



**West Coast Seafood Processors Association**

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November 7, 2016

David Hogan, Deputy Director  
Office of Marine Conservation  
US Department of State  
2201 C St., NW  
Washington DC 20520

Re: Support for U.S./Canada Albacore Treaty Fishing Regime

Dear David:

I am writing to express support on behalf of the West Coast Seafood Processors Association (WCSPA) for continuance of the fishing regime established under the U.S./Canada Treaty on Pacific Coast Albacore Tuna Vessels and Port Privileges (Albacore Treaty). WCSPA represents U.S.-owned seafood processors and supporting businesses in Oregon, Washington, and California. Our members are involved in the Albacore Treaty regime through the purchase of albacore from both U.S. and Canadian fishermen and through our participation in the management process via the Pacific Fishery Management Council.

The reciprocal fishing regime is a key element of the Albacore Treaty and must be renewed for upcoming fishing years. The existence of this regime has led to cooperation between the U.S. and Canada industry and scientists on data collection, enforcement, and in international forums charged with the conservation and management of albacore tuna. Furthermore, Canadian landings of albacore have a small but measurable positive economic impact on West Coast fishing communities. For many reasons, it is important to continue to provide fishermen from both the U.S. and Canada with opportunities to access fish and port services in each other's countries under the fishing regime established by the Albacore Treaty.

Thank you for your attention to this important matter. We look forward to continuing to participate in the Albacore Treaty regime and management process. Please contact me if you have any questions.

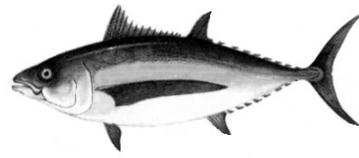
Sincerely,

A handwritten signature in black ink that reads "Lori L. Steele". The signature is written in a cursive, flowing style.

Lori Steele  
Executive Director

cc: Chuck Tracy, Pacific Fishery Management Council  
Nancy Fitzpatrick, OR Albacore Commission

# WESTERN FISHBOAT OWNERS ASSOCIATION



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David Hogan  
U.S. Dept of State  
LES/OMC, Room 2758  
2201 C Street NW  
Washington, DC 20520  
Via Email: "Hogan, David F (OES)" <Hogandf@state.gov>

November 8, 2016

Re: US/Canada Albacore Treaty

Dear Dave:

Western Fishboat Owners Association (WFOA) conducted a poll of our U.S. member vessel owners from September 1, 2016 – October 15, 2016 concerning their opinions on the US/Canada Albacore treaty and its future. The poll also gave an opportunity to comment on specific issues member had.

The WFOA poll had a good response rate and a majority of the respondents favored an extension of the present regime. The WFOA board discussed the response on November 2, 2016 and determined that the position of WFOA at this time is to request the U.S. government pursue a resumption of negotiations as soon as practical to achieve a fishing regime in 2017 and beyond if certain conditions are addressed. These conditions are but not limited to:

Language on U.S. credit and allocation for Canadian albacore caught in the U.S. EEZ needs to be clarified and strengthened to the benefit of the US fleet and any future international albacore quotas imposed on the U.S. This issue is probably the most important issue that needs a resolution in order to move forward.

Canadian vessel numbers with access to the U.S. EEZ will remain at 45 vessels or lower

U.S. vessel access to Canada will remain at historic levels as they are in the present regime

A copy of the 2014 diplomatic notes will be made public prior to any negotiations

Improved and streamlined process for port access into Canada by U.S. vessels

Expedited exchange of landings and catch data by Canada (similar to the U.S. with Pac Fin updated on a regular basis). Catch data within territorial waters should also be collected.

NMFS, CHMSF, or DFO Logbooks be required on Canadian vessels fishing in US EEZ and data turned in to NMFS under same requirements as U.S. vessels

Canadian vessels should be required to check in and out through the USCG as the US vessels are required to do. USCG future budgets should reflect this necessity

The conditions listed above are the major points we would like addressed and resolved in order to move forward into the 2017 albacore season. Other issues and details can be resolved in upcoming negotiations and with input from the industry stakeholders.

WFOA believes a discussion on the season dates may also be timely. More jig/troll caught albacore usually is available in early June and potential conflicts on the fishing grounds is more apt to occur after September 1. A two week move from June 15 – Sept 15th season for Canadians in the US EEZ to a June 1- Aug 31 may make more sense to avoid issues. More jig caught albacore are usually available also in September in Canada as live bait methods produce the most in US waters.

WFOA as always is willing to work with the US Dept of State and NOAA/NMFS on this issue in the coming months.

Sincerely,



Wayne Heikkila  
Executive Director

cc: Heidi Taylor NOAA/NMFS  
Chuck Tracy - PFMC



November 8, 2016

Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, Oregon  
97220-1384

Dear Council Members:

The Pacific Fishery Management Council (PFMC) is a long-established and effective management body that prioritizes public participation in its decision-making process. It is, therefore, a privilege to have the opportunity to submit comments and address participants on the Canada – United States Pacific Albacore Tuna Treaty (the Treaty). The Treaty is an issue of importance to Canada and the United States (U.S.), particularly our citizens in the Pacific Northwest.

