

FISHERIES

**Pacific Coast Albacore Tuna
Vessels and Port Privileges**

**Agreement amending the Annexes of
Treaty of May 26, 1981 Between the
UNITED STATES OF AMERICA
and CANADA, as Amended**

Effected by Exchange of Notes at
Washington June 17 and 18, 2013



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

CANADA

Fisheries: Pacific Coast Albacore Tuna Vessels and Port Privileges

*Agreement amending the annexes of treaty of May 26, 1981,
as amended.*

*Agreement effected by exchange of notes at Washington
June 17 and 18, 2013;*

Entered into force February 25, 2014.



Washington, D.C. June 17, 2013

Note No. WSHDC 225

His Excellency John F. Kerry
Secretary of State of the United States
of America

Excellence,

I have the honour to refer to the proposed amendments to Annexes A and C of the *Treaty between the Government of Canada and the Government of the United States of America on Pacific Coast Albacore Tuna Vessels and Port Privileges* done at Washington, D.C. on 26 May 1981, as amended, as developed between the Canadian and U.S. delegations in Portland, Oregon, on April 16 and 17, 2013, which follow in their entirety and which shall replace the existing Annexes A and C.

“ANNEX A

1.

- (a) The Canadian Government shall create and maintain a list of Canadian vessels with licenses permitting fishing for albacore tuna in the Exclusive Economic Zone (EEZ) of the United States and that list, described as the USA68 list in paragraph 1 (f), shall remain fixed for the 2013 fishing season and every season thereafter. The Canadian Government shall not add or replace vessels and associated licenses on the list except pursuant to paragraphs 1(e), 1(f) and 1(h), as appropriate.
- (b) Each Party agrees to provide to the other Party a list of its fishing vessels that propose to fish albacore tuna in the EEZ of the other Party, as defined in Article I(b) of this Treaty, for the 2013 fishing season. The list will include:
 - (i) Vessel name,
 - (ii) Home port,

- (iii) Radio call sign or vessel identification marking that identifies the flag state of the vessel (“Vessel Identification Marking”),
 - (iv) Fishing vessel registration number,
 - (v) Captain or operator's name, if known, and
 - (vi) Vessel length.
- (c) For Canada, the list of vessels shall be transmitted to the United States by June 1, 2013. For the United States, a provisional list shall be transmitted by July 1, 2013 and may be revised during the fishing season.
- (d) With regard to the list of Canadian vessels, the list shall remain fixed for the 2013 fishing season as defined in paragraph 2 of Annex C and thereafter. The Canadian Government shall not add or replace vessels on the list except pursuant to paragraph 1(e) or (f).
- (e) In the event of *force majeure* or other exceptional circumstances that occur during the 2013 fishing season, a captain or owner of a vessel on the Canadian list in paragraph 1(a) may make a request to the Canadian Government for the replacement of the captain or owner’s vessel by another vessel in that season. If such a request is received by the Canadian Government, the Parties to this Treaty shall refer the request to an *ad hoc* panel established pursuant to the process in paragraph 1 (f) that shall approve the request provided that the replacement vessel meets the criteria set out in paragraph 1 (f).
- (f) If a request for vessel replacement by the owner of a Canadian vessel on the list in paragraph 1(a) is received by the Canadian Government prior to the commencement of the 2013 fishing season, the Parties to this Treaty shall convene, in a timely manner, an *ad hoc* panel to review the request and determine whether the request is warranted and, if so, to grant the request in accordance with the following criteria:
- The replacement vessel has an enforcement record acceptable to the Parties;
 - The replacement vessel has a history of fishing for albacore tuna in the EEZ of the United States;
 - The replacement vessel is one of the 179 vessels listed on the USA68 list;
 - The replacement vessel does not exceed the length overall of the original vessel it is replacing.

