

# **Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges**

## **Implementing Legislation**

Implementing legislation was signed on April 13, 2004, as Public Law 108-219, 118 Stat. 615.

## **Parties**

The United States and Canada

## **Description**

The Treaty entered into force in 1982. In 2001, at the request of the U.S. albacore fishing industry, the United States requested consultations with Canada for the purpose of discussing limitations on the catch or effort by fishing vessels of one Party operating in the jurisdiction of the other Party. Following initial consultations, three subsequent negotiating sessions culminated in agreement in April 2002 to [amend](#) the Treaty. The U.S. Senate gave its advice and consent to the Treaty amendments, and Congress enacted H.R. 2584 (Public Law 108-219) on March 29, 2004, to authorize the Secretary of Commerce to issue regulations to implement the amended Treaty. The President signed H.R. 2584 into law on April 13, 2004. Proposed regulations to allow the United States to implement the amendments to the Treaty were published in April 2004 and final regulations followed in June 2004.

The United States and Canada agreed to allow fishing vessels of the other Party to fish for albacore tuna in waters under its fisheries jurisdiction beyond 12 nautical miles during a fishing season that occurs from June through October. The Treaty requires that the United States and Canada annually exchange lists of fishing vessels which may fish for albacore tuna in each other's waters. The vessels agree to abide by the provisions of the Treaty, which include: vessel marking; recordkeeping; and reporting. The Treaty also allows the fishing vessels of each Party to enter designated fishing ports of the other Party to:

1. land their catches of albacore without payment of duties, and
2. transship catches in bond under the supervision of U.S. Customs and Border Protection to any port of the flag state, or
3. sell them for export in bond, or
4. sell them locally on payment of the applicable customs duty and
5. obtain fuel, supplies, repairs, and equipment on the same basis as albacore tuna vessels of the other Party.

When the Treaty was amended in 2002, it had a default provision that if no agreement was reached to extend the arrangement or negotiate a new limit regime after three years, specific fishing limits would be triggered (i.e., 94 Canadian vessels allowed in U.S. waters for four months or 376 vessel months). The provision was first used for the 2007 fishing season and repeated again in 2008. The Parties renegotiated the reciprocal fishing regime in 2008 and agreed on a three-year regime for 2009-2011, which subsequently expired at the end of the 2011 fish season. When established, this regime left in place previous provisions regarding the exchange of scientific data and fishery information as well as the practice of annual Treaty consultations. However, the regime agreed to in 2008 did contain a number of significant changes, which included:

1. The Parties were to exchange a list of vessels for the upcoming fishing season; Canada submits a fixed list of vessels to the United States by June 1 and the United States provided their provisional list to Canada by July 1. Information on vessel lengths was also required.
2. The fishing season extended from June 15 through October 31.
3. The number of Canadian vessels fishing in U.S. waters was limited to 110 and the number of U.S. vessels fishing in Canada was to be reflective of "historical levels." The use of vessel months to limit access was no longer in use.
4. Canadian vessels fishing in U. S. waters could only use troll gear while U.S. vessels were allowed to use both troll and pole-and-bait methods.
5. The implementation of management resolutions at the international level or management requirements at the domestic level were to be considered as sufficient triggers for terminating the Treaty.

6. If national allocations by the appropriate regional fishery management organization had been established during the tenure of the regime, allocations received by Canada and the United States attributable to catch taken in the waters of the host country will be reassigned to the host country.

Upon the expiration of the 2009-2011 fishing regime, the United States and Canada entered into discussion for renewing a reciprocal fishing access regime but could not come to agreement in advance of the 2012 season. As a result, there was no reciprocal fishing in 2012. Subsequently, the Parties restarted negotiations and reached agreement on a renewed reciprocal fishing access agreement for 2013 (one year) with the United States noting that any future fishing regime for 2014 and beyond may include a complete phase-out of reciprocal fishing. The 2013 regime agreement contained changes from the 2009-2011 regime, including extending the fishing season from June 15 through October 31 for U.S. vessels fishing in Canada and June 15 through September 15 for Canadian vessels fishing in the United State and limiting the number of Canadian vessels fishing in U.S. waters to 45 and the number of U.S. vessels fishing in Canada continued to be reflective of “historical levels.”

