



# WESTERN FISHBOAT OWNERS ASSOCIATION<sup>©</sup>

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Don McIssac - Executive Director  
Pacific Fisheries Management Council  
7700 NE Ambassador Place, Ste 200  
Portland, OR 97220-1384

March 13, 2006

Re: U.S. / Canada Albacore treaty information

Dear Mr. McIssac:

In regards to the U.S. / Canada albacore treaty which is now on the councils agenda, Western Fishboat Owners Association has been involved in the original treaty negotiations in the late 1970's and early 1980's which led to the implementation of the treaty in 1981. Since then the treaty has been modified twice. Once in 1996 added access ports to each side, and again in a full negotiation process from 2000-2003 that resulted in effort caps on each side. Thus, I am writing this letter not with any specific recommendations for the renewal of negotiations beginning in 2006 but as a background of the treaty for yourself and members of the council.

The U.S./Canada treaty was an indirect result of the original Magnuson Act establishing a 200 mile EEZ, in the late 1970's. At the time there was an abundance albacore off British Columbia and U.S. boats did well in the region. There was also a limited Canadian troll effort in the albacore fishery especially in the U.S. zone. The U.S. position at the time was not to recognize the 200-mile Canadian EEZ in regards to highly migratory species since this included albacore that transcended all boundaries with no national claim to the stocks. However, in the late 1970,s 19 U.S. albacore vessels were seized by Canada while fishing with 200 miles of the Canadian shoreline. This action resulted in the establishment of the treaty and unloading privileges in each nations ports.

In 1996 WFOA worked with the Department of State to get two additional ports added to each side. From 1996 to 2000 the Canadian albacore fleet dramatically increased in size probably because of restrictions on their salmon fisheries and other regulatory factors. WFOA began to recognize that with the increasing numbers of Canadians fishing in the U.S. EEZ crowding issues on the fishing grounds became a problem.

Thus, with problems on the fishing grounds WFOA pursued effort caps on both sides. Negotiations lasted almost two and a half years and ratification and implementation took a year longer than anticipated. At early sessions the Canadian government actually proposed increases in numbers to more than 400 vessels which the U.S. rejected. Finally agreement was made on a three-year effort reduction based on the choice of number of vessels or

vessels months. The U.S. generally would only fish in Canadian waters August and September because of water patterns and weather while the Canadians fish in U.S. waters for four months. By using vessel months the U.S. vessels in theory could actually have twice the concentration of vessels in Canadian waters if weather patterns prevail and fish were in the Canadian EEZ. Since the early 1990's little U.S. effort has occurred in Canada. In the first two seasons under this regime the Canadians have nearly used up all their vessel months over the season while the U.S. has barely used any.

Beginning in 2007 if there is no agreement the vessel level will be 94 on each side or 376 vessel months. At this point it looks as if the Canadians will be pared down to that default number as they have established a 94 vessel 'A' permit list and all others on a "B" list of two month permits that are being phased out. The U.S. would most likely remain on a vessel month system since there are no criteria established for issuing permits under a number of vessel regime.

I think it maybe premature to have much council involvement in the treaty as 2006 is yet to play out and there will be no changes made until at least 2007. This is an international treaty very specific to two countries and one gear type. I see the councils efforts should be more directed at the larger picture of getting caught up on issues involving both the WCPFC and the IATTC. To start involvement with micro segments of the albacore catch effort maybe an inefficient use of time and create confusion with some that may not be familiar with the treaty and its' history.

Also, WFOA has yet to establish a position to take to new negotiations later this year. We have segments of the fleet that want the treaty entirely eliminated and segments that want it open. But more and more of our U.S. members agree that we probably cannot have any increases over the default level of 94 vessels. We cannot get the feeling of our membership until our April meeting in Astoria, Oregon. We do expect the Canadian government to push for increasing numbers again. Also looking forward to this coming albacore season crowding on the grounds and market gluts could be magnified by the severe salmon restrictions placed on the U.S. salmon trollers, which will force many of them into fishing for albacore off the west coast.