- (g) As soon as possible after receipt of the list of proposed fishing vessels, and subject to paragraph 1(f), the receiving Party shall determine whether the list received meets the criteria of paragraph 1(a) and shall so inform the other Party in order to enable the albacore fishery to proceed pursuant to this Treaty.
 - (h) Should one Party object to the inclusion of a particular vessel on the list of the other Party, the two Parties shall consult. Such objection may be made on the basis that the vessel in question has been involved in serious or repeated fisheries violations or offenses. In the event of consultations, actions pursuant to paragraph 1(e), with regard to other vessels shall not be delayed. Following consultations, each Party shall notify its respective vessels that both Parties agree that the vessel shall not be included on the list referred to in paragraph 1(f).
2. Each vessel, prior to entering and leaving the EEZ of a Party shall, if so required by that Party, inform the appropriate authorities and provide them with the vessel name, radio call sign or Vessel Identification Marking, captain or operator's name, and the reason why the vessel is in that Party's EEZ.
 3. When in the EEZ of the other Party, each vessel is required to have its name and radio call sign or Vessel Identification Marking prominently displayed where they are clearly visible both from the air and from a surface vessel.
 4. Each Party shall ensure that its vessels maintain accurate and complete records of catch, effort and other data on report forms provided by their respective governments while fishing pursuant to this Treaty. Each Party shall develop a real-time data protocol to report catches by the vessels of one Party fishing in the EEZ of the other Party. Any logbooks and related databases maintained by a Party shall be made available to the other Party regularly for verification purposes, subject to the Parties' respective rules on data confidentiality.

5. In order to obtain better information concerning the stocks of albacore tuna that migrate off the west coasts of the United States and Canada, each vessel engaged in fishing pursuant to this Treaty is required to provide to its government statistics and other scientific information on its operations in the EEZ of the other Party. Each Party shall provide to the other Party such information and in particular the amount (weight) and a sampling of biological data of albacore tuna caught by its vessels in the EEZ of the other Party. Each Party shall provide this information on an annual basis at least 30 days prior to the annual consultations referred to in paragraph 6. The Parties shall decide on other specific information to be provided, as well as the forms and procedures for providing such information.

6. The Parties shall consult annually, *inter alia*, to:
- (a) discuss data and information exchanged on albacore tuna fisheries under paragraph 5; and
 - (b) exchange information on their respective conservation and management measures for albacore tuna and on implementation of internationally agreed conservation and management measures applicable to the Parties related to fisheries covered under this Treaty.

Each Party shall also notify the other of the conservation and management laws and regulations applicable to vessels fishing its EEZ pursuant to Article I(b) of this Treaty.

ANNEX C

1. Each Party agrees to limit fishing by its respective vessels engaged in fishing for albacore tuna in the EEZ of the other Party, which is defined in Article I(b) of this Treaty, in accordance with the limitation regime (the "Regime") below. The Regime is defined to include the "fishing season" as set out in paragraph 2 and the "port access season" as set out in paragraph 3.
2. During the term of the Regime, a "fishing season" is defined as the period of fishing.
3. During the term of the Regime, a "port access season" is defined as the period in which fishing vessels fishing pursuant to this Treaty are authorized to enter the Canadian or American ports as listed in Annex B of this Treaty.

4. For the United States, the fishing season commences on June 15 and ends on October 31, 2013. The port access season commences on June 15 and ends on December 31, 2013.

5. For Canada, the fishing season commences on June 15 and ends on September 15, 2013. The port access season commences on June 15 and ends on September 15, 2013.

6. During the term of the Regime, Canada shall limit fishing for albacore tuna by its vessels in the EEZ of the United States to 45 troll vessels. The United States shall limit fishing for albacore tuna by its vessels in the EEZ of Canada to a number of vessels reflective of historical levels.

7. On or before December 31, 2013, the Parties shall consult with a view to negotiating an extension or a revision of the Regime, as appropriate, for a period of one or more years.

(a) A Party may only terminate the Regime by providing written notice to the other Party that during the course of 2013:

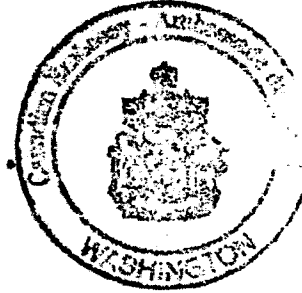
(i) an international fisheries management organization with competence over highly migratory species, such as the Inter-American Tropical Tuna Commission, has adopted a fisheries conservation and management measure for North Pacific albacore that requires one or both Parties to adopt a domestic management regime, structure or measure that may not be consistent with or may undermine the implementation of the Regime, or

(ii) as a result of domestic fisheries management requirements, regulation or laws, a Party must put in place measures for managing fisheries on albacore or associated species that may not be consistent with, or may undermine, the implementation of the Regime.

