 Bis and 9 of the Maritime Navigation and Trade Act (*Ley de Navegación y Comercio Marítimos*); Articles 1, 2 subparagraph d section III, 3, 5 section XXII, 44, 45 and Transitory Article 8 of the current Internal Regulation of the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food; in conjunction with Articles 37 and 39 sections III, V and VIII of the version of the Internal Regulation of the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food published in *Diario Oficial de la Federación* on 10 July 2001; Articles 5 sections I, XXV and XXXV, 41, 42, 45 section I final paragraph and 70 sections I, XIII and XV of the Internal Regulation of the Ministry of the Environment and Natural Resources and; Articles 1, 3 section II, subparagraph c, Bis and section IV Bis, 4 and 6 sections I, X, XIX and XX of the Internal Regulation of the Ministry of the Navy; and

WHEREAS

Acting through the National Aquaculture and Fisheries Commission (Conapesca), the Ministry of Agriculture and Rural Development (Sader) is responsible for managing and regulating the use of fish and aquaculture resources under federal jurisdiction, as well as for promoting the sustainable exploitation thereof, by regulating the activities of the persons active in this area and by establishing the conditions under which fishing activities shall operate. Moreover, Sader is also charged with the following responsibilities: proposing, formulating, coordinating and executing the national sustainable

fisheries policy; establishing the administrative and control measures governing the operation of fishing activities; and determining methods and measures to ensure the conservation of fish resources;

Under Article 8 section XXI of the General Sustainable Fisheries and Aquaculture Act, Sader is charged with proposing the establishment and regulation of landing sites and collection points for fishing and aquaculture operations, as well as for proposing the locations of said sites to the competent authorities. In effect, it is necessary to establish such fishing management measures to increase the likelihood of zero interaction with non-target species;

The Ministry of the Environment and Natural Resources is responsible for promoting the protection, restoration and conservation of ecosystems and natural resources, as well as that of environmental goods and services, to foster the sustainable use and development thereof;

The Ministry of the Environment and Natural Resources is vested with the responsibility for conserving and protecting endangered species and populations, including the vaquita porpoise (*Phocoena sinus*), along with its natural environments, and with instituting measures which may contribute to this species' conservation;

As an arm of the Federal Public Administration, the Ministry of the Navy ensures national maritime authority through the exercise of maritime sovereignty, protection and security. In addition, it maintains the rule of law in Mexican marine areas, coasts and port areas by exercising coast guard functions, even as it ensures maritime safety and maritime traffic control, among other functions;

On 10 June 1993, a DECREE was published in *Diario Oficial de la Federación* (DOF) which declared a protected natural area, with the status of a Biosphere Reserve, the region known as the Upper Gulf of California and the Colorado River Delta, located in the waters of the Gulf of California and the municipalities of Mexicali, Baja California, Puerto Peñasco and San Luis Río Colorado, Sonora;

Amongst the different species of cetaceans present in the Gulf of California, the vaquita porpoise (*Phocoena sinus*) is of special interest as one of the world's smallest marine mammals (maximum length: 1.5 meters), as an endemic species, of which the biology and habits are nonetheless little known, as a species listed as in danger of extinction under Official Mexican Standard NOM-059-Semarnat-2010, *Environmental Protection - Native wild flora and fauna species of Mexico - Risk categories and the specifications for the inclusion, exclusion or change in category of species - List of threatened species* and because it is generally found in association with the totoaba (*Totoaba macdonaldi*), which increases its potential for interaction with different types of gillnets, including so-called *agalleras*, which are usually used in illegal totoaba fishing;

The Government of Mexico has contributed to protecting the vaquita (*Phocoena sinus*) and the recovery in its numbers, as well as to lessening the risk factors underlying its endangered status, by instituting measures conducive to the recovery of the vaquita's population in its distribution range, which is located in the Northern Gulf of California. In effect, on 8 September 2005, the *Order which establishes a refuge for the protection of the vaquita (Phocoena sinus)* was published in DOF;

On 29 December 2005, the “Program to Protect the Vaquita in the Refuge located in the western part of the Upper Gulf of California” was likewise published in DOF;