Thus, we ask the council to tread lightly on this issue and be prepared to support the U.S. fishermen and processors with a uniform position on the future of the treaty.

Sincerely,

Wayne Heikkila  
Executive Director

cc: Mark Helvey, NMFS  
Dave Hogan, U.S. Department of State

attch: U.S./Canada albacore treaty  
Vessel requirements under the treaty (WFOA)

**Treaty between CANADA and the UNITED STATES OF AMERICA**  
**Washington, DC, May 26,1981**

In force July 29,1981

**TREATY BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON PACIFIC COAST ALBACORE TUNA VESSELS AND PORT PRIVILEGES**

The Government of Canada and the Government of the United States of America, Desiring to cooperate in matters concerning the albacore tuna fishery off the Pacific Coast of Canada and the United States, Desiring to benefit the fishing industries involved in that fishery, and Taking into account the deliberations of the Third United Nations Conference on the Law of the Sea in the field of fisheries:

Have agreed as follows:

**ARTICLE 1**

Without prejudice to the respective juridical positions of both Parties regarding highly migratory species of tuna, each Party shall:

- a) ensure that all its vessels engaged in fishing for albacore tuna in waters under the fisheries jurisdiction of the other Party shall do so in accordance with this Treaty;
- b) permit fishing vessels of the other Party to fish for albacore tuna in waters under its fisheries jurisdiction beyond twelve nautical miles of the baselines from which the territorial sea is measured, in accordance with Annex "A" to this Treaty and subject to other applicable laws and regulations.

**ARTICLE 2**

Vessels of the United States of America fishing pursuant to this Treaty shall be authorized to enter the Canadian ports listed in Annex "B" to this Treaty and to use Canadian facilities and services, subject to compliance with applicable customs, navigation, safety, environmental and other laws and regulations pertaining to port privileges, and payment of applicable albacore tuna landing fees provided that such fees do not discriminate according to nationality, for the following purposes:

1. to land their catches of albacore tuna without the payment of duties and
  - a) tran-ship them in bond under customs supervision to any port of the United States of America; or
  - b) sell them for export in bond; or
  - c) sell them locally on payment of the applicable customs duty; and
2. to obtain fuel, supplies, repairs and equipment on the same basis as albacore tuna vessels of the other Party.

**ARTICLE 3**

Canadian vessels fishing pursuant to this Treaty shall be authorized to enter the United States ports listed in Annex "B" to this Treaty and to use United States facilities and services, subject to compliance with applicable customs, navigation, safety, environmental, and other laws and regulations pertaining to port privileges, and payment of applicable albacore tuna landing fees provided that such fees do not discriminate according to nationality, for the following purposes;

1. to land their catches of albacore tuna without the payment of duties and
  - a) tran-ship them in bond under customs supervision to any port of Canada; or
  - b) sell them for export in bond; or

- c) sell them locally on payment of the applicable customs duty; and
2. to obtain fuel, supplies, repairs and equipment on the same basis as albacore tuna vessels of the other Party.

#### ARTICLE 4

Neither Party shall, pursuant to its fisheries legislation, prohibit the importation into its territory of Pacific albacore tuna and products from the other Party as a consequence of a dispute arising in other fisheries.

#### ARTICLE 5

1. Vessels of each Party which are not in compliance with this Treaty are subject to enforcement action by the other Party when engaged in fishing for Pacific albacore tuna in waters under the fisheries jurisdiction of the other Party.
2. Arrested vessels and their crews shall be promptly released, subject to such reasonable bond or other security as may be determined by the court.
3. Enforcement actions under this Treaty shall not include imprisonment.
4. In the case of seizure and arrest of a vessel by the authorities of one Party, notification shall be given promptly through diplomatic or consular channels informing the other Party of the action taken and of any penalties subsequently imposed.