Canada and the U.S. have a long history of strong relations featuring exemplary cooperation and common principles, including with respect to fisheries management. The Treaty is a prime example of the special relationship that our countries enjoy.

The Treaty was signed 35 year ago, in 1981, but fishing activity by each country outside the 12-mile territorial limit of the other predates the establishment of exclusive economic zones. Over this time, our albacore tuna vessels have enjoyed expanded fishing and port access opportunities while our fleets have established good working relationships. Also, continued cooperation between our fish harvesters and government officials strives to further improve the ability of harvesters to safely and efficiently access North Pacific albacore tuna while ensuring its effective management.

Canada is aware of characterizations of the Treaty as being disproportionately beneficial to Canadian vessels. I view this characterization as an oversimplification and one that is rooted in a period that does not reflect the current reality. While Canada has certainly benefited from the Treaty, the agreement is of considerable value to the United States and this value seems only to be increasing. From 2013 to 2015, albacore fishing in Canadian waters was quite lucrative, likely on account of warmer waters in the North Pacific Ocean off the coast of British Columbia.

Accordingly, a yearly increase of U.S. vessels entering Canadian waters under the Treaty to fish and access ports has been observed during these years. In fact, the number of unique U.S. vessels occurring in Canadian waters has now surpassed the number of Canadian vessels in U.S. waters and preliminary information indicate that this will once again be the case in 2016.

The number of vessels from one country accessing the waters of the other has varied over time as changing ocean conditions dictate where fishable concentrations of albacore tuna are found. Recent evidence would suggest that increasing variability will become the norm as time goes on. We are seeing increasing ocean temperatures and hearing reports of fish stocks occurring in areas seldom, or never, witnessed before. In such a scenario, maintaining the flexibility for Canadian and American albacore tuna fleets to seek fishing opportunities in both jurisdictions would seem to be a pragmatic long-term strategy.

Benefits derived under the Treaty are not restricted to fishing and port access opportunities. Rather, bilateral cooperation under the Treaty fosters a close working relationship between our countries that benefits other species that we both manage such as salmon, Pacific halibut, and hake.

Internationally, our relationship has been the foundation for coordinated efforts in the Western and Central Pacific Fisheries Commission to advance a precautionary approach management framework for North Pacific albacore tuna.

As you are aware, the Fishing Regime that operationalizes the Treaty expires at the end of 2016. Canada has been clear in its support for negotiations on a new fishing regime in the hopes that acceptable terms can be agreed, which would enable the continuation of the positive relationship we have fostered on albacore tuna.

My understanding is that many U.S. albacore tuna harvesters also support negotiations on a new fishing regime. Given this support, the mutual benefits outlined above, and the uncertain ocean conditions that we increasingly face, I would ask that the PFMC strongly consider the best interests of its fishery and recommend that the U.S. enter into bilateral talks on a new fishing regime so that our traditional cooperation may continue.

I look forward to hearing the results of the PFMC discussion on highly migratory species, particularly with respect to negotiations on a new fishing regime under the Treaty. In the near future, I am hopeful that Canadian and American colleagues will sit down for negotiations and, by doing so, will extend our long-running and fruitful cooperation.

*[Signed]*

**James Hill**

Consul General of Canada, Seattle



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Mr. Dave Hogan  
US Department of State  
Washington, DC

The American Albacore Fishing Association, which represents commercial albacore pole and line and troll fishermen who collectively harvest almost half of the total US albacore catch, appreciates this opportunity to comment on the US-Canada Albacore Treaty (“Treaty”). The current reciprocal fishing regime expires on December 31, 2016; and as we consider how, or whether, to proceed with the Treaty or a possible regime moving forward we would like to offer the following for consideration.

A recently completed survey of AAFA members showed a majority of our members do not want to consider a regime moving forward. The reasons are many; but primary amongst those is a belief that the current Treaty/regime does not go far enough to protect the interests of US based albacore harvesters. We believe there is no formal mechanism in place which ensures that albacore harvested by Canadian fishermen in the US EEZ will be properly allocated to the US fishery. If the diplomatic notes had been shared, as has been requested repeatedly, this belief could be proven unfounded. In fact, a statement in a letter from the Department of State to Senator Murkowski seems to stand for the proposition that the diplomatic notes for the current regime (2014 – 16) have not yet been exchanged (see below).

AAFA members have expressed a willingness to consider supporting a future regime provided the diplomatic notes creating the 2013 regime and 2014-16 regime are made available to stakeholders and the following are reflected in any language which authorizes any future regime:

1. The Parties agree that the portion of any national allocation received by Canada and the United States attributable to the catch taken in the EEZ of the other country shall be reallocated by each country to the country in whose EEZ that catch was taken, or shall otherwise implement the national allocations in a manner that ensures respective future fishing opportunities under international management reflect total catches in each country’s EEZ;
2. The number of Canadian vessels allowed in the US EEZ remains at 45 or less;
3. Mechanisms which improve port access procedures for US vessels entering Canadian Ports. Consider differences and how to ease process depending on reasons for visiting Canadian Ports. For example, should a US vessel picking up crew in Canada be subject to same procedures as a US vessel unloading their catch in Canada?