On 20 April 2018, an Order was published in DOF which modified various provisions of the *Order which establishes a refuge for the protection of the vaquita (Phocoena sinus)*;

Accordingly, the Government of Mexico decided to establish a temporary suspension of fishing with gillnets, including longlines, in the distribution area of the vaquita (*Phocoena sinus*), as a measure conducive to said species’ conservation. This temporary suspension was enacted via the publication in DOF, on 10 April 2015, of the *Order which temporarily suspends commercial fishing by means of gillnets and longlines operated on small vessels in the Northern Gulf of California*;

On 11 April 2017, DOF published an extension of the *Order which temporarily suspends commercial fishing by means of gillnets and longlines operated on small vessels in the Northern Gulf of California*, originally published on 10 April 2015;

On 1 June 2017, DOF published a second extension of the same Order, originally published on 10 April 2015;

On [date missing], DOF published a third extension of this Order, originally published on 10 April 2015;

In light of the foregoing, the Government of Mexico decided to establish a permanent ban on fishing with gillnets in the *Order which prohibits specified fishing gear, systems, methods, techniques and hours for small vessel fishing activities in marine waters under the jurisdiction of the federal government of Mexico in the Northern Gulf of California, and which establishes landing sites and mandates the use of monitoring systems by such vessels*, published in DOF on 30 June 2017;

In addition to the ban on gillnets, a temporary suspension was instituted on commercial fishing using longlines in the Northern Gulf of California by means of the *Order which temporarily suspends commercial fishing by means of longlines operated on small vessels, in the Northern Gulf of California*, published in DOF on 28 September 2017;

On 14 March 2018, the *Order which temporarily suspends commercial fishing by means of longlines operated on small vessels, in the Northern Gulf of California* was published in DOF;

On 29 May 2018 an Order was published in DOF, which extended the *Order which temporarily suspends commercial fishing by means of longlines operated on small vessels, in the Northern Gulf of California*, originally published on 14 March 2018;

On 18 October 2018 an Order was published in DOF, which extended the *Order which temporarily suspends commercial fishing by means of longlines operated on small vessels, in the Northern Gulf of California*, originally published on 29 May 2018;

There exist fish species of commercial interest, distributed in waters under federal jurisdiction in the Northern Gulf of California, which, due to their availability and abundance, are suitable for exploitation under a fisheries management scheme designed to ensure the maintenance of their populations;

The National Fisheries and Aquaculture Institute (Inapesca) issued a technical opinion via communication no. RJL/INAPESCA/DGAIPP/0716/2020, dated 13 July 2020, in which it indicated that there exist no technical objections to the federal government's decision to reaffirm its commitment to protect the vaquita (*Phocoena sinus*) by totally suspending the use of passively operated *agallera* gillnets in the Northern Gulf of California region;

Inapesca issued a technical opinion via communication no. RJL/INAPESCA/DGAIPP/1030/2017, dated 16 June 2017 that was favorable to a permanent ban on gillnets, including passively operated *agallera* gillnets, in the Upper Gulf of California. Furthermore, it concluded that restricting fishing activities to daylight hours would have no significant effects on the principal commercial fisheries or on the recovery of ghost or abandoned nets. Finally, this technical opinion recommended the installation of monitoring systems on small vessels and the establishment of landing sites for such vessels; and

In consequence whereof, and as the provisions herein are based on both technical grounds and the public interest, we hereby issue the following:

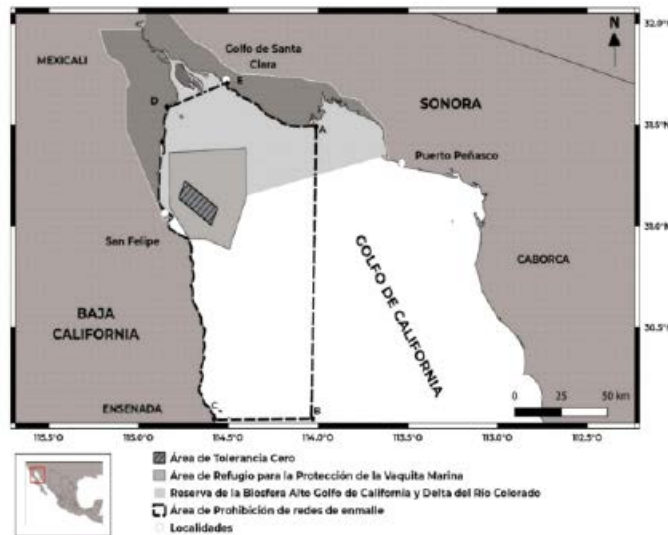
ORDER WHICH REGULATES FISHING GEAR, SYSTEMS, METHODS, TECHNIQUES AND PERMISSIBLE HOURS FOR FISHING ACTIVITIES BY SMALL AND LARGE VESSELS IN MEXICAN MARINE WATERS IN THE NORTHERN GULF OF CALIFORNIA, AND WHICH ESTABLISHES LANDING SITES AND MANDATES THE USE OF MONITORING SYSTEMS BY SUCH VESSELS

ARTICLE 1. SCOPE. This Order is compulsory for all holders of fishing concessions and permits, as well as for fishing boat captains and skippers, motorists, fishers and the crews of both small and large vessels, including sport fishers and providers of sport and recreational fishing services, engaged in fishing activities in Mexican marine waters in the Northern Gulf of California, within the area delimited by the coordinates indicated in Table 1 and illustrated in Figure 1 below. To clearly and permanently indicate this area's boundaries, buoys shall be put in place and maintained.

Table 1: Geographical coordinates of the marine area subject to the provisions of this Order.

Vértice	Coordenadas Decimales		Coordenadas Métricas (UTM) Zona: 11 R		Coordenadas Grados, minutos, segundos	
	LONGITUD	LATITUD	X	Y	LONGITUD	LATITUD
A	-114.022800	31.493300	782806.16 E	3488114.57 N	114° 01' 22.09" W	31° 29' 35.86" N
B	-114.022000	30.095000	787011.95 E	3333054.46 N	114° 01' 19.24" W	30° 05' 41.99" N
C	-114.600005	30.095000	731287.04 E	3331742.07 N	114° 36' 0.02" W	30° 05' 42.00" N
D	-114.820300	31.587500	706823.40 E	3496775.96 N	114° 49' 13.10" W	31° 35' 14.97" N
E	-114.532200	31.703300	733876.99 E	3510197.40 N	114° 31' 55.96" W	31° 42' 11.87" N

Figure 1. Map of the area where gillnets, including so-called *agalleras*, are banned in the Northern Gulf of California.



ARTICLE 2. PROHIBITIONS. All gillnets, including *agalleras*, are permanently banned, whether made with single filament or multifilament nylon or with any modification thereof and whether operated for use in fishing activities in an active or passive manner in the marine area identified in the preceding Article. Said *agallera* nets or gillnets may not be:

- I. Utilized in any fishing activity, nor deployed or recovered for this or any other purpose, nor contained on board a vessel or in the possession of any person within the indicated marine area;
- II. Transported into this marine area or within a 10-kilometer perimeter around it by any means, including by land or by air, nor transported between any cities, villages, communities or fishing camps;
- III. Fabricated, possessed, sold or transported in the marine area delimited in ARTICLE 1 of this Order, nor in any neighboring cities, settlements, *ejidos* (communal lands), communities and/or fishing camps.

The only types of fishing gear that may be authorized in the fishing concessions or permits granted by the competent authority for small vessel fishing in the marine area delimited in ARTICLE 1 of this Order are: shrimp and deep-sea-scale trawl nets, throw nets, hook lines, longlines, traps, snorkeling and scuba diving with hose and compressor, in accordance with the fishing gear requirements stipulated in Article 43 of the General Sustainable Fisheries and Aquaculture Act.

In this coming year, the testing and funding of alternative and technologically improved fishing gear (e.g., the Mozambique net) will commence, thereby enabling the authorization of same in the relevant fishing concessions or permits, subject to Inapesca's prior recommendation. In the interim, the 2020 fishing season will see the continued use of currently authorized fishing gear.

As of 1 January 2021, active purse seine fishing shall be banned in the gulf and sierra corvina fisheries in the Upper Gulf of California, with the exception of the fishing permits granted in the Colorado River Delta to fishers from Cucapá indigenous villages, in accordance with their historic rights, i.e., in islands and channels of the Colorado River Delta that are located far from the Vaquita Protection Refuge.