#### ARTICLE 6

1. Either Party may at any time request consultations on the interpretation or application of this Treaty. Such consultations should commence as soon as practicable but in any case not later than sixty days from the date of receipt of the request for consultations, unless otherwise agreed by the Parties.
2. In the event of a dispute arising between the Parties concerning the interpretation or application of this Treaty, the Parties shall consult with a view to resolving the dispute by negotiation.

#### ARTICLE 7

The Annexes may be amended by the Government of Canada and the President of the United States through an Exchange of Notes.

#### ARTICLE 8

This Treaty shall enter into force upon the exchange of instruments of ratification at Ottawa. After two years from the date of entry into force, either Party may give written notice to the other Party to terminate this Treaty. The Treaty shall terminate on December 31 of the calendar year following that in which such notice was received by the other Party.

In WITNESS WHEREOF, the undersigned, being duly authorized by their respective governments, have signed this Treaty.

Done at Washington in duplicate, in the English and French languages, both versions being equally authentic, this Twenty-sixth day of May, 1981.

PETER TOWE  
For the Government of Canada

WILLIAM CLARK  
For the Government of the United States of America

#### ANNEX A

- 1.a) Each Party agrees to provide annually to the other Party a list of its fishing vessels which propose to fish albacore tuna off the coast of the other Party. The list will include;

- (i) vessel name;
  - (ii) home port;
  - (iii) radio call sign;
  - (iv) fishing vessel registration number, and
  - (v) captain or operator's name, if known.
- b) Each Party may provide the other Party with additions or deletions to its list at any time
- c) As soon as possible after receipt, and subject to paragraph I(d) below, the receiving Party shall satisfy itself that the list received meets the criteria of paragraph I (a) and shall inform the other Party in order to enable the albacore fishery to proceed pursuant to this Treaty.
- d) Should, due to serious or repeated fisheries violations or offenses, one Party object to the inclusion of a particular vessel on the list of the other Party, paragraph I (c) with regard to other vessels shall not be delayed. Following the two Parties shall consult. In this event, actions pursuant to consultations, each Party shall notify its vessels which both Parties agree shall not be included on the list referred to in paragraph I (c).
2. If required by either Party, each vessel shall, upon entering and at least 24 hours prior to leaving the fishing zone of such Party, so inform the appropriate authorities and provide the vessel name, radio call sign and captain or operator's name.
  3. When in the fishing zone of the other Party, each vessel shall have its name and radio call sign prominently displayed where they will be clearly visible both from the air and from a surface vessel.
  4. Vessels of both Parties shall keep accurate log records while fishing pursuant to this Treaty.
  5. In order that better information on the stocks of albacore tuna which migrate off the west coasts of the United States and Canada may be obtained, each vessel engaged in fishing pursuant to this Treaty shall provide to its government statistics and other scientific information on its operations in the fishing zone of the other Party. Each Party shall provide to the other Party twice yearly such information and in particular the amount (number and weight) of albacore tuna caught by its vessels in waters under the fisheries jurisdiction of the other Party. Other specific information to be provided, as well as the forms and procedures for providing such information, shall be agreed upon by the two Parties.

ANNEX B

1. Fishing vessels of the United States of America shall, pursuant to Article 11, be authorized to enter the following ports located in Canada:
  - Coal Harbour
  - Port Hardy
  - Prince Rupert
  - Victoria
  - Vancouver
  - Ucluelet
2. Canadian fishing vessels shall, pursuant to Article 3, be authorized to enter the following ports located in the United States of America:
  - Astoria
  - Bellingham
  - Coos Bay
  - Eureka
  - Newport
  - Westport

Requirements for Vessels Fishing under the U.S.-Canada Albacore Treaty  
June 2004

The final rule to implement the U.S./Canada Treaty was filed with the Federal Register on May 28 and will publish June 4; it was effective June 1, as planned. Diplomatic notes were exchanged, and the Treaty is in effect. The Secretary of State approved the regulations in writing on May 28 and (more importantly) the NSC cleared followed by the White House and the President signed the ratification of this Amendment to the Treaty.