(b) Upon notification, the Parties shall consult, taking into account paragraph 3, to consider re-establishment of a reciprocal fishing regime for a subsequent year. Unless a Party notifies the other Party of its intention to terminate the regime in accordance with paragraph 7(a), the Regime terminates on December 31, 2013.”

If the above proposals are acceptable to the Government of the United States of America, I have the honour to propose that this Note, and your Excellency's affirmative Note in reply, which are equally authentic in the English and French versions, shall constitute an Agreement between our two Governments, which shall apply provisionally from the date of your Excellency's affirmative note in reply and which shall enter into force on the date of the second note that is part of a subsequent exchange of notes confirming the completion by each Party of all internal procedures necessary for its entry into force.

Please accept, your Excellency, the assurances of my highest consideration.



Gary Doer
Ambassador of Canada to the United
States of America



Washington, D.C. le 17 juin, 2013

Note WSHDC 225

Son Excellence John F. Kerry
Secrétaire d'États des États-Unis
d'Amérique

Excellence,

J'ai l'honneur de me référer aux amendements proposés aux annexes A et C du *Traité entre le gouvernement du Canada et le gouvernement des États-Unis d'Amérique concernant les thoniers (thon blanc) du Pacifique et leurs privilèges portuaires*, fait à Washington, D.C., le 26 mai 1981, tel qu'il a été amendé, comme les ont élaborés les délégations canadienne et américaine à Portland, en Oregon, les 16 et 17 avril 2013, qui sont reproduits intégralement ci-après et qui remplacent les annexes A et C existantes.

« ANNEXE A

1.

- a) Le gouvernement du Canada établit et maintient une liste des navires canadiens disposant d'un permis de pêche du thon blanc dans la zone économique exclusive (ZEE) des États-Unis; cette liste demeure inchangée pendant la saison de pêche 2013, et pendant toutes les saisons par la suite, et est décrite comme la liste USA68 à l'alinéa 1f). Le gouvernement du Canada n'effectue aucun ajout ou remplacement de navires et de permis connexes figurant sur la liste, sauf en application des alinéas 1e), 1f) et 1h), s'il y a lieu.
- b) Chaque Partie convient de fournir à l'autre Partie une liste de ses navires de pêche qui prévoient pêcher le thon blanc dans la ZEE de l'autre Partie, selon ce qui est décrit à l'article 1b) du présent Traité, pour la saison de pêche 2013. Cette liste indiquera:
 - i) le nom du navire;
 - ii) le port d'attache du navire;

- iii) l'indicatif radio ou la marque d'identification du navire qui identifie l'État du pavillon du navire («marque d'identification du navire»);
 - iv) le numéro d'immatriculation du navire de pêche;
 - v) le nom du capitaine ou de l'exploitant, s'il est connu;
 - vi) la longueur du navire.
- c) Pour le Canada, la liste des navires est acheminée aux États-Unis à partir du 1^{er} juin 2013. Pour les États-Unis, une liste provisoire est acheminée au plus tard le 1^{er} juillet 2013 et peut être révisée pendant la saison de pêche.
- d) En ce qui a trait à la liste des navires canadiens, elle demeure inchangée pour la saison de pêche 2013, selon la définition contenue au paragraphe 2 de l'annexe C, et par la suite. Le gouvernement du Canada n'effectue aucun ajout ou remplacement quant aux navires figurant sur la liste, sauf en application des alinéas 1e) ou f).
- e) Dans un cas de force majeure ou dans d'autres circonstances exceptionnelles se produisant pendant la saison de pêche 2013, le capitaine ou le propriétaire d'un navire figurant sur la liste canadienne mentionnée à l'alinéa 1a) peut présenter une demande au gouvernement du Canada pour le remplacement du navire de ce capitaine ou propriétaire par un autre navire pendant cette saison. Si le gouvernement du Canada reçoit une telle demande, les Parties au présent Traité la soumettent au groupe spécial mis en place en application du processus prévu à l'alinéa 1f), lequel groupe spécial approuve la demande dans la mesure où le navire de remplacement satisfait aux critères énoncés à l'alinéa 1f).
- f) Si, avant le début de la saison de pêche 2013, le gouvernement du Canada reçoit du propriétaire d'un navire canadien figurant sur la liste mentionnée à l'alinéa 1a) une demande de remplacement d'un navire, les Parties au présent Traité convoquent, en temps opportun, un groupe spécial afin qu'il examine la demande, qu'il détermine si elle est justifiée et, dans l'affirmative, qu'il l'accepte conformément aux critères suivants:
- le navire de remplacement a en matière d'application de mesures un dossier qui est acceptable pour les Parties;
 - le navire de remplacement a déjà servi à la pêche du thon blanc dans la ZEE des États-Unis;
 - le navire de remplacement est l'un des 179 navires figurant sur la liste USA68;
 - le navire de remplacement n'excède pas la longueur hors tout du navire original qu'il remplace.

