

FISHERIES

Pacific Coast Albacore Tuna Vessels and Port Privileges

**Agreement amending the Annexes of
Treaty of May 26, 1981 Between the
UNITED STATES OF AMERICA
and CANADA, as Amended**

Effected by Exchange of Notes at
Ottawa May 22 and 24, 2018



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“...the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

CANADA

Fisheries: Pacific Coast Albacore Tuna Vessels and Port Privileges

*Agreement amending the annexes of treaty of May 26, 1981,
as amended.*

*Agreement effected by exchange of notes at Ottawa
May 22 and 24, 2018;*

Entered into force May 29, 2018.

No. 260

The Embassy of the United States of America presents its compliments to the Department of Foreign Affairs, Trade and Development and has the honor to convey the following letter from the Ambassador of the United States of America, Kelly Craft, to the Minister of Foreign Affairs of Canada Chrystia Freeland. This note supersedes Diplomatic Note 250 dated May 17, 2018.

Begin letter:

The Honorable Chrystia Freeland
Minister of Foreign Affairs of Canada
House of Commons
Ottawa, Ontario

Madam Minister:

I have the honor to refer to the proposed amendments to Annexes A and C of 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* done at Washington, D.C. on 26 May 1981, as amended, as developed between the Canadian and U.S. delegations by correspondence on

March 7-10, 2017, which follow in their entirety and which shall replace the existing Annexes A and C.

“ANNEX A

1.

- (a) **List of Licensed Canadian Vessels.** The Canadian Government shall create and maintain a list of Canadian vessels with licenses permitting fishing for albacore tuna in the Exclusive Economic Zone (EEZ) of the United States (hereinafter referred to as the “USA68 list”). The USA68 list shall remain fixed as it existed on June 25, 2016. The Canadian Government shall not add or replace vessels and associated licenses on the USA68 list except pursuant to paragraphs 1(e), 1(f) and 1(h), as appropriate.

- (b) **List of Vessels to Fish Each Season.** Each Party agrees to provide to the other Party a list of its fishing vessels that propose to fish albacore tuna in the EEZ of the other Party (hereinafter referred to as “Seasonal List”), as defined in Article I(b) of this Treaty, for the 2017, 2018 and 2019 fishing seasons. For Canada, any vessel on its Seasonal List must also be included in the USA68 list. Each Party’s Seasonal List will include:

- (i) Vessel name,
 - (ii) Home port,
 - (iii) Radio call sign or vessel identification marking that identifies the flag state of the vessel ("Vessel Identification Marking"),
 - (iv) Fishing vessel registration number,
 - (v) Captain or operator's name, if known, and
 - (vi) Vessel length.
- (c) For Canada, the list of vessels for each fishing season shall be transmitted to the United States by June 1, 2017, June 1, 2018 and June 1, 2019. For the United States, a provisional list of vessels for each fishing season shall be transmitted to Canada by July 1, 2017, July 1, 2018, and July 1, 2019. The list of U.S. vessels may be revised during those fishing seasons.
- (d) With regard to Canada's Seasonal List, the list shall remain fixed for each of the fishing seasons as defined in

paragraph 2 of Annex C and thereafter. The Canadian Government shall not add or replace vessels on its Seasonal List during the fishing season except pursuant to paragraph 1(e) or (f).

- (e) In the event of *force majeure* or other exceptional circumstances that occur during the 2017, 2018 or 2019 fishing seasons, a captain or owner of a vessel on Canada's Seasonal List may make a request to the Canadian Government for the replacement of the captain or owner's vessel by another vessel in that season. If such a request is received by the Canadian Government, the Parties to this Treaty shall refer the request to an *ad hoc* panel established pursuant to the process in paragraph 1(f) that shall approve the request provided that the replacement vessel meets the criteria set out in paragraph 1(f).
- (f) If a request for vessel replacement by the owner of a Canadian vessel on Canada's Seasonal List is received by the Canadian Government prior to the commencement of the 2017, 2018 or 2019 fishing seasons, the Parties to this Treaty shall convene, in a timely manner, an *ad hoc* panel to review the request and determine whether the request is

warranted and, if so, to grant the request in accordance with the following criteria:

- The replacement vessel has an enforcement record acceptable to the Parties;
- The replacement vessel has a history of fishing for albacore tuna in the EEZ of the United States;
- The replacement vessel is one of the 179 vessels listed on the USA68 list;
- The replacement vessel does not exceed the length overall of the original vessel it is replacing.