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**U.S. Fishermen:** By now you may have received a list of requirements to fish under the new revised treaty. This information is available at: <<http://www.albacoretreaty.org>> or also on a link on the WFOA website. This is a simplified explanation.

**Canadian Fishermen:** You are required to obtain a licence at which time you will be provided with the management plan, a letter, and instructions on setting up an account with ShipCom to meet the U.S. government reporting requirements. This can be accessed at: <<http://www-ops2.pac.dfo-mpo.gc.ca/xnet/content/MPLANS/MPlans.htm>> For questions contact Lisa Mijacikal at: <[MijacikaL@pac.dfo-mpo.gc.ca](mailto:MijacikaL@pac.dfo-mpo.gc.ca)>

**I want to fish albacore. What do I do now?**

✓ **Paint your documentation number on port, starboard, and top:** The new treaty changes vessel numbers for identification required from the Radio Call Sign to the Documentation Number. Paint these on each side of hull or pilothouse and one visible from the air of reasonable size. Also if you are a U.S. vessel a "U" is required behind the documentation number, and if you are Canadian a "C" is required. These should be in caps and as large as the numerals.

THE 'U' or the 'C' only applies if you fish albacore in the other nations waters under the treaty. If you do not go into the other's waters, you are not required to paint the letter. "Example Below"

**567-876U** U.S. vessels fishing in Canadian waters



**665-987C** Canadian vessels fishing in U.S. waters

✓ **Get on the NMFS list or DFO list (if Canadian):** No permit is required for U.S. vessels but you must make sure your vessel is on the list of vessels we provide to Canadian fishery officials every year (Canada provides us with a comparable list) before the season starts. **WFOA submits all paid up members to NMFS annually, if you are a WFOA member you are on the list and it will be submitted soon to NMFS!**

To find out whether or not your vessel is on the list, or to get on the list, contact 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 <[Richard.Ranta@noaa.gov](mailto: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. You may get on the list after the season starts, but you must allow a minimum of seven days from the time you register to the time you begin fishing. The 7-day delay is necessary to ensure that NOAA Fisheries has enough time to provide updated information to Canada and to ShipCom, LLC, the contractor who will be taking the calls prior to entry to Canadian waters to fish.

✓ **Obtain Logbook:** Once your vessel is added to the list, you will receive a copy of the U.S. Albacore Logbook. If

you do not receive the logbook, contact: John Childers, SWFSC, (858) 546-7192. You must complete the log for all your fishing activity in Canadian waters, and must be submitted to the Regional Administrator within 15 days of the end of a trip regardless of whether the trip ends by reentry to U.S. waters, entry into Canada's territorial sea, 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 seven days of your next landing.

✓ **Report:** 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 can be downloaded at: [www.albacoretreaty.org](http://www.albacoretreaty.org) or call ShipCom at 1-800-633-1312. The fee is \$25.00 per year, and the cost of reporting will vary depending upon the method of communications you select. The vessel should simply ask the operator to connect them with the Canadian Coast Guard. This service is provided as a convenience so that the vessel need only make one radio communication.

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; FAX, (251) 666-8339; e-mail to [albacore@shipcom.com](mailto: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.

#### Summary:

1. Get on the list with NMFS, through them or as a WFOA member
2. Add documentation numbers to both sides of your hull and top of pilot house, with U or C after number
3. Obtain and keep logbook (required under treaty as well as the FMP)
4. Register with Ship Com for check in and check out
5. Go fishing and make sure you check in and check out and turn in your logbook

**Non Albacore Transit etc.:** If you never fish for albacore in Canadian waters, you are not affected. However, Canadian hail-in requirements will continue to apply to transiting vessels, and you will be required to have your gear stowed in an unfishable condition while you are transiting.