4. Explore the possibility of changing the “fishing season” for Canadian vessels to June 1 – August 31. This does not reduce the number of days Canadian vessels could access the US EEZ; but rather reflects the reality that the fishery turns from predominantly a jig fishery to a bait fishery towards the beginning of September.
5. Regarding the data exchange, we would like expedited catch data and the exchange thereof. One option that may help alleviate the data uncertainties (see below) would be requiring Canadian vessels fishing in the US EEZ to complete the same logbooks as those required for US fishermen.

### **How did we get here?**

As you will recall, when this subject was last before the Council (March of this year), we submitted comments which highlighted some of our concerns. In our February 15 letter<sup>1</sup> we pointed out:

- Data had not yet been received for the 2015 season. On May 4<sup>th</sup>, the Data Exchange Working Group had its annual call where preliminary catch data was shared. This data is available within the current HMS SAFE Report<sup>2</sup>. While we appreciate the availability of this data, we would like to point out discrepancies which makes it more difficult to properly evaluate the benefits of the Treaty. For example, in Table 2 (*Landings of Albacore (by country of landing port) by Canadian and U.S. Albacore Troll and Pole-and-Line Vessels in the North Pacific Ocean*<sup>3</sup>) the DFO estimates US vessels landed 756 mt in Canadian Ports, while NOAA estimates this figure as 522 mt. In terms of the number of US vessels that landed fish in Canada and the number of landings, DFO estimates that 19 vessels made 30 landings; while NOAA estimates 12 vessels made 19 landings.

We submitted Supplemental Comments dated March 12 which highlighted additional concerns, including<sup>4</sup>.

- Stakeholders had not received a copy of the diplomatic notes from the last negotiation authorizing the 2014 – 16 fishing regime. In the Council’s Decision Summary Document from the March 2016 meeting it “urged the State Department to convene a similar meeting [US delegation meeting] in the Fall to review information collected on the 2016 fishing season, diplomatic notes exchanged during the current fishing regime, and any relevant information from international efforts.<sup>5</sup>” To date, no US delegation meeting has been scheduled, very preliminary 2016 landing data is included in the Briefing Book<sup>6</sup> and the State Department has yet to provide stakeholders with any diplomatic notes.

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<sup>1</sup> [http://www.pcouncil.org/wp-content/uploads/2016/03/F4d\\_Sup\\_PubCom\\_MAR2016BB.pdf](http://www.pcouncil.org/wp-content/uploads/2016/03/F4d_Sup_PubCom_MAR2016BB.pdf)

<sup>2</sup> See - <http://www.pcouncil.org/highly-migratory-species/stock-assessment-and-fishery-evaluation-safe-documents/current-hms-safe-document/u-s-canada-albacore-treaty-data-exchange/>

<sup>3</sup> [http://www.pcouncil.org/wp-content/uploads/2016/06/US\\_Canada\\_ALB\\_Treaty\\_Data\\_Exchange\\_20160504\\_final\\_revised.htm](http://www.pcouncil.org/wp-content/uploads/2016/06/US_Canada_ALB_Treaty_Data_Exchange_20160504_final_revised.htm)

<sup>4</sup> [http://www.pcouncil.org/wp-content/uploads/2016/03/F4d\\_Sup\\_PubCom2\\_MAR2016BB.pdf](http://www.pcouncil.org/wp-content/uploads/2016/03/F4d_Sup_PubCom2_MAR2016BB.pdf)

<sup>5</sup> See page 3 - <http://www.pcouncil.org/wp-content/uploads/2016/03/0316decisions.pdf>

<sup>6</sup> [http://www.pcouncil.org/wp-content/uploads/2016/10/13\\_Att2\\_albacore\\_landings\\_NOV2016BB.pdf](http://www.pcouncil.org/wp-content/uploads/2016/10/13_Att2_albacore_landings_NOV2016BB.pdf)

- Canadian catch of albacore in the US EEZ should be attributed to the US. With international emphasis on developing a MSE for North Pacific albacore, it is foreseeable that catch limits could be considered in the event the stock is ever overfished and/or subject to overfishing. This makes it even more imperative that a “national catch allocation system” be implemented if there are future regimes. The Council previously recommended such a system in March of 2012 when Dr. McIsaac, in a letter to Sam Rauch, wrote – “In the event that an international fisheries management organization such as the InterAmerican Tropical Tuna Commission (IATTC) adopts measures for international management of North Pacific albacore using a national catch allocation system, the Parties agree that the portion of any national allocation received by Canada and the United States attributable to the catch taken in the EEZ of the other country shall be reallocated by each country to the country in whose EEZ that catch was taken, or shall otherwise implement the national allocations in a manner that ensures respective future fishing opportunities under international management reflect total catches in each country’s EEZ.”<sup>7</sup> This same language was included in a March 13, 2013 letter from the Council to Dr. Keri-Ann Jones, Assistant Secretary of the State Department<sup>8</sup> Without the benefit of the Diplomatic Notes, we do not know whether this national catch allocation system has been discussed, negotiated and/or incorporated into the Treaty and/or Notes effectuating the current regime.

Since the March Council meeting various legislators corresponded with the State Department regarding the Treaty.