ARTICLE 3. REQUIREMENTS FOR MAINTAINING A CONCESSION OR PERMIT. As a condition for maintaining a valid concession or permit, all holders of concessions or permits must ensure that neither they nor the fishing boat captains and skippers, motorists or operators, fishers and crew members of the vessels in question, including sport fishers and providers of recreational fishing and other services engaging in fishing activities authorized by said fishing concessions and permits in the marine area delimited in ARTICLE 1 of this Order, shall engage in activities connected with the sale, possession, fabrication or transport of the fishing gear specified in ARTICLE 2, nor with the transportation thereof by any means, be it by land, sea or air, between the cities, settlements, *ejidos* (communal lands), communities and fishing camps indicated in the aforementioned Articles.

Holders of fishing concessions or permits who fail to observe the stipulations of this Order may be subject to the revoking of their permit or concession, in accordance with the provisions of the General Sustainable Fisheries and Aquaculture Act.

ARTICLE 4. NIGHT FISHING. It is prohibited to engage in any fishing activity and to transit within or across the marine area delimited in ARTICLE 1 of this Order at night, between 4 pm and 5 am.

As for vessels engaged in sport and recreational fishing, these latter activities shall be prohibited from 4 pm until 5 am.

Only bearers of a written permit from the competent authority will be permitted to transit within the marine area identified in ARTICLE 1 of this Order, during the hours specified herein, for the purposes of conducting scientific research activities or to remove ghost nets, or in the event an emergency is declared.

ARTICLE 5. INFORMATION REQUIREMENTS. Natural or legal persons who conduct small vessel fishing activities in the marine area delimited in ARTICLE 1 must inform the Conapesca Fisheries Office nearest to the residence where they conduct their fishing activities within 24 hours of their

vessel's arrival at its landing site or home base, of any interaction with marine mammals, the measures attempted to free them, as well as the final disposal thereof, i.e., whether these were dead, alive or injured when freed or whether they were retained, in which case, the official or scientific justification for doing so must be given. They must also furnish information on any fishing gear lost or misplaced during fishing activities.

Conapesca shall make a written record of the event's circumstances (time, place, fishing method in question) and it shall inform in writing the National Commission for Protected Natural Areas (Conanp) and the Federal Attorney for Environmental Protection (Profepa), as well as require of said natural or legal persons their participation in the efforts to recover the misplaced fishing gear.

Should a false report be submitted, the natural or legal person responsible for this action shall be fined or penalized in accordance with Article 132 of the General Sustainable Fisheries and Aquaculture Act "Offences, penalties and liabilities."

Conapesca will define, no later than 30 working days following this Order's date of publication, the procedures and mechanisms to be observed when submitting these reports. This information will be formalized in the appropriate legal instrument and published in *Diario Oficial de la Federación*.

ARTICLE 6. MONITORING SYSTEMS FOR SMALL VESSELS. Small vessels with a concession or permit for fishing activities in the marine area delimited in ARTICLE 1 of this Order must have a duly installed and functioning monitoring system, which is tamper-proof and equipped with the technology and characteristics stipulated in the relevant fishing concessions or permits, in accordance with the provisions of Article 125 of the General Sustainable Fisheries and Aquaculture Act. Vessels which are not duly registered, or which lack the required equipment, are subject to precautionary impoundment and may not sail for any reason or purpose whatsoever, in accordance with Articles 132 sections VI and XVII and 133 section VI of the General Sustainable Fisheries and Aquaculture Act; moreover, the Port Captain may suspend a vessel's clearance to leave port to fish, in accordance with Articles 9 section I and 51 of the Maritime Navigation and Trade Act.