**Treaty Ports:** The ports U.S. vessels fishing under the Treaty may use are Coal Harbour, Port Hardy, Prince Rupert, Victoria, Vancouver, and Ucluelet. The ports Canadian vessels fishing under the treaty are allowed to use are Bellingham, Westport, Ilwaco/Astoria, Newport, Coos Bay, and Eureka.

**FMP?:** There is no U.S. permit under the treaty, however, there will be a new permit issued to U.S. vessels under the PFMC FMP this year. This will be free and you will receive an application from NMFS soon.



**IMPORTANT:** There possibly could be new requirements imposed on Canadian and U.S. vessels entering U.S. ports from the Department of Homeland Security. This may treat albacore vessels as "bulk carriers" and require a number of new and higher fees and check in procedures with customs and immigration. Also it is rumored that all areas outside the U.S. EEZ would be treaty as a "Foreign Port" for purposes of loading cargo (fish). We have received no definitive answer on this as of today, but will put any new requirements on the WFOA website and out on email. Many buyers and other organizations have been in contact with congressional reps and senators on this matter. There is a possibility that vessels under 300gt may be exempt but again no definitive answer! Prior to entering check with your buyer for any new details. Also contact your congressional reps and harbor districts to express your concerns about this! WFOA is doing all we can and will update any and all resolutions of this matter ASAP!

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Albacore Treaty Reporting System  
Requirements

Attention All Vessels -  
New Requirements for the 2005 Season Click Here

CFO/NOAA has released a new "Users Guide" for Albacore Fishermen  
it contains updated information for the 2005 season.  
To download the guide, click one of the links below:

- \* Download in Word .doc format
- \* Download in Adobe .pdf format
- \* Download in html format

Vessels participating in the Albacore Treaty Reporting System must register and  
establish an account with ShipCom, LLC. Payment must be made via Visa,  
MasterCard, American Express, or Discover credit or debit cards.

To establish an account, go to [www.albacoretreaty.org](http://www.albacoretreaty.org) and print the appropriate form  
(i.e., Canadian or U.S.). Complete this form and either FAX it to (251) 666-8339 or  
MAIL it to:

ShipCom/Albacore  
7700 Rinla Avenue  
Mobile, AL 36619

You may also call 1-800-633-1312 and request the form via fax.

There is a start up registration fee of \$25.00 for U.S. vessels and \$45.00 for Canadian  
vessels to cover cost of program development. The following year both countries'  
vessels will pay a \$25.00 registration fee.

Registered vessels will receive a substantial discount on High Seas Ship to Shore  
radiotelephone calls from ShipCom. We have established a special rate of  
\$1.99/minute (3 minute minimum) for non albacore related calls from vessels registered  
under this program. In addition crewmembers may place collect calls at the same rate.  
(\$1.25 collect call fee applies)

Vessels should assure that their radios are programmed for the following ITU channels:  
For station KLB (Seattle, WA) ITU channels 417, 805, 1209, 1624  
For station WLO (Mobile, Al) ITU channels 405, 824, 1212, 1641, 1807, 2237

A radio test should be conducted by vessels with either WLO or KLB radio prior to  
departure. The frequencies for these stations are also available at [www.shipcom.com](http://www.shipcom.com).

Operators are on duty 24 hours per day 7 days per week to assist with radio checks  
and to answer any questions you may have regarding frequencies or procedures.

The preferred method for Hail In or Hail Out reports is via HF SSB voice by calling KLB

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or WLO on any of our listed channels. Reports may also be filed via email to [albacore@shipcom.com](mailto:albacore@shipcom.com) or by telephoning 1-800-654-5497.

Upon filing a hail report, the vessel will receive a transaction confirmation code. This code is the vessel's receipt, which can be used to verify the transaction if any question should arise at a later date. It is important to note this code in your Logbook.

