



National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Southwest Region
501 West Ocean Blvd., Suite 4200
Long Beach, CA 90802
swr.nmfs.noaa.gov

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

APRIL 2010

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 summer albacore fishing season. This guide has been updated for the **2010 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/albacore/060404.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.

On December 15, 2008, Canadian and United States officials initialed amendments to the Canada-U.S. Pacific Albacore Tuna Treaty (Treaty). The new regime will be in force for the 2010 Fishing Season. This guide is intended to provide you with information on the revised requirements for U.S. albacore tuna vessels intending to fish in the waters of Canada under the Treaty.

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 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 be maintained.

Q. What are the fishing access limits?

For 2010, the vessel month fishing access limit system is no longer in effect and instead, limits of the total number of participant vessels are in effect as well as a limit to the fishery season applicable to Canadian vessels in U.S. waters of June 15 through October 31. Canadian troll vessels fishing in U.S. waters are limited to 110 per fishing season; U.S. troll and pole and line/baitboat vessels in Canadian waters are limited to a "level reflective of historical levels".

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.

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?

The owner of any albacore fishing vessel who wants that vessel to be on the list of U.S. vessels eligible to fish for albacore tuna in Canadian waters under the Treaty must contact NMFS at: (562) 980-4024, FAX: (562) 980-4047, or email (albacore.fish@noaa.gov) at least seven days prior to the first day on which any fishing in Canadian waters may begin. The owner must provide his or her name, address, and phone number where the owner can be reached, the vessel name, the U.S. Coast Guard documentation number (or state registration if it is not documented) and vessel operator (if different from the owner) and his or her address and phone number. NMFS will then place the vessel on the vessel list. The list is only valid for a single year. For the United States, a provisional list shall

be provided to Canada by July 1 and may be revised during the fishing season.

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.

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 '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 if landing to a U.S. port). You are also encouraged to record all your fishing activities in Canadian waters and landings to a Canadian port. 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. Chris Fanning, NMFS Southwest Region, 501 W. Ocean Blvd. #4200, Long Beach, CA 90802 Chris.Fanning@noaa.gov (562) 980-4198. You may also download and the copy the logbook at swr.nmfs.noaa.gov/logbooks.htm.

Q. What are the border crossing requirements?

Canadian regulations require U.S. albacore fishing vessels to file a hail –in 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?

Ways to contact Canadian Coast Guard at Tofino:

VHF channel 26 (within a 60 mile range);

MF channel 2054 (within a 200 mile range);

HF channel 4125 (within a 400 mile range);

Using a satellite phone or cellular phone and dialling 250-726-7716.

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. 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.

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 and/or the U.S.

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

If you leave Canadian waters without reporting you will be in violation of Canadian and U.S. regulations and you may be arrested and prosecuted either by Canada and/or the U.S.

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

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

Q. Does this reporting procedure replace the current 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. 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 having hailed in to the Canadian Coast Guard is fishing illegally. Maintaining a record of your confirmation number after you've hailed in is important in the documentation process in the event you are boarded by the Coast Guard and your fishing activities are questioned.