- Senators Murkowski and Sullivan along with Congressmen Young, Huffman and Hunter submitted a letter to the State Department on June 24, 2016 asking the “State Department to provide explanation (*sic*) on the status of, as well as to make progress on, the below terms and work with stakeholders and Congress to increase and improve communication and transparency as the next round of Treaty negotiations approaches.
  1. Release to stakeholders draft copies of the 2013 diplomatic notes for stakeholder review, final copies of the 2009 and 2013 notes, copies of the Letter of Intent signed by State Department to Canada, and a profile of historic catch including a definition of pre-1998 catch levels for the US EEZ;
  2. Confirm that regardless of vessel flag or origin, albacore tuna caught within the US EEZ will accrue to US albacore catch account contained in the final exchange of 2013 diplomatic notes;
  3. Work with stakeholders to establish a structured stakeholder engagement process in order to determine the future of the Treaty, including scheduling a sufficient number of meetings to set a US position on any potential future Treaty amendments that would establish equity and reciprocal access for American fishermen;
  4. Improve transparency and responsiveness of the State Department towards the stakeholders, including ensuring industry representatives are included in discussions

<sup>7</sup> [http://www.pcouncil.org/wp-content/uploads/E2a\\_ATT4\\_RAUCH\\_US\\_CANADA\\_JUN2012BB.pdf](http://www.pcouncil.org/wp-content/uploads/E2a_ATT4_RAUCH_US_CANADA_JUN2012BB.pdf)

<sup>8</sup> [http://www.pcouncil.org/wp-content/uploads/I3a\\_ATT2\\_USCAN\\_TRTY1211\\_MAR2013BB.pdf](http://www.pcouncil.org/wp-content/uploads/I3a_ATT2_USCAN_TRTY1211_MAR2013BB.pdf)

and provided timely notification of future discussions; and

5. Request from the government of Canada data on the amount of albacore caught by Canadian fishermen within twelve nautical miles of the Canadian coast so US interests have a complete understanding of where the majority of the Canadian albacore fishery occurs; such a request is supported by US albacore fishermen and the Pacific Fisheries Management Council.”
- On July 14, Julia Frifield, Assistant Secretary Legislative Affairs with the State Department replied. In her response, Ms. Frifield states, “The Department will also soon be consulting with stakeholder groups on the language reiterating our arrangement with the Government of Canada, dating back to 2008, regarding catch history accrued in association with the Treaty. This will be presented to Canada in a separate letter to accompany the exchange of diplomatic notes concluding the amendment of the Treaty Annexes to reflect the 2013 – 16 regime. The diplomatic notes contain only the text of the amendments as agreed between the Department of State and Canada Department of Fisheries and Oceans in negotiations in which all stakeholder groups participated.” A plain reading of this leads us to believe that the diplomatic notes for the current regime (which ends in less than two months) were not completed or exchanged on July 14, 2016. As such, we have no idea what the understanding is regarding catch history and how that has been memorialized via a writing. We ask that this separate letter be made available to stakeholders.
  - On July 29, Senators Wyden, Cantwell, Merkley and Murray along with Congressmembers Bonamici, DeFazio and Schrader submitted a letter to Acting Assistance Secretary Ambassador Judith G. Garber of the Bureau of Oceans and International Environmental and Scientific Affairs. In this letter, the authors “ask that you take these following steps to ensure that the United States, and -our\_constituent stakeholders, are well-prepared for the possible next round of negotiations.
    1. Diplomatic Notes. We request that you release the full and complete current and previous diplomatic notes for the Treaty. We understand that American fishermen were told they would have the diplomatic notes earlier this year.
    2. Stakeholder Engagement. We urge the State Department to work with fishermen, processors and other stakeholder groups, leading up to, and throughout, negotiations for the future of this Treaty. Further, we ask that the State Department make these plans available to the public prior to the conclusion of the 2016 season.
    3. Pre-1998 Catch Data. We urge you to request the release of albacore catch data by US and Canadian fishermen in US, Canadian and international waters.
    4. Crediting United States Albacore Catch. We request confirmation that albacore tuna caught in the US EEZ will be credited to the United States albacore catch record regardless of the vessel flag of origin. There is currently a dearth of data on the total amount of tuna that is being harvested in US and this data is essential to scientifically sound management of total catch for both the United States and Canada.

5. Canadian Catch Data. We urge you to request that the government of Canada provide data on the harvest of albacore caught by Canadian fishermen within twelve nautical miles of the Canadian coast prior to the year 1988. This information is important to a complete understanding of the percentage of albacore harvested in US as opposed to Canadian waters.”

It was requested the State Department reply by September 15, 2016. As of the middle of October, we believe, no such response was submitted.

### **Conclusion**

While a majority of AAFA’s members oppose continuation of the current regime; AAFA is willing to consider future regimes provided we are provided with the diplomatic notes authorizing the 2013 and 2014-16 regimes. Additionally, it is imperative that language be drafted and agreed upon which credits Canadian catch of albacore in the US EEZ to the US and vice versa. We would prefer this language be included within the Treaty itself so that it would survive termination of any possible future regimes.

We thank you for considering our comments.