Reports must include the following information, unless already collected:

- 1) Vessel name
- 2) Vessel Registration or Documentation number
- 3) Home Port
- 4) Flag State
- 5) Captain's name
- 6) Type of report (Start Fishing, Stop Fishing, Transiting, Change of Intent, or Cancellation)

If a report is for start fishing or stop fishing the date of starting or stopping. If a report is for vessel transiting, the report must include the entry date. Vessels are required by US regulation to file a report at least 24 hours prior to beginning fishing and 24 hours prior to or upon exit from United States fisheries waters after stopping fishing.

Vessels are also required by Canadian regulation to contact the Canadian Tofino Coast Guard radio. 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.

If you should have any questions regarding this system, please contact the ShipCom operator.

### New Requirements for 2005 Vessels

Please Read Carefully

6. Information reports required to be made by the vessel master to USA authorities and Canadian authorities:

When reports are required:

- (1) At least 24 hours prior to entering U.S.A. fisheries waters to
  - (a) start fishing in U.S.A. fisheries waters, or
  - (b) to transit U.S.A. fisheries waters.

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(Hail Out Report)

(2) No later than 24 hours after stopping fishing in U.S.A. fisheries waters.

(Hail In Report)

(3) When changing

(a) plans to start fishing as previously notified in a Hail Out Report, or

(b) destination zone as previously notified in a Hail Out Report.

(Changing Intent Report)

How reports are to be made to USA authorities:

Communications must be made to ShipCom via:

(a) Station KLB (Seattle, WA) ITU channels 417, 805, 1209, 1624;

(b) Station WLO (Mobile, AL) ITU channels 405, 824, 1212, 1641, 1807, 2237;

(c) by using a satellite phone or cellular phone and dialing 1-800-654-5497

How reports are to be made to Canadian authorities:

Communications must be made to Tofino Coast Guard Radio via:

(a) VHF channel 26 (within a 60 mile range);

(b) MF channel 2054 (within a 200 mile range);

(c) HF channel 4125 (within a 400 mile range); or

(d) by using a satellite phone or cellular phone and dialing 250-726-7716.

What must be reported:

(1) Hail Out Report: The following information must be reported to ShipCom and Tofino Coast Guard for a vessel starting to fish, making subsequent trips after a Hail In Report or transiting U.S.A. fisheries waters:

(a) vessel name;

(b) flag state;

(c) vessel master name;

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- (d) vessel registration number;
- (e) home port;
- (f) destination zone; and
- (g) if fishing, anticipated start date; or
- (h) if transiting, anticipated date of entry into and exit from U.S.A. fisheries waters.

Note: A vessel that has filed a Hail Out Report to enter U.S.A. fisheries waters solely for the purpose of transit must have its gear stowed in unfishable condition and leave U.S.A. fisheries waters and file a second Hail Out report prior to re-entering U.S.A. fisheries waters to start fishing.

(2) Hail In Report: The following information must be reported to ShipCom and Tofino Coast Guard when a vessel stops fishing in U.S.A. fisheries waters:

- (a) vessel name;
- (b) verification number;
- (c) flag state;
- (d) vessel master name;
- (e) vessel registration number;
- (f) home port; and
- (g) date fishing ceased.

Note: A vessel that has filed a Hail Out Report will be presumed to still be fishing until a Hail In Report is filed. Vessels entering and exiting USA fisheries waters to access port are not required to file Hail In reports unless there is intent to not continue fishing into the following calendar month or the vessels season is complete. A second Hail Out report can be filed if the intent is to commence fishing.

(3) Change of Intent Report:

The following information must be reported if the vessel master changes plans to start fishing, changes the destination zone or cancels a fishing trip, after making a Hail Out

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Report:

- (a) vessel name;
- (b) verification number;
- (c) new destination zone; and
- (d) cancellation date or intent to start fishing date.

Note: A vessel must file a Change of Intent Report if changing destination zones to fish in Canada after filing a Hail Out report. Additional Hail Out reports can be filed to provide a start date for subsequent trips for fishing in U.S.A. fisheries waters.