ARTICLE 7. MONITORING SYSTEMS FOR LARGE VESSELS. All large vessels operating under a fishing permit or concession applicable to the marine area delimited in ARTICLE 1 of this Order, must have a video monitoring system, which is tamper-proof and equipped with the technology and characteristics stipulated in the relevant fishing concessions or permits, in accordance with the provisions of Articles 46 and 125 of the General Sustainable Fisheries and Aquaculture Act and Official Mexican Standard NOM-062-SAG/PESC-2014 - *On the Utilization of the Fishing Vessels Location System and Satellite Monitoring*. Vessels which are not duly registered, or which lack the required equipment, are subject to precautionary impoundment and may not sail for any reason or purpose whatsoever, in accordance with Articles 132 sections VI and XVII and 133 section VI of the General Sustainable Fisheries and Aquaculture Act; moreover, the Port Captain may suspend a vessel's clearance to leave port to fish, in accordance with Articles 9 section I and 51 of the Maritime Navigation and Trade Act.

ARTICLE 8. DEPARTURE AND ARRIVAL INSPECTIONS. All small vessels holding a concession or permit for fishing activities in the area indicated in ARTICLE 1 of this Order shall be inspected, without exception, when leaving port as well as upon arrival. Inspections of small vessels in the authorized departure and landing sites shall be conducted, interchangeably, by personnel from the Ministry of the Navy (Semar), the National Guard, Conapesca or Profepa, or any other entity authorized to do so by the laws of the United Mexican States for the duration of this Order.

The inspection actions referred to in the preceding paragraph shall be carried out by the authorities, in accordance with their respective jurisdictions, and shall consist of, *inter alia*, verifying whether fishers and vessels are duly authorized by a specific permit and commercial fisheries register; whether they use only authorized fishing gear and do not have prohibited fishing gear on board; whether their catch corresponds to the authorized fishery, minimum permissible catch size and the authorized catch quota; whether they are engaged in night fishing activities; whether they are duly equipped with an operational vessel monitoring system showing no signs of tampering; and finally whether they comply with other applicable regulatory provisions.

No fishing vessel may leave port to engage in fishing activities within the marine area identified in ARTICLE ONE of this Order, unless an inspection has been conducted which confirms that it is in compliance with the conditions established in this Order prior to sailing.

ARTICLE 9. AUTHORIZED DEPARTURE AND LANDING SITES. The table below indicates the authorized departure and landing sites:

I.- Golfo de Santa Clara, Sonora:	
Sitios de desembarque	Coordenadas geográficas
El Delfín	31° 41' 7.75" N - 114° 30' 13.50" W
Las Cabinas	31° 40' 35.31" N - 114° 29' 31.12" W
Los Pinitos	31° 30' 52.87" N - 114° 12' 28.65" W
II.- San Felipe, Baja California:	
Sitios de desembarque	Coordenadas geográficas
Muelle de San Felipe	30° 59' 31.56" N - 114° 49' 37.50" W
Puertecitos	30° 21' 1.16" N - 114° 38' 20.32" W
San Luis Gonzaga	29° 47' 45.44" N - 114° 23' 47.52" W
Lucky Landing	30° 4' 47.80" N - 114° 35' 18.52" W
III.- El Indiviso/Bajo Rio, Baja California:	
Sitios de desembarque	Coordenadas geográficas
El Zanjón	31° 56' 50.05" N - 114° 57' 48.08" W

ARTICLE 10. OBLIGATIONS. Within 60 calendar days of this Order's date of publication, all holders of small vessel fishing concessions and permits, as well as fishing boat captains and skippers, motorists or operators, fishers and crew members of such vessels, including sport fishers and providers of recreational fishing services in the marine area identified in ARTICLE ONE of this Order, must:

I. Hand over to the Conapesca Fisheries Office, in the location closest to the official vessels register, all *agalleras* or gillnets made with single filament or multifilament nylon or any modification thereof, including the gillnets banned under ARTICLE 2 of this Order; and

II. Hold a valid concession or permit to conduct fishing activities in the marine area delimited in ARTICLE 1 of this Order, in which the fishing gear to be used is duly authorized for the intended target species within said delimited marine area. Failure to comply with the foregoing shall result in violations, penalties, liabilities and requirements, pursuant to the provisions of the General Sustainable Fisheries and Aquaculture Act, the Regulation to the Fisheries Act and the Official Mexican Standards deriving therefrom.

