

Begin Text:

First North America No. 4867
December 18, 2009

NOTE VERBALE

The Ministry of Foreign Affairs (MOFA) presents its compliments to the Embassy of the United States of America in Japan and has the honor to inform the Embassy that the Ministry has given consent to conduct marine scientific research within the Exclusive Economic Zone (EEZ) of Japan by the marine research vessel of the United States of America, R/V Roger Revelle, as requested in the Embassy's Diplomatic Note No. 698 dated October 26, 2009. Please note conditions attached to the clearance.

- 1) In regard to the marine scientific research (research period from April 4, 2010 to May 20, 2011) by the vessel noted above, the application was submitted as of October 26, 2009. This did not observe the six-month notice rule that Japan requires of other countries in accordance with the United Nations Convention on the Law of the Sea (UNCLOS). For this reason, in future cases when marine scientific research is conducted within Japan's EEZ, it is requested to provide a diplomatic note requesting consent attached by a research plan at least six months prior to the scheduled starting date of the research.
- 2) Make sure to adhere to the scheduled research period and the geographical scope as written in the application so as not to disturb exercises, sailing and other activities by the Self Defense Force's vessels and submarines.
- 3) Pay adequate attention to vessels sailing or operating in fisheries near R/V Roger Revelle.
- 4) As an area coordinator of the NAVAREA and a Coastal State, Japan may issue sailing warnings published in the Notices to Mariners as necessary. To that end, make sure to notify the Notices to Mariners Office, Sailing Information Division, Hydrographic and Oceanographic Department of the Japan Coast Guard of the dates and longitudes and latitudes of research areas when deploying and recovering the buoys. Also notify the Notices to Mariners Office whether or not your vessel will tow any objects. If you will tow any objects, include the length of the tow line in your

notification. Provide this information via fax (+81-3-3542-7174) or e-mail (tuho@jodc.go.jp) at least two weeks before deploying and recovering the buoys.

5) In order to ensure communications in the event of an emergency during the research activities, make sure to notify the Operation Direction Center, Administration Division, Security Department of the Japan Coast Guard of the following via fax (+81-3-3581-2853):

a) The dates, time and places of entering and leaving Japan's EEZ and subsequent plans of research by the vessel, and

b) The position of the vessel once each day (for example, 1200JST) while the vessel is within Japan's EEZ.

6) To better enable the Japan Coast Guard's patrol vessels and airplanes to confirm the research and provide information to MOFA, before starting the research, notify MOFA of details of the research devices and provide a physical description of the devices while deployed.

7) Because the research area coincides with places where undersea cables owned by KDDI Corporation are laid (see attachment), observe the following conditions to protect the cables in use (China-US):

a) If a cable is positioned at a depth of 500 meters or less: maintain a distance of 1,000 meters or more from the cable's position.

b) If a cable is positioned at a depth of more than 500 meters: maintain a distance that is more than triple the cable's depth from the cable's position.

In this research, given that an observation device will be moored in the points T1 to T5 and DVLA and an anchor will be deployed onto the seafloor of each point, make sure to keep sufficient distance between these points and the cables.

With regard to T5, change the position of the anchor because it is impossible to maintain a distance that is more than triple the cable's depth from the cable's position.

- 8) Given the length of the research period, if the research area is changed, provide the latest detailed information such as the observation system's floating radius and plans to remove the system as necessary. This information would be needed to consider effects on repair or removal of the cable in use and future plans of laying cables.

- 9) Because the research area coincides with places where undersea cables (C2C Segment-5) owned by Pacnet Services Japan Corp. are laid, follow the guidelines of the International Cable Protection Committee (ICPC) and maintain a distance that is more than triple the cable's depth from the cable's position in case the vessel touches or disturbs the sea bottom, for the purpose of protecting the cables in use.

- 10) In conducting the research near the coasts in Okinawa Prefecture, pay the highest attention to ensure residents' safety and do not disturb fishing boats, fishery operations and fishing grounds.

- 11) Provide MOFA with research data after the research.

End Text.