Natalie Webster

Director of Operations, American Albacore Fishing Association

CC: Pacific Fishery Management Council  
Barry Thom, NMFS  
Heidi Taylor, NMFS  
Kit Dahl, PFMC  
Wayne Heikkila, WFOA

Att (in electronic pdf format):  
6-24 Albacore Treaty Sen Murkowski Letter  
7-14 DOS Albacore Treaty Response to Sen Murkowski  
7-29 Albacore Treaty Sen Wyden Letter

**Congress of the United States**  
Washington, DC 20515

June 24, 2016

Ambassador Judith G. Garber  
Acting Assistant Secretary  
Bureau of Oceans and International Environmental and Scientific Affairs (OES)  
U.S. State Department  
2201 C Street, N.W.  
Washington, D.C. 20520

Dear Ambassador Garber:

We write regarding 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 (Treaty). We are concerned with a number of overdue action items involving the Treaty. Furthermore, we take issue with how the U.S. State Department's Office of Marine Conservation has managed the stakeholder participation process for U.S. commercial albacore fishery to the Treaty.

Albacore fisheries take place along the western seaboard of the United States from California to Alaska. The Treaty allows each party to fish in the territorial waters of the other party. Since its entry into force in 1981, the Treaty has heavily favored and benefited Canadian fishermen over U.S. fishermen. U.S. fishermen have fished significantly in Canadian waters in only three of the 35 years of the Treaty's existence. Canadian fishermen, however, have consistently fished the U.S. zone, harvesting over 80 percent of their total albacore catch annually in U.S. waters.

While some of the U.S. albacore fishermen's concerns have been addressed in past negotiations, many grievances raised during the 2002 and in subsequent negotiations remain. Since 1998, the Canadian fleet has more than doubled its fishery in terms of catch and fleet capacity. This growth in the Canadian fishery has placed undue pressure on the U.S. fishery, resulting in a reduced U.S. fleet in terms of size and effort and a corresponding diminished U.S. albacore harvest. Due to these inequities, prior to the last round of negotiations in 2012, the entire U.S. albacore fleet was united in its position to suspend the fishing regime as defined by Annex C of the Treaty. Despite this, the State Department, in the absence of the stakeholders, negotiated a continued fishing regime with Canada. Although the Department assured our constituents the last regime would constitute a phase out of reciprocal fishing, the Department has not followed protocol to secure this agreement through the exchange of diplomatic notes. Further, the exchange of notes should serve to secure that all albacore caught in U.S. waters should accrue to the total U.S. historical albacore catch account.

In addition, we are concerned by the lack of communication, transparency, and responsiveness of the U.S. State Department's Office of Marine Conservation towards the U.S. albacore fishermen. We are worried about the basic protocols not being executed by the State Department and further worried by the fact that our constituents receive meeting information

after the fact or at the last minute.

Specifically, as we head into the next negotiation, the Department has not yet finalized the previous agreement through the required exchange of the diplomatic notes. Without this exchange, the fishing regime is not formally brought into force. Beyond bringing the Treaty into force, these notes are crucial to the United States, as they would memorialize the agreements reached in those negotiations, including the U.S. intent to phase out reciprocal fishing. Further, the Pacific Fisheries Management Council wrote two separate letters to the Department continuing to remind the Department of the vital importance of including text in the diplomatic notes to memorialize the agreement reached among the parties that all catches of albacore caught in the U.S. Exclusive Economic Zone (EEZ) accrue to the U.S. country catch account for potential allocation of albacore on the high seas.

The exchange of notes and formal agreement with Canada is vital, and overdue, as international organizations such as the Western Central Pacific Fisheries Commission and the Inter-America Tropical Tuna Commission embark on a process that could require member nations to define albacore quota and allocate catch. The State Department should always seek to level the playing field so as to ensure a fair competition for U.S. fishermen in international fisheries management. This goal is essential on the high seas, but even more critical when negotiating treaties within our EEZ.

In 2004 Congress requested the State Department define pre-1998 Canadian albacore catch levels in U.S. waters and ensure Canadian catch effort does not increase beyond this level. The Pacific Fishery Management Council (Council) and Congress, on behalf of the stakeholders, requested this information again in 2012. Then Acting Assistant Administrator for National Oceanographic and Atmospheric Administration, Sam Rauch, and State Department Assistant Secretary for Bureau of Oceans, International Environmental and Scientific Affairs, Dr. Kerri-Ann Jones, stated in separate letters sent in response to the Council that the agencies would present the historic fishing effort as mandated by Congress. Unfortunately, this action item continues to remain incomplete. Finally, after the last negotiations the stakeholders were informed that the Department sent a letter of intent to Canada at the Undersecretary level notifying the Canadians of the United States' intent to phase out reciprocal fishing but this letter has never been shared with the stakeholders, despite repeated requests to the Department for a copy.

In order to make a judicious determination on the continued merits of the Treaty, the industry and stakeholders require this information. We ask the State Department to provide explanation on the status of, as well as to make progress on, the below items and work with stakeholders and Congress to increase and improve communication and transparency as the next round of Treaty negotiations approaches.