In 2014, the Parties negotiated and reached agreement on a three-year fishing regime under the Treaty for the years 2014-2016 that mirrored the regime adopted for 2013. At this time, there are no plans for a new regime beyond 2016.

*Albacore Status Determination:* The International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) conducts stock assessments on North Pacific albacore and completed a full assessment most recently in 2014. The Albacore Working Group (ALBWG) to the ISC recommended no changes to its 2011 stock status determination, that is, the stock is considered healthy and neither overfished nor experiencing overfishing. The results of the 2014 ISC stock assessment concluded that the stock is not in an overfished condition and overfishing is not present and that the north Pacific albacore stock is healthy.

*Fishing Pressure on North Pacific Albacore:* During the years 2008-2012, fisheries based in Japan accounted for 64% of the total albacore harvest, followed by fisheries in the United States (19%), Canada (7%), and Chinese Taipei (4%).

*Domestic and International Management:* The U.S. North Pacific albacore fishery is managed under the West Coast Highly Migratory Species (HMS) Fishery Management Plan and remains one of the Pacific Fishery Management Council’s (Council) few remaining open access fisheries. In June 2011, the Council tasked the HMS Management Team (HMSMT) and HMS Advisory Subpanel (HMSAS) to begin developing a proactive management framework for North Pacific albacore that could be proposed at the international level through U.S. delegations. The HMSMT presented a report to the Council at their June 2013 meeting entitled *North Pacific Albacore Precautionary Management Framework* that provided candidate management objectives, target and limit reference points, harvest control rules, and management measures. The Council adopted the report and submitted it to NMFS for use in developing U.S. positions at international meetings. The United States sponsored a proposal for North Pacific albacore (IATTC-87 PROP J-1) at the 2014 annual meeting of the Inter-American Tropical Tuna Commission (IATTC) to begin the process of applying a precautionary approach by evaluating reference points and harvest control rules. Although the IATTC could not reach consensus to adopt the proposal, the ISC is planning to begin this process as described below.

At their September 2014 meeting, the Western and Central Pacific Fisheries Commission’s Northern Committee (NC), following several years of effort led by the United States and Canada, considered a proposal from Canada to establish a precautionary approach management framework for North Pacific albacore. The NC agreed on a revised version of the proposal. The management framework includes a B-limit (20% of the spawning biomass in the absence of fishing), which replaces the F-limit that had been in place since 2008, and calls for an analysis to enable determination of an appropriate target reference point. The ISC is planning to undertake a management strategy evaluation that can inform the NC’s consideration of target reference points and associated control rules.

At their 2013 annual meeting, the Inter-American Tropical Tuna Commission (IATTC) adopted Resolution (C-13-03) which supplements Resolution C-05-02 on North Pacific albacore and requires all members to submit their catch and effort for years 2007-2012. The purpose of the supplemental resolution was to evaluate the effectiveness of the original resolution. The IATTC scientific staff presented trends of fishing effort for fisheries targeting North Pacific albacore in the eastern Pacific Ocean at the 2014 Scientific Advisory Committee meeting. At the 2014

meeting of the IATTC, the Commission agreed to maintain Resolution C-05-02 and C-05-02.

**Staff Contacts**

*NOAA Fisheries Southwest Region:*

Heidi Taylor  
Highly Migratory Species Branch  
Chief  
501 West Ocean Boulevard  
Suite 4200  
Long Beach, CA 90802-4213  
Telephone: (562) 980-4039  
Fax: (562) 980-4047  
Email: Heidi.taylor@noaa.gov

*NOAA Fisheries Headquarters:*

Erika Carlsen  
Office of International Affairs and  
Seafood Inspection  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910  
Telephone: (301) 427-8358  
Fax: (301) 713-2313  
Email: erika.carlsen@noaa.gov

*Department of State:*

David Hogan  
Deputy Director, Office of Marine  
Conservation (OES/OMC)  
U.S. Department of State  
2201 C. Street, NW, Rm. 2758  
Washington, D.C. 20520-7818  
Telephone: (202) 647-2335  
Fax: (202) 736-7350