- g) Dès que possible après la réception de la liste des navires de pêche proposés, et sous réserve de l'alinéa 1f), la Partie qui reçoit la liste détermine si la liste reçue satisfait aux critères énoncés à l'alinéa 1a) et en informe l'autre Partie afin de permettre la poursuite de la pêche du thon blanc en application du présent Traité.
- h) Les deux Parties se consultent lorsqu'une Partie s'oppose à l'inclusion d'un navire donné sur la liste de l'autre Partie. Une telle opposition peut reposer sur le fait que le navire en question a été impliqué dans des actes de violation ou des délits sérieux ou répétés liés aux pêches. En cas de consultations, des mesures prises en application de l'alinéa 1e) se rapportant à d'autres navires ne sont pas retardées. À la suite de consultations, chaque Partie informe ses propres navires que les deux Parties ont convenu que ces navires ne sont pas inclus sur la liste mentionnée à l'alinéa 1f).

2. Si une Partie l'exige, chaque navire, avant d'entrer dans la ZEE d'une Partie et de la quitter, informe les autorités compétentes et fournit le nom du navire, l'indicatif radio ou la marque d'identification du navire, le nom du capitaine ou de l'exploitant et la raison de la présence du navire dans la ZEE de cette Partie.

3. Lorsqu'il se trouve dans la ZEE de l'autre Partie, chaque navire est tenu d'afficher bien en vue son nom et son indicatif radio ou sa marque d'identification du navire à un endroit où ils sont clairement visibles, tant du haut des airs que sur un navire de surface.

4. Chaque Partie veille à ce que ses navires tiennent des dossiers précis et complets sur les prises et sur leurs efforts ainsi que les autres données se trouvant dans les formulaires de rapport fournis par leur gouvernement respectif lorsqu'ils pêchent en vertu du présent Traité. Chaque Partie élabore un protocole sur les données en temps réel en vue de produire des rapports sur les prises effectuées par les navires d'une Partie pêchant dans la ZEE de l'autre Partie. Les journaux de bord et bases de données connexes tenus par une Partie sont régulièrement mis à la disposition de l'autre Partie aux fins de vérification, sous réserve des règles respectives des Parties en matière de confidentialité des données.

5. Afin d'obtenir des renseignements plus pertinents au sujet des stocks de thon blanc qui migrent au large de la côte ouest des États-Unis et du Canada, chaque navire participant à la pêche en application du présent Traité est tenu de fournir à son gouvernement des statistiques et d'autres renseignements scientifiques sur ses activités dans la ZEE de l'autre Partie. Chaque Partie fournit ces renseignements à l'autre Partie, surtout la quantité (poids) et un échantillon des données biologiques du thon blanc pêché par ses navires dans la ZEE de l'autre Partie. Chaque Partie fournit annuellement ces renseignements au moins 30 jours avant les consultations annuelles mentionnées au paragraphe 6. Les Parties décident des autres renseignements particuliers à fournir, ainsi que des formulaires et procédures à utiliser pour fournir ces renseignements.

6. Les Parties se consultent annuellement entre autres pour:

- a) discuter des données et des renseignements sur la pêche du thon blanc échangés en application du paragraphe 5;
- b) échanger des renseignements sur leurs mesures respectives de conservation et de gestion du thon blanc et sur la mise en œuvre de mesures de conservation et de gestion convenues à l'échelle internationale applicables aux Parties et liées aux pêches visées par le présent Traité.

Chaque Partie informe également l'autre Partie des lois et règlements en matière de conservation et de gestion applicables aux navires qui pêchent dans sa ZEE conformément à l'article 1b) du présent Traité.