1. Release to stakeholders draft copies of the 2013 diplomatic notes for stakeholder review, final copies of the 2009 and 2013 notes, copies of the Letter of Intent by State Department to Canada, and a profile of historic catch including a definition of pre-1998 catch levels for the U.S. EEZ;

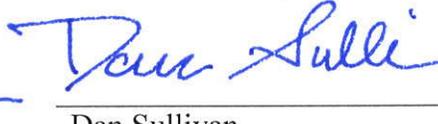
2. confirm that regardless of vessel flag of origin, albacore tuna caught in the U.S. EEZ will accrue to U.S. albacore catch account contained within the final exchange of the 2013 diplomatic notes;
3. work with stakeholders to establish a structured stakeholder engagement process in order to determine the future of the Treaty, including scheduling a sufficient number of meetings to set a U.S. position on any potential future Treaty amendments that would establish equity and reciprocal access for American fishermen;
4. improve transparency and responsiveness of the State Department towards the stakeholders, including ensuring industry representatives are included in discussions and provided timely notification of future discussions; and
5. request from the government of Canada data on the amount of albacore caught by Canadian fishermen within twelve nautical miles of the Canadian coast so U.S. interests have a complete understanding of where the majority of the Canadian albacore fishery occurs; such a request is supported by U.S. albacore fishermen and the Pacific Fisheries Management Council.

We know the State Department conducts vital international work on many issues of great importance to the United States and we thank you for your good efforts. We also thank you for your attention to our concerns. We look forward to working with you to support the U.S. albacore fleet.

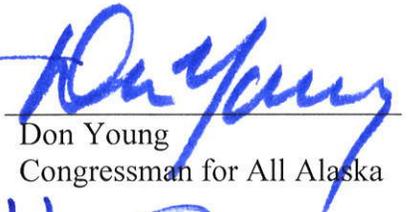
Sincerely,



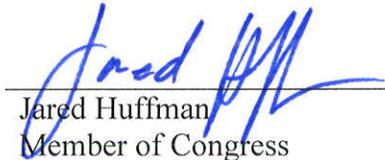
Lisa Murkowski  
United States Senator



Dan Sullivan  
United States Senator



Don Young  
Congressman for All Alaska



Jared Huffman  
Member of Congress



Duncan Hunter  
Member of Congress



United States Department of State

Washington, D.C. 20520

JUL 14 2016

The Honorable  
Lisa Murkowski  
United States Senate  
Washington, DC 20510

Dear Senator Murkowski:

Thank you for your letter of June 24 regarding 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 (the Treaty). We welcome the opportunity to provide information on the status of the Treaty and our engagement with all stakeholders as we work to represent their interests as part of the broader U.S. interests in the ongoing implementation of the Treaty.

The Department of State has consistently worked to include all stakeholder interests as we engage with the Government of Canada on negotiations under the Treaty. In addition to federal and state government agencies, harvesting stakeholders and their associations, including the American Albacore Fishing Association, the Oregon Albacore Commission, the Washington Trollers Association, and the Western Fishboat Owners Association, have been invited to participate on delegations for all bilateral negotiations and Treaty consultations. Most recently, on May 19, 2016, stakeholder representatives participated with the U.S. and Canadian delegations that met via teleconference to conduct the annual bilateral consultation and data exchange under the Treaty. The Department also engages with stakeholders through the Pacific Fisheries Management Council.

We consult stakeholder groups on their views and concerns each time we develop our positions and negotiation strategies. Their interests have driven the U.S. position in the successive re-negotiations of the reciprocal fishing regime over the past decade.

At the urging of U.S. industry, the Department of State, working with the National Oceanic and Atmospheric Administration, secured steady reductions to Canadian fishing in U.S. waters beginning in 2003, culminating in our action to suspend the fishing regime altogether in 2012. For 2013 and 2014-2016, the Department of State negotiated a further reduction of Canadian vessels, to 45 per year. To date, both the United States and Canada have acted consistent with the

amendments to the Treaty Annexes as negotiated. Last year, 42 Canadian vessels fished in U.S. waters and 39 U.S. vessels fished in Canadian waters. Incidents of overcrowding and negative behavior on the fishing grounds have been virtually eliminated.

As we enter the third and final year of the current regime, we maintain the position that industry requested: that this regime represents a phase-out of reciprocal fishing. We expect that the Government of Canada will again seek to renew the reciprocal fishing regime, but we will not determine our next steps until we receive definitive positions from U.S. stakeholders.

The Department will also soon be consulting with stakeholder groups on the language reiterating our arrangement with the Government of Canada, dating back to 2008, regarding catch history accrued in association with the Treaty. This will be presented to Canada in a separate letter to accompany the exchange of diplomatic notes concluding the amendment of the Treaty Annexes to reflect the 2013-2016 regime. The diplomatic notes contain only the text of the amendments as agreed between the Department of State and the Canadian Department of Fisheries and Oceans in negotiations in which all stakeholder groups participated.

We remain committed to continuing our ongoing and close collaboration with all U.S. stakeholders on these important issues.

We hope this information is useful. Please do not hesitate to contact us if we can be of further assistance on this or any other matter.