Any vessel operating in the marine area delimited in ARTICLE ONE of this Order without the required vessel identification or monitoring system will be immediately impounded on a precautionary basis and a classification of offenses procedure shall be initiated, pursuant to Articles 132 section XVII and 133 section VI of the General Sustainable Fisheries and Aquaculture Act.

Within 90 calendar days following the publication of this Order, any gillnet, including *agalleras*, found in the possession of any person or on board any vessel will be immediately impounded on a precautionary basis and a classification of offenses procedure shall be initiated, pursuant to Articles 132 section XVII, and 133 section VI of the General Sustainable Fisheries and Aquaculture Act.

ARTICLE 11. TRANSHIPMENT OF FISHERY PRODUCTS. The transshipment of fishery products, shrimp or other marine species, including the parts thereof, between any vessels within the marine area delimited in ARTICLE 1 of this Order is prohibited, except when otherwise provided for under the General Sustainable Fisheries and Aquaculture Act, such as in the event of emergencies, weather events and engine trouble.

Any person or vessel failing to observe this determination or found to be responsible for transshipping or transferring cargo between vessels shall be subject to the penalties provided for under the General Sustainable Fisheries and Aquaculture Act, the General Ecological Balance and Environmental Protection Act, the General Wildlife Act and other applicable legal provisions.

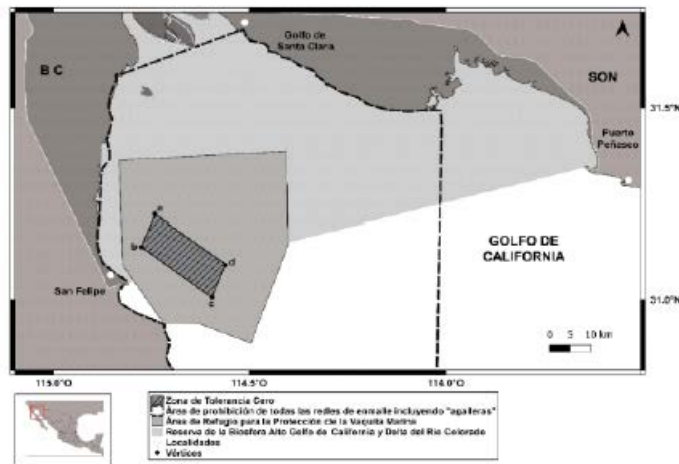
ARTICLE 12. PENALTIES. Persons failing to comply with this Order shall be subject to the penalties established under the General Sustainable Fisheries and Aquaculture Act, the General Ecological Balance and Environmental Protection Act, the General Wildlife Act and other applicable legal provisions.

ARTICLE 13. ZERO TOLERANCE AREA. A “Zero Tolerance Area” is hereby established within the boundaries indicated below. Said boundaries may be updated or amended, based on the best available scientific evidence, in which case an Order to that effect will be published in *Diario Oficial de la Federación*. The boundaries of the Zero Tolerance Area shall be clearly indicated.

Table 3: Geographical Demarcation of the Zero Tolerance Area (225 km²).

Vértices	Coordenadas Decimales		Coordenadas Métricas (UTM) Zona: 11 R		Coordenadas Grados, minutos y segundos	
	LONGITUD	LATITUD	X	Y	LONGITUD	LATITUD
A	-114.7409	31.22277	715190.4 E	3456490.7 N	114° 44' 27.24" W	31° 13' 21.97" N
B	-114.77486	31.13805	712139.9 E	3447032.2 N	114° 46' 29.64" W	31° 08' 16.98" N
C	-114.59526	31.00626	729584.1 E	3432778.4 N	114° 35' 43.08" W	31° 00' 22.53" N
D	-114.56131	31.09097	732624.8 E	3442241.2 N	114° 33' 40.68" W	31° 05' 27.49" N

Figure 2. Location of the “Zero Tolerance Area” within the Vaquita (*Phocoena sinus*) Protection Refuge.



Fishing activities of all types, regardless of the type of vessel, including sport fishing, are permanently and totally banned within the “Zero Tolerance Area.” No vessel of any type may transit through or navigate in this area unless duly authorized in writing by the competent authority.