ANNEXE C

1. Chaque Partie convient de limiter la pêche effectuée par ses navires respectifs participant à la pêche du thon blanc dans la ZEE de l'autre Partie, qui est décrite à l'article 1b) du présent Traité, conformément au régime de limitation (le «régime») ci-dessous. Le régime est défini afin d'inclure la «saison de pêche», telle qu'elle est décrite au paragraphe 2, et la «saison d'accès aux ports», telle qu'elle est décrite au paragraphe 3.

2. Pendant la durée du régime, une «saison de pêche» est définie comme une période de pêche.

3. Pendant la durée du régime, une «saison d'accès aux ports» est définie comme la période pendant laquelle les navires de pêche qui pêchent en application du présent Traité sont autorisés à entrer dans les ports canadiens ou américains qui sont énumérés à l'annexe B du présent Traité.

4. Pour les États-Unis, la saison de pêche débute le 15 juin et prend fin le 31 octobre 2013. La saison d'accès aux ports débute le 15 juin et prend fin le 31 décembre 2013.
5. Pour le Canada, la saison de pêche débute le 15 juin et prend fin le 15 septembre 2013. La saison d'accès aux ports débute le 15 juin et prend fin le 15 septembre 2013.
6. Pendant la durée du régime, le Canada limite la pêche du thon blanc effectuée par ses navires dans la ZEE des États-Unis à 45 bateaux de pêche aux lignes traînantes. Les États-Unis limitent à un nombre de navires reflétant les niveaux antérieurs la pêche du thon blanc par ses navires dans la ZEE du Canada.
7. Au plus tard le 31 décembre 2013, les Parties se consultent en vue de négocier une prolongation ou une révision du régime, s'il y a lieu, pour une période d'un an ou plus.
 - a) Une Partie ne peut mettre fin au régime qu'au moyen d'un avis écrit transmis à l'autre Partie énonçant que, au cours de l'année 2013, selon le cas:
 - i) une organisation internationale de gestion des pêches ayant autorité sur les espèces de grands migrateurs, comme la Commission interaméricaine du thon tropical, a adopté une mesure de conservation et de gestion des pêches relative au thon blanc du Pacifique Nord qui nécessite qu'une Partie ou les deux Parties adoptent un régime, une structure ou une mesure de gestion interne pouvant ne pas être conforme à la mise en œuvre du régime ou pouvant la compromettre;
 - ii) en raison des exigences, règlements ou lois internes visant la gestion des pêches, une Partie doit mettre en place des mesures pour la gestion des pêches du thon blanc ou des espèces connexes pouvant ne pas être conforme à la mise en œuvre du régime ou pouvant la compromettre.
 - b) Après avoir été avisées, les Parties se consultent, et tiennent compte du paragraphe 3, afin de se pencher sur le rétablissement d'un régime de pêche réciproque pour une année suivante. À moins qu'une Partie informe l'autre Partie qu'elle a l'intention de mettre fin au régime en conformité avec l'alinéa 7a, le régime prend fin le 31 décembre 2013.»

Si les propositions ci-dessus agrément au gouvernement des États-Unis d'Amérique, j'ai l'honneur de proposer que la présente note, ainsi que la note affirmative donnée en réponse par Votre Excellence, dont les versions française et anglaise font également foi, constituent entre nos deux gouvernements un accord qui s'applique à titre provisoire à compter de la date de la note affirmative donnée en réponse par Votre Excellence et qui entre en vigueur à la date de la deuxième note faisant partie d'un échange ultérieur de notes confirmant l'achèvement de toutes les procédures internes nécessaires à son entrée en vigueur par chacune des Parties.

Je vous prie d'agréer, Excellence, l'assurance de ma très haute considération.

L'ambassadeur du Canada
auprès des États-Unis d'Amérique



Gary Doer



DEPARTMENT OF STATE

WASHINGTON

June 18, 2013

Excellency:

I have the honor to acknowledge receipt of your note No. WSHDC 225 dated June 17, 2013, which reads as follows in its entirety:

“Note No. WSHDC 225

I have the honour to refer to the proposed amendments to Annexes A and C of the *Treaty between the Government of Canada and the Government of the United States of America on Pacific Coast Albacore Tuna Vessels and Port Privileges* done at Washington, D.C., on 26 May 1981, as amended, as developed between the Canadian and U.S. delegations in Portland, Oregon, on April 16 and 17, 2013, which follow in their entirety and which shall replace the existing Annexes A and C.