Sincerely,



Julia Frifield  
Assistant Secretary  
Legislative Affairs

**Congress of the United States**  
Washington, DC 20515

June 24, 2016

Ambassador Judith G. Garber  
Acting Assistant Secretary  
Bureau of Oceans and International Environmental and Scientific Affairs (OES)  
U.S. State Department  
2201 C Street, N.W.  
Washington, D.C. 20520

Dear Ambassador Garber:

We write regarding 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 (Treaty). We are concerned with a number of overdue action items involving the Treaty. Furthermore, we take issue with how the U.S. State Department's Office of Marine Conservation has managed the stakeholder participation process for U.S. commercial albacore fishery to the Treaty.

Albacore fisheries take place along the western seaboard of the United States from California to Alaska. The Treaty allows each party to fish in the territorial waters of the other party. Since its entry into force in 1981, the Treaty has heavily favored and benefited Canadian fishermen over U.S. fishermen. U.S. fishermen have fished significantly in Canadian waters in only three of the 35 years of the Treaty's existence. Canadian fishermen, however, have consistently fished the U.S. zone, harvesting over 80 percent of their total albacore catch annually in U.S. waters.

While some of the U.S. albacore fishermen's concerns have been addressed in past negotiations, many grievances raised during the 2002 and in subsequent negotiations remain. Since 1998, the Canadian fleet has more than doubled its fishery in terms of catch and fleet capacity. This growth in the Canadian fishery has placed undue pressure on the U.S. fishery, resulting in a reduced U.S. fleet in terms of size and effort and a corresponding diminished U.S. albacore harvest. Due to these inequities, prior to the last round of negotiations in 2012, the entire U.S. albacore fleet was united in its position to suspend the fishing regime as defined by Annex C of the Treaty. Despite this, the State Department, in the absence of the stakeholders, negotiated a continued fishing regime with Canada. Although the Department assured our constituents the last regime would constitute a phase out of reciprocal fishing, the Department has not followed protocol to secure this agreement through the exchange of diplomatic notes. Further, the exchange of notes should serve to secure that all albacore caught in U.S. waters should accrue to the total U.S. historical albacore catch account.

In addition, we are concerned by the lack of communication, transparency, and responsiveness of the U.S. State Department's Office of Marine Conservation towards the U.S. albacore fishermen. We are worried about the basic protocols not being executed by the State Department and further worried by the fact that our constituents receive meeting information

after the fact or at the last minute.

Specifically, as we head into the next negotiation, the Department has not yet finalized the previous agreement through the required exchange of the diplomatic notes. Without this exchange, the fishing regime is not formally brought into force. Beyond bringing the Treaty into force, these notes are crucial to the United States, as they would memorialize the agreements reached in those negotiations, including the U.S. intent to phase out reciprocal fishing. Further, the Pacific Fisheries Management Council wrote two separate letters to the Department continuing to remind the Department of the vital importance of including text in the diplomatic notes to memorialize the agreement reached among the parties that all catches of albacore caught in the U.S. Exclusive Economic Zone (EEZ) accrue to the U.S. country catch account for potential allocation of albacore on the high seas.

The exchange of notes and formal agreement with Canada is vital, and overdue, as international organizations such as the Western Central Pacific Fisheries Commission and the Inter-America Tropical Tuna Commission embark on a process that could require member nations to define albacore quota and allocate catch. The State Department should always seek to level the playing field so as to ensure a fair competition for U.S. fishermen in international fisheries management. This goal is essential on the high seas, but even more critical when negotiating treaties within our EEZ.

In 2004 Congress requested the State Department define pre-1998 Canadian albacore catch levels in U.S. waters and ensure Canadian catch effort does not increase beyond this level. The Pacific Fishery Management Council (Council) and Congress, on behalf of the stakeholders, requested this information again in 2012. Then Acting Assistant Administrator for National Oceanographic and Atmospheric Administration, Sam Rauch, and State Department Assistant Secretary for Bureau of Oceans, International Environmental and Scientific Affairs, Dr. Kerri-Ann Jones, stated in separate letters sent in response to the Council that the agencies would present the historic fishing effort as mandated by Congress. Unfortunately, this action item continues to remain incomplete. Finally, after the last negotiations the stakeholders were informed that the Department sent a letter of intent to Canada at the Undersecretary level notifying the Canadians of the United States' intent to phase out reciprocal fishing but this letter has never been shared with the stakeholders, despite repeated requests to the Department for a copy.

In order to make a judicious determination on the continued merits of the Treaty, the industry and stakeholders require this information. We ask the State Department to provide explanation on the status of, as well as to make progress on, the below items and work with stakeholders and Congress to increase and improve communication and transparency as the next round of Treaty negotiations approaches.

