

Note No. 0225

I have the honour to refer to the recent discussions of our respective Chief Negotiators relating to the Treaty between the Government of Canada and the Government of the United States of America Concerning Pacific Salmon, with Annexes, signed at Ottawa, January 28, 1985 (the "Treaty"). As a result of the discussions, I have the honour to propose an Agreement between our two Governments comprised of the following elements:

1. Pursuant to Article XIII of the Treaty, Annex I of the Treaty shall be amended as set out in Attachment A and Annex IV shall be replaced in its entirety by Annex IV, with related understandings, as set out in Attachment A.
2. Provisions regarding Northern Boundary coho salmon shall be as set out in Attachment B.
3. A Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund and a Southern Boundary Restoration and Enhancement Fund shall be established in accordance with the terms and conditions set out in Attachment C.
4. Provisions regarding renewed cooperation on scientific and institutional matters shall be as set out in Attachment D.
5. Provisions regarding cooperation relating to habitat of stocks of Pacific salmon subject to the Treaty shall be as set out in Attachment E.

6. The obligations under this Agreement shall be subject to the obtaining of specific legislative authority from the United States Congress for the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund and the Southern Boundary Restoration and Enhancement Fund. Such Congressional action (i.e., authorization and appropriation) lies within the discretion of the Congress. Nevertheless, the United States Government shall undertake to seek such legislative authority at an early date. In the event that the United States Government does not make initial funds available for the Funds by December 31, 1999, or in the event that additional installment payments to these Funds are not made by the end of U.S. fiscal year 2001 or by the end of U.S. fiscal year 2002, or in the event that total payment for the two Funds is not made available by the end of U.S. fiscal year 2003, all of the obligations under this Agreement shall be suspended until such funds are available, unless our two Governments agree otherwise.

7. Each Government shall take the necessary steps to implement the obligations under this Agreement consistent with its national laws. In particular, implementation of this Agreement by the United States Government shall be contingent on a determination that the Agreement satisfies the legal requirements under the United States' Endangered Species Act. The United States' Government shall fulfil those requirements as expeditiously as possible consistent with United States' law and shall keep the Government of Canada informed regarding this matter; and advise it of the date on which the legal requirements have been met. In the event that the United States' Government has failed to fulfil the legal requirements of the Endangered Species Act by December 31, 1999, the obligations under this Agreement shall be suspended pending fulfilment of those legal requirements, unless our two Governments agree otherwise.

8. This Agreement shall expire on December 31, 2008, except for the amendment to Annex IV, Chapter 4, regarding Fraser River Sockeye and Pink Salmon, which shall expire on December 31, 2010, and Attachments C through E, which shall continue for the duration of the Treaty unless amended or terminated by written agreement of our two Governments. Thereafter, this Agreement may be renewed, revised or terminated by written agreement of our two Governments; in the case of the Annexes, they may be renewed, revised or terminated in accordance with Article XIII of the Treaty. If the Treaty is terminated in accordance with Article XV (2) thereof, this Agreement shall terminate effective from the date of termination of the Treaty.

9. Compliance with this Agreement shall constitute compliance by our two Governments with their obligations under Article III of the Treaty.

10. A French language text of the attachments to this Note shall be verified and agreed upon by September 30, 1999 through an exchange of diplomatic notes.

If the above proposal is acceptable to the Government of the United States of America, I have the honour to propose that this Note, with its attachments, which shall be equally authentic in English and French, and your Excellency's affirmative Note in reply shall constitute an Agreement between our two Governments which shall enter into force on the date of your Note in reply.

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

Washington, D.C.

June 30, 1999