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**GUIDE FOR COMPLYING WITH THE VESSEL
FISHING REQUIREMENTS OF THE
U.S. - CANADA ALBACORE TREATY**

JUNE 2005

This guide is intended to help owners and operators of West Coast albacore fishing vessels understand what their obligations are if they wish to fish for albacore in Canadian waters, transit through Canadian waters without fishing, or use Canadian ports during the 2005 summer albacore fishing season. This guide has been updated for the 2005 fishing season and is intended to provide practical information and advice; however, any inadvertent difference between this guide and the regulations will be resolved by following the regulatory language found at: <http://swr.nmfs.noaa.gov/news/Rule4-30.pdf>

Q. What is the U.S.-Canada Albacore Treaty?

The Treaty is a 1981 agreement between the governments of Canada and the United States, amended in 2002, and codified by law in April, 2004. It allows U.S. vessels to fish for albacore in Canadian waters seaward of 12 miles from shore and Canadian vessels to fish for albacore in U.S. waters seaward of 12 miles from shore. The Treaty also allows Canadian vessels to use certain U.S. ports to obtain supplies and services and to land fish, and it allows U.S. vessels to use certain Canadian ports for the same purposes. The Treaty also calls for exchange of fisheries data between the governments of the two nations.

Q. In general, what do the regulations require?

The regulations establish vessel marking, record keeping, and reporting requirements for U.S. albacore tuna fishing vessel operators and for Canadian albacore tuna fishing vessel operators when they are fishing in U.S. waters. In addition, the U.S. and Canada have agreed to establish limits on reciprocal fishing access so that, over a period of 3 years, the number of fishing vessels that will be permitted to fish under the Treaty will decrease.

Q. How does the fishing access limit work?

The fishing access limit can be set by each nation as either a maximum number of individual vessels from one nation that can fish in waters of the other nation for up to 4 months in a single year; or a maximum number of vessel months that vessels of one nation can spend in the waters of the other nation in a single year. The U.S. will use vessel months. The National Marine Fisheries Service (NMFS) believes this approach is the easiest to design and allows the most flexibility to U.S. vessels. Using the vessel months approach, when a U.S. flag vessel enters Canadian waters, even if only for a day, it is counted as one vessel month. If a vessel continues to fish for albacore in Canadian waters into another calendar month it is counted as another vessel month. NOAA Fisheries will simply track vessel traffic back and forth across the border, count the number of vessel months, and close further fishing in Canadian waters when the limit is reached.

Q. What are the fishing access limits?

In the first year of implementation (2004), the U.S. was limited to 680 vessel months. In 2005, the limit was scheduled to drop to 560 vessel months, and in 2006 to 500 vessel months. If no agreement is reached with Canada to extend this arrangement or to put another limit regime into effect, then, beginning in 2007, the limit will drop indefinitely to 375 vessel months per year. In any year that the albacore fishing fleet uses less than their assigned quota, the remainder will be added to the next year's vessel month quota. However, the additional quota can not exceed the maximum quota allowed in the previous year.

Q. What are the vessel month limits for the U.S. and Canada in 2005?

Including vessel months carried over from 2004, the limit in 2005 for U.S. vessels fishing in the Canadian EEZ is 680 vessel months. The Canadian limit in the U.S. EEZ, including vessel months carried over from 2004, totals 601 vessel months.

Q. How will the U.S. or Canadian fleet know if the vessel month limit is reached in either EEZ?

NMFS will use several means to announce a closure. These include Notice to Mariners capability (as used in groundfish fisheries), notices on the Southwest Region (SWR) and Northwest Region (NWR) home pages, notices to port masters, and notices to fishermen's organizations by e-mail and fax. The fleet at sea will also be notified by ShipCom, the contractor selected to receive fishing reports from albacore fishing vessels. The Canadian government will use similar means to notify their flag vessels of a closure, including the Canadian Coast Guard station at Tofino.

Q. What Canadian ports are U.S. albacore fishing vessels allowed to use?

The Canadian ports that U.S. vessels fishing under the Treaty may use are Coal Harbour, Port Hardy, Prince Rupert, Victoria, Vancouver, and Ucluelet. Canadian vessels fishing under the treaty in U.S. waters may use the ports of Bellingham and Westport, Washington; Astoria, Coos Bay, and Newport, Oregon; Eureka, California.

Q. I am not an albacore fishermen but I transit through Canadian waters to fish in Alaska. How do the regulations affect me?

The Treaty does not affect the rights of U.S. vessels to transit Canadian waters. However, vessels transiting Canadian waters must hail-in to the Canadian Coast Guard at Tofino. In addition, you are required to have your gear stowed in an unfishable condition while you are transiting.

Q. If I am interested in fishing in Canadian waters, what do I have to do?

U.S. albacore vessels wishing to fish in Canadian waters must be identified on the U.S. albacore vessel list; mark their vessels with name and registration number; maintain and submit logbooks; and report when they enter and leave Canadian waters (reporting will be accomplished via ShipCom LLC and more information about this process is provided below).

Q. Is a permit required to participate in the U. S.-Canada Albacore Treaty fishery?

No permit is required by the Treaty; however, the Pacific Highly Migratory Species Fishery Management Plan requires that all U.S. vessels that fish for albacore in the U.S. EEZ along the Pacific coast or deliver fish to U.S. ports have a valid HMS vessel permit. In addition, all U.S. vessels that fish on the high seas are required to have a valid High Seas Fishing Compliance Act Permit (HSFCA).