Any fishing equipment that is utilized or transported in the Zero Tolerance Area, or any vessel transiting through it, without the required authorization, shall be secured and safeguarded by the competent authority, pursuant to Articles 132 section XVII and 133 section VI of the General Sustainable Fisheries and Aquaculture Act. Persons who fail to comply with, or infringe, this Article and this Order shall be subject to the penalties prescribed by the General Sustainable Fisheries and Aquaculture Act and other applicable legal provisions.

Within the Zero Tolerance Area, the authorities shall, within the scope of their respective powers, carry out coordinated patrols, as well as maritime, air and satellite monitoring or monitoring via any other means or technologies that they may deem necessary, on a 24-hour and year-round basis, to ensure the provision of real time response capacities to avoid any cases of violations of this Order.

ARTICLE 14. FISHING GEAR REMOVAL. Semar, Conapesca and Profepa may exercise their functions and authority to remove illegal, ghost or abandoned fishing gear year-round (in accordance with available budgetary resources). These activities may be conducted in collaboration with other public and private entities, including nongovernmental organizations. These federal agencies will

endeavor to expand the efforts to remove illegal, ghost or abandoned fishing gear in the vaquita's distribution range.

ARTICLE 15. SCIENTIFIC RESEARCH. In accordance with the provisions of the Program to Protect the Vaquita within the Refuge located in the western part of the Northern Gulf of California, published in DOF on 29 December 2005, Semarnat will continue to conduct scientific research with the aim of monitoring the population and habitat of the "vaquita porpoise" (*Phocoena sinus*).

ARTICLE 16. INTERINSTITUTIONAL COORDINATION. The responsibility for monitoring compliance with this Order will fall to Semarnat, acting through Profepa, with the collaboration of Conanp, as required, as well as Sader, acting through Conapesca, within the scope of their respective jurisdictions. These agencies will all coordinate with Semar to ensure monitoring in the marine areas delimited and defined in this Order.

ARTICLE 17. INSPECTION AND MONITORING FUNCTIONS. When, in the exercise of their monitoring and inspection functions, Semar, Conapesca and Profepa detect activities in the Zero Tolerance Area and Vaquita Protection Refuge which may constitute criminal offenses, they shall, in keeping with the Enforcement Plan referred to in Transitory Articles 5 and 6 of this Order, undertake acts and actions within the scope of their respective areas of competence to ensure effective compliance with this Order, including the establishment of triggering factors.

The term triggering factors refers to specific situations identified through quantitative measurements (e.g., limit reference points), which, if exceeded, will trigger predetermined actions by the public authorities, such as a fishing ban, the closure of specific areas or similar actions. Moreover, in establishing whether a given situation constitutes a triggering factor, public authorities must focus on violations directly related to the prohibitions specified in this Order.

Semarnat, Sader and Semar shall carry out the following actions pursuant to the General Sustainable Fisheries and Aquaculture Act, the Maritime Navigation and Trade Act and the General Ecological Balance and Environmental Protection Act:

- I. Halt all fishing activity within the marine area delimited in ARTICLE 1 of this Order or in a particular sub-area thereof, in accordance with the abovementioned triggering factors;
- II. Detain the persons engaged in such activities; and
- III. Put them at the disposal of the competent authority.

Within 30 calendar days of this Order's publication in *Diario Oficial de la Federación* (DOF), Conapesca, Inapesca, Profepa and Conanp will determine the relevant triggering factors, their duration and scope, and the mechanisms for implementing prohibitions or area closures, whereupon said triggering factors and mechanisms will be published in DOF in the form of the appropriate legal instrument. Said triggering factors may be revised by the Intergovernmental Group on Sustainability in the Upper Gulf of California, as indicated in Transitory Article 6 of this Order.

TRANSITORY ARTICLES

ONE. This Order shall enter into effect on the day of its publication in Mexico's Official Gazette (*Diario Oficial de la Federación*—DOF).

TWO. Sader will publish and, acting through Conapesca, implement the “Special Program for Marking Fishing Gear and Equipment Used on Small Vessels,” with the collaboration of Semarnat, as appropriate, within 18 months of its publication in DOF. The object of this program, which shall apply to small vessels engaged in fishing activities in the marine area delimited in ARTICLE 1 of this Order, is to clearly identify the origin of such vessels in order to strengthen monitoring in this area and thereby provide the “vaquita porpoise” (*Phocoena sinus*) with effective protection.