1. Release to stakeholders draft copies of the 2013 diplomatic notes for stakeholder review, final copies of the 2009 and 2013 notes, copies of the Letter of Intent by State Department to Canada, and a profile of historic catch including a definition of pre-1998 catch levels for the U.S. EEZ;

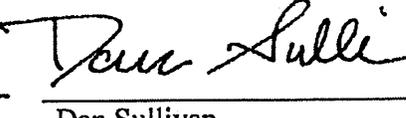
2. confirm that regardless of vessel flag of origin, albacore tuna caught in the U.S. EEZ will accrue to U.S. albacore catch account contained within the final exchange of the 2013 diplomatic notes;
3. work with stakeholders to establish a structured stakeholder engagement process in order to determine the future of the Treaty, including scheduling a sufficient number of meetings to set a U.S. position on any potential future Treaty amendments that would establish equity and reciprocal access for American fishermen;
4. improve transparency and responsiveness of the State Department towards the stakeholders, including ensuring industry representatives are included in discussions and provided timely notification of future discussions; and
5. request from the government of Canada data on the amount of albacore caught by Canadian fishermen within twelve nautical miles of the Canadian coast so U.S. interests have a complete understanding of where the majority of the Canadian albacore fishery occurs; such a request is supported by U.S. albacore fishermen and the Pacific Fisheries Management Council.

We know the State Department conducts vital international work on many issues of great importance to the United States and we thank you for your good efforts. We also thank you for your attention to our concerns. We look forward to working with you to support the U.S. albacore fleet.

Sincerely,



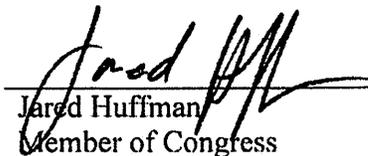
Lisa Murkowski  
United States Senator



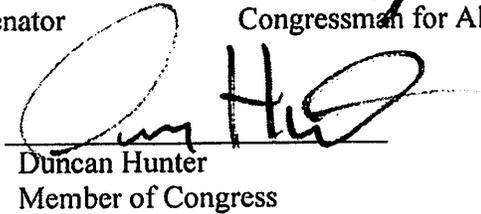
Dan Sullivan  
United States Senator



Don Young  
Congressman for All Alaska



Jared Huffman  
Member of Congress



Duncan Hunter  
Member of Congress

# United States Senate

WASHINGTON, DC 20510

July 29, 2016

Acting Assistant Secretary Ambassador Judith G. Garber  
Bureau of Oceans and International Environmental and Scientific Affairs (OES)  
U.S. State Department  
2201 C Street N.W.  
Washington, D.C. 20520

Dear Ambassador Garber:

The United States albacore fishery is an important economic driver in our home states. We write to bring your attention to some outstanding questions regarding the potential future negotiations of the U.S.—Canada Albacore Treaty (Treaty).

Albacore fisheries operate from California to Alaska, both inside and outside of the Exclusive Economic Zone (EEZ) of the United States. The Treaty allows each party to fish in the EEZ of the other country. When the old fishing regime under the Treaty expired at the end of 2011, some fishing organizations were concerned that benefits of the Treaty were disproportionately falling to Canadian fishermen, and therefore advocated for a cessation of the mutual EEZ fishing regime. After a year without a fishing regime, in 2013 a new one-year fishing regime was negotiated, and the United States EEZ was re-opened to Canadian vessels. The current regime, which reinstated reciprocal fishing access between the United States and Canada for the 2014 through 2016 fishing seasons, expires this year. While a few of the U.S. albacore fishermen's concerns were addressed in past negotiations, many grievances remain.

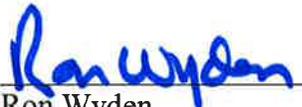
As the final albacore fishing season under the current regime is underway, we ask that you take these following steps to ensure that the United States, and our constituent stakeholders, are well-prepared for the possible next round of negotiations.

1. Diplomatic Notes. We request that you release the full and complete current and previous diplomatic notes for the Treaty. We understand that American fishermen were told they would have the diplomatic notes earlier this year.
2. Stakeholder Engagement. We urge the State Department to work with fishermen, processors and other stakeholder groups, leading up to, and throughout, negotiations for the future of this Treaty. Further, we ask that the State Department make these plans available to the public prior to the conclusion of the 2016 fishing season.
3. Pre-1998 Catch Data. We urge you to request the release of albacore catch data by U.S. and Canadian fishermen in U.S., Canadian and international waters.

4. Crediting United States Albacore Catch. We request confirmation that albacore tuna caught in the U.S. EEZ will be credited to the United States albacore catch record regardless of vessel flag of origin. There is currently a dearth of data on the total amount of tuna that is being harvested in U.S, and this data is essential to scientifically sound management of total catch for both the United States and Canada.
  
5. Canadian Catch Data. We urge you to request that the government of Canada provide data on the harvest of albacore caught by Canadian fishermen within twelve nautical miles of the Canadian coast prior to the year 1998. This information is important to a complete understanding of the percentage of albacore harvested in U.S. as opposed to Canadian waters.

Your response to our requests by September 15, 2016 will provide the United States delegation with the information that they need to make informed decisions as they consider the future of the next fishing regime of the U.S.—Canada Albacore Treaty. Thank you for your consideration.

Sincerely,



Ron Wyden  
United States Senator



Suzanne Bonamici  
United States Representative



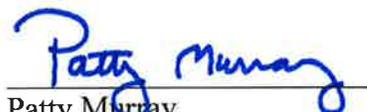
Maria Cantwell  
United States Senator



Peter DeFazio  
United States Representative



Jeffrey A. Merkley  
United States Senator



Patty Murray  
United States Senator



Kurt Schrader  
United States Representative