ANNEX A

1.

- (a) The Canadian Government shall create and maintain a list of Canadian vessels with licenses permitting fishing for albacore tuna in the Exclusive Economic Zone (EEZ) of the United States and that list, described as the USA68 list in paragraph 1 (f), shall remain fixed for the 2013 fishing season and every season thereafter. The Canadian Government shall not add or replace

His Excellency

Gary A. Doer,

Ambassador of Canada.

DIPLOMATIC NOTE

vessels and associated licenses on the list except pursuant to paragraphs 1(e), 1(f) and 1(h), as appropriate.

- (b) Each Party agrees to provide to the other Party a list of its fishing vessels that propose to fish albacore tuna in the EEZ of the other Party, as defined in Article I(b) of this Treaty, for the 2013 fishing season. The list will include:
 - (i) Vessel name,
 - (ii) Home port,
 - (iii) Radio call sign or vessel identification marking that identifies the flag state of the vessel (“Vessel Identification Marking”),
 - (iv) Fishing vessel registration number,
 - (v) Captain or operator's name, if known, and
 - (vi) Vessel length.
- (c) For Canada, the list of vessels shall be transmitted to the United States by June 1, 2013. For the United States, a provisional list shall be transmitted by July 1, 2013, and may be revised during the fishing season.
- (d) With regard to the list of Canadian vessels, the list shall remain fixed for the 2013 fishing season as defined in paragraph 2 of Annex C and thereafter. The Canadian Government shall not add or replace vessels on the list except pursuant to paragraph 1(e) or (f).
- (e) In the event of *force majeure* or other exceptional circumstances that occur during the 2013 fishing season, a captain or owner of a vessel on the Canadian list in paragraph 1(a) may make a request to the Canadian Government for the replacement of the captain or owner's vessel by another vessel in that season. If such a request is received by the Canadian Government, the Parties to this Treaty shall refer the request to an *ad hoc* panel established pursuant to the process in paragraph 1 (f) that shall approve the request provided that the replacement vessel meets the criteria set out in paragraph 1 (f).

- (f) If a request for vessel replacement by the owner of a Canadian vessel on the list in paragraph 1(a) is received by the Canadian Government prior to the commencement of the 2013 fishing season, the Parties to this Treaty shall convene, in a timely manner, an *ad hoc* panel to review the request and determine whether the request is warranted and, if so, to grant the request in accordance with the following criteria:
- The replacement vessel has an enforcement record acceptable to the Parties;
 - The replacement vessel has a history of fishing for albacore tuna in the EEZ of the United States;
 - The replacement vessel is one of the 179 vessels listed on the USA68 list;
 - The replacement vessel does not exceed the length overall of the original vessel it is replacing.
- (g) As soon as possible after receipt of the list of proposed fishing vessels, and subject to paragraph 1(f), the receiving Party shall determine whether the list received meets the criteria of paragraph 1(a) and shall so inform the other Party in order to enable the albacore fishery to proceed pursuant to this Treaty.
- (h) Should one Party object to the inclusion of a particular vessel on the list of the other Party, the two Parties shall consult. Such objection may be made on the basis that the vessel in question has been involved in serious or repeated fisheries violations or offenses. In the event of consultations, actions pursuant to paragraph 1(e), with regard to other vessels shall not be delayed. Following consultations, each Party shall notify its respective vessels that both Parties agree that that vessel shall not be included on the list referred to in paragraph 1(f).

2. Each vessel, prior to entering and leaving the EEZ of a Party shall, if so required by that Party, inform the appropriate authorities and provide them with the vessel name, radio call sign or Vessel Identification Marking, captain or operator's name, and the reason why the vessel is in that Party's EEZ.