THREE. All authorized gillnets or *agalleras* utilized for fishing beyond the marine area delimited in ARTICLE 1 of this Order must be registered with Conapesca's Fisheries Office and marked for identification and measurement purposes, in accordance with the fishing gear marking system established under Transitory Article 2 of this Order, within the term specified therein.

FOUR. Conapesca will implement the measures to simplify procedures indicated in the relevant annex of the Assessment of Regulatory Impact (*Evaluación de Impacto Regulatorio*—AIR) in order to comply with the provisions of Articles 68 and 78 of the General Regulatory Improvement Act (*Ley General de Mejora Regulatoria*), within six months of this Order's publication in DOF.

FIVE. Under the coordination of Semar, Conapesca, Profepa and Conanp will elaborate and implement this Order's Enforcement Plan in the Zero Tolerance Area and the Vaquita Protection Refuge, no later than 30 calendar days following this Order's publication in DOF. This Plan will include: monitoring and inspection actions to guarantee compliance; measures for the recovery, elimination and recycling or destruction of illegal, lost and abandoned fishing gear; and establishing the factors enabling the identification of additional conservation and enforcement measures to ensure the effective implementation of this Order. This Order's Enforcement Plan in the Zero Tolerance Area and the Vaquita Protection Refuge will be assessed every six months. Any proposed modifications to said Plan will be submitted by the competent authorities in the Intergovernmental Group on Sustainability in the Upper Gulf of California.

SIX. Simultaneously with this Order's publication in the DOF, Semar, Semarnat and Sader will—acting through their respective decentralized agencies, Profepa, Conanp, Conapesca and Inapesca—establish the Intergovernmental Group on Sustainability in the Upper Gulf of California, with the collaboration of the Ministries of the Economy, Finance and Public Credit, Work and Social Security, Citizen Safety and Protection, Welfare and Foreign Relations, the Tax Administration Service, among other agencies of the Federal Public Administration, including the Office of the Attorney General of the Republic.

The Intergovernmental Group will analyze, define, coordinate, supervise and assess the actions and strategies related to the enforcement of this Order and it will coordinate the implementation of its Enforcement Plan in the Zero Tolerance Area and the Vaquita Protection Refuge.

SEVEN. The Enforcement Working Group (*Grupo de Colaboración sobre Aplicación*—GCAL) will be established within 30 calendar days of this Order's publication in DOF. The GCAL's functions will include representation and coordination with the Intergovernmental Group on Sustainability in the Upper Gulf of California. The GCAL will function as a centralized conduit to facilitate information sharing on matters related to the enforcement of this Act, including:

- a. Identification of third-party actions that are in contravention of the Order;
- b. Information on the illicit trade in totoaba parts or swimbladders;
- c. Actions taken by the Parties to prohibit and prosecute any action committed by third parties that are in contravention of the Order; and
- d. Implementation of efforts to reduce and eliminate the illicit trade in totoaba parts and swimbladders, and to discourage their use.

Accordingly, the authorities mentioned in the preceding paragraph will count among the members of the GCAL.

Other agencies of the Federal Public Administration and of the governments of the states of Sonora and Baja California may attend GCAL meetings as invitees, as may stakeholders of the fisheries sector and relevant entities of both national and international civil society.

This Working Group will function in accordance with the guidelines set by the aforementioned authorities and it will be formed by the deadline specified in the first paragraph of this Article.

EIGHT. The *Order which prohibits specified fishing gear, systems, methods, techniques and hours for small vessel fishing activities in marine waters under the jurisdiction of the federal government of Mexico in the Northern Gulf of California, and which establishes landing sites and mandates the use of monitoring systems by such vessels*, published in the DOF on 30 June 2017, is hereby repealed.

Mexico City, 10 September 2020.- The Minister of Agriculture and Rural Development, Víctor Manuel Villalobos Arámbula.- Initials.- The Minister of the Environment and Natural Resources, María Luisa Albores González.- Initials.- The Minister of the Navy, José Rafael Ojeda Durán.- Initials.