Q. How do I get on the U.S. albacore list?

If you landed albacore in Washington, Oregon, or California in 2004 you are most likely on the 2005 list that is provided to the Canadian government and ShipCom. However, it is strongly recommended that you confirm that you are on the list by contacting Richard Ranta, Northwest Region, National Marine Fisheries Service at: 7600 Sand Point Way, NE, Seattle, WA 98115-6349, Phone: (206)526-6114, FAX:(206)526-4461, or e-mail: Richard.Ranta@noaa.gov. The following information must be provided: (1) vessel name; (2) home port; (3) vessel registration number (Coast Guard Documentation Number or State vessel registration number); (4) the captain or operator's name if known.

Q. Can I get on the list after the season has started?

You may get on the list after the season starts, but you must allow a minimum of 7 days from the time you register to the time you begin fishing. The 7-day delay is necessary to ensure that NMFS has enough time to provide updated information to Canada and to ShipCom, LLC, the contractor who will be taking reports prior to entry to Canadian waters to fish.

Q. What kind of vessel marking is required?

Your vessel must be clearly marked with its name and documentation (Coast Guard Registration or State Registration) number. Vessel markings must be clearly visible both from the air and from a surface vessel. In addition, the letter A U@ must be painted or securely affixed to the

vessel and be positioned at the end of each appearance of the vessel's documentation number. The letter should be of the same size and color as the identification numbers used on the vessel.

Q. What are the logbook requirements?

Use the logbook you received with your HMS vessel permit to record all your fishing activities in U.S. and Canadian waters. Be sure you have a page for every day you plan to spend in Canadian waters. The logbook must be submitted to the Southwest Fisheries Science Center within 15 days of the end of a trip regardless of whether the trip ends by reentry to U.S. waters, entry into other Canadian waters where fishing is not permitted, or a Canadian port. If you have departed from Canadian waters into the high seas, the logbook must be submitted within 7 days of your next landing. If you **do not** fish in Canadian waters, the logbook must be submitted within 30 days of the end of the trip.

Q. If I don't have a logbook, how do I get one?

To obtain a logbook contact Mr. John Childers, Southwest Fisheries Center, 8604 La Jolla Shores Drive, La Jolla, CA, telephone, (858) 546-7192, e-mail: john.childers@noaa.gov. You may also download and the copy the logbook from the SWFSC home page at: <http://swfsc.ucsd.edu/frd/HMS/Large%20Pelagics/Albacore/albie01.htm>

Q. What are the border crossing requirements?

U.S. albacore fishing vessels must report to ShipCom 24 hours before entering Canadian waters and within 24 hours after leaving Canadian waters. In addition, Canadian regulations require vessels to report to the Canadian Coast Guard at Tofino at least 24 hours prior to entering Canadian waters and 72 hours before leaving Canadian waters.

Q. What is the reporting procedure?

You must set up an account with ShipCom, LLC, the company selected to accept hail-in, hail-out messages through WLO Radio. The ShipCom application form is attached to this document or can be downloaded at: <http://www.albacoretreaty.org>. If you are unable to download the form, you can obtain assistance by calling ShipCom at 1-800-633-1312. The registration fee is \$25.00 per year, and the cost of reporting will vary depending upon the method of communications you select. Vessels may be patched directly to the Canadian Coast Guard at the end of filing their report with WLO or KLB radio. This service is provided as a convenience so that the vessel need only make one radio communication. The vessel should simply ask the operator to connect them with the Canadian Coast Guard.

Q. What kind of border crossing information do I have to provide?

You must provide your vessel name, vessel documentation number, home port, flag state, Captain's name, and the date when you plan to enter or leave Canadian waters. When you contact ShipCom LLC, the marine operator will ask a series of questions to be sure that your report is clear as to dates and area as well as vessel name. At the end of the call, you will receive

a confirmation number that you should keep on your vessel or have available to refer to in the event you are questioned either in Canadian waters or in a Canadian port. The record will demonstrate that you complied with call-in requirements. You have the option of reporting via land line, cell or satellite phone to (800) 654-5497; e-mail to: albacore@shipcom.com; single side band radio to station KLB (Seattle, WA) ITU channels 417, 805, 1209, 1624 or to station WLO (Mobile, A1) ITU channels 405, 824, 1212, 1641, 1807, 2237.

Q. What if I don't call in prior to entering Canadian waters?

If you enter Canadian waters without reporting you will be fishing illegally and may be arrested and prosecuted either by Canada or the U.S.

Q. What if I don't call in before leaving Canadian waters?

Keep in mind that fishing in any day of the month counts as fishing for the whole month. If you do not hail-out prior to leaving, you will be assumed to be fishing, and if this time period extends into another month, then that will count against the total monthly limit of the U.S. A month counted against the U.S. by your vessel is then not available to someone who might be able to use it.

Q. Will vessels from Canada have these same reporting requirements?

Yes, Canadian vessels will make the same reports prior to entering and leaving U.S. waters.

Q. Does this reporting procedure replace the current A hail report@ I have made in earlier years to Canadian officials?

This reporting procedure replaces hail reports only for vessels operating under the requirements associated with fishing for albacore under the Treaty. If you are on a vessel entering Canadian waters from the West Coast to transit to fish off Alaska, then you will have to report to Canadian Tofino Coast Guard by radio as required in the past.

Q. How will NOAA Fisheries and Canada use these reports?

Both NOAA Fisheries and the Canadian Department of Fisheries and Oceans will have access to all report information on a real time basis. Because we will all have access to the same data, there should be no disagreements about the number of vessels or amount of fishing done by those vessels in each nation's waters. Obviously, a vessel from one nation found fishing in waters of the other nation without prior reporting is fishing illegally. Maintaining a record of your confirmation number after you've reported is important in the documentation process in the event you are boarded by the Coast Guard and your fishing activities are questioned.