3. When in the EEZ of the other Party, each vessel is required to have its name and radio call sign or Vessel Identification Marking prominently displayed where they are clearly visible both from the air and from a surface vessel.
 4. Each Party shall ensure that its vessels maintain accurate and complete records of catch, effort and other data on report forms provided by their respective governments while fishing pursuant to this Treaty. Each Party shall develop a real-time data protocol to report catches by the vessels of one Party fishing in the EEZ of the other Party. Any logbooks and related databases maintained by a Party shall be made available to the other Party regularly for verification purposes, subject to the Parties' respective rules on data confidentiality.
 5. In order to obtain better information concerning the stocks of albacore tuna that migrate off the west coasts of the United States and Canada, each vessel engaged in fishing pursuant to this Treaty is required to provide to its government statistics and other scientific information on its operations in the EEZ of the other Party. Each Party shall provide to the other Party such information and in particular the amount (weight) and a sampling of biological data of albacore tuna caught by its vessels in the EEZ of the other Party. Each Party shall provide this information on an annual basis at least 30 days prior to the annual consultations referred to in paragraph 6. The Parties shall decide on other specific information to be provided, as well as the forms and procedures for providing such information.
 6. The Parties shall consult annually, *inter alia*, to:
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 - (b) exchange information on their respective conservation and management measures for albacore tuna and on implementation of internationally agreed conservation and management measures applicable to the Parties related to fisheries covered under this Treaty.
- Each Party shall also notify the other of the conservation and management laws and regulations applicable to vessels fishing its EEZ pursuant to Article I(b) of this Treaty.

ANNEX C

1. Each Party agrees to limit fishing by its respective vessels engaged in fishing for albacore tuna in the EEZ of the other Party, which is defined in Article I(b) of this Treaty, in accordance with the limitation regime (the "Regime") below. The Regime is defined to include the "fishing season" as set out in paragraph 2 and the "port access season" as set out in paragraph 3.
2. During the term of the Regime, a "fishing season" is defined as the period of fishing.
3. During the term of the Regime, a "port access season" is defined as the period in which fishing vessels fishing pursuant to this Treaty are authorized to enter the Canadian or American ports as listed in Annex B of this Treaty.
4. For the United States, the fishing season commences, on June 15 and ends on October 31, 2013. The port access season commences on June 15 and ends on December 31, 2013.
5. For Canada, the fishing season commences on June 15 and ends on September 15, 2013. The port access season commences on June 15 and ends on September 15, 2013.
6. During the term of the Regime, Canada shall limit fishing for albacore tuna by its vessels in the EEZ of the United States to 45 troll vessels. The United States shall limit fishing for albacore tuna by its vessels in the EEZ of Canada to a number of vessels reflective of historical levels.
7. On or before December 31, 2013, the Parties shall consult with a view to negotiating an extension or a revision of the Regime, as appropriate, for a period of one or more years.
 - (a) A Party may only terminate the Regime by providing written notice to the other Party that during the course of 2013:
 - (i) an international fisheries management organization with competence over highly migratory species, such as the Inter-American Tropical Tuna Commission, has adopted a fisheries conservation and management measure for North Pacific albacore that requires one or both Parties to adopt a domestic management regime, structure or measure that may not be consistent with or may undermine the implementation of the Regime, or

- (ii) as a result of domestic fisheries management requirements, regulation or laws, a Party must put in place measures for managing fisheries on albacore or associated species that may not be consistent with, or may undermine, the implementation of the Regime.
- (b) Upon notification, the Parties shall consult, taking into account paragraph 3, to consider re-establishment of a reciprocal fishing regime for a subsequent year. Unless a Party notifies the other Party of its intention to terminate the regime in accordance with paragraph 7(a), the Regime terminates on December 31, 2013.

If the above proposals are acceptable to the Government of the United States of America, I have the honour to propose that this Note, and your Excellency's affirmative Note in reply, which are equally authentic in the English and French versions, shall constitute an Agreement between our two Governments, which shall apply provisionally from the date of your Excellency's affirmative note in reply and which shall enter into force on the date of the second note that is part of a subsequent exchange of notes confirming the completion by each Party of all internal procedures necessary for its entry into force."

My Government concurs with the proposed amendments to the Annexes to the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges. Therefore, your Excellency's note, together with this note in reply, which are equally authentic in the English and French languages, shall constitute an Agreement between our two Governments, which shall apply provisionally from the date of this note and which shall enter into force on the date of the second note that is

part of a subsequent exchange of notes confirming the completion by each Party of all internal procedures necessary for its entry into force.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

A handwritten signature in black ink, appearing to read "David Balton". The signature is written in a cursive style with a large initial 'D' and 'B'.

David A. Balton
Deputy Assistant Secretary
Oceans and Fisheries