(g) As soon as possible after receipt of the other Party's Seasonal List, and subject to paragraph 1(f), the receiving Party shall determine whether the list received meets the criteria of paragraph 1(b) and shall so inform the other Party in order to enable the albacore fishery to proceed pursuant to this Treaty.

(h) Should one Party object to the inclusion of a particular vessel on the Seasonal List of the other Party, the two

Parties shall consult. Such objection may be made on the basis that the vessel in question has been involved in serious or repeated fisheries violations or offenses. In the event of consultations, any actions pursuant to paragraph 1(e) with regard to other vessels shall not be delayed. Following consultations, the relevant Party shall notify its respective vessels that both Parties agree that the vessel shall not be included on the Seasonal List.

2. Each vessel, prior to entering and leaving the EEZ of a Party shall, if so required by that Party, inform the appropriate authorities and provide them with the vessel name, radio call sign or Vessel Identification Marking, captain or operator's name, and the reason why the vessel is in that Party's EEZ.
3. When in the EEZ of the other Party, each vessel is required to have its name and radio call sign or Vessel Identification Marking prominently displayed where they are clearly visible both from the air and from a surface vessel.
4. Each Party shall ensure that its vessels maintain accurate and complete records of catch, effort and other data on report forms provided by their respective governments while fishing pursuant to this Treaty. Each Party shall develop a real-time

data protocol to report catches by the vessels of one Party fishing in the EEZ of the other Party. Any logbooks and related databases maintained by a Party shall be made available to the other Party regularly for verification purposes, subject to the Parties' respective rules on data confidentiality.

5. In order to obtain better information concerning the stocks of albacore tuna that migrate off the west coasts of the United States and Canada, each vessel engaged in fishing pursuant to this Treaty is required to provide to its government statistics and other scientific information on its operations in the EEZ of the other Party. Each Party shall provide to the other Party such information and in particular the amount (weight) and a sampling of biological data of albacore tuna caught by its vessels in the EEZ of the other Party. Each Party shall provide this information on an annual basis at least 30 days prior to the annual consultations referred to in paragraph 6. The Parties shall decide on other specific information to be provided, as well as the forms and procedures for providing such information.
6. The Parties shall consult annually, *inter alia*, to:

- (a) discuss data and information exchanged on albacore tuna fisheries under paragraph 5; and
 - (b) exchange information on their respective conservation and management measures for albacore tuna and on implementation of internationally agreed conservation and management measures applicable to the Parties related to fisheries covered under this Treaty.
7. Each Party shall also notify the other of the conservation and management laws and regulations applicable to vessels fishing in its EEZ pursuant to Article I(b) of this Treaty.”

“ANNEX C

1. Each Party agrees to limit fishing by its respective vessels engaged in fishing for albacore tuna in the EEZ of the other Party, which is defined in Article I(b) of this Treaty, in accordance with the limitation regime (the “Regime”) below. The Regime is defined to include the “fishing seasons” as set out in paragraph 2 and the “port access seasons” as set out in paragraph 3.

2. During the term of the Regime, a “fishing season” is defined as the period of fishing.
3. During the term of the Regime, a “port access season” is defined as the period in which fishing vessels fishing pursuant to this Treaty are authorized to enter the Canadian or American ports as listed in Annex B of this Treaty.
4. For the United States, the fishing season commences, on June 15, 2017, June 15, 2018 and June 15, 2019 and ends on October 31 of that same year. The port access season commences on June 15, 2017, June 15, 2018 and June 15, 2019 and ends on December 31 of that same year.
5. For Canada, the fishing season commences on June 15, 2017, June 15, 2018 and June 15, 2019 and ends on September 15 of that same year. The port access season commences on June 15, 2017, June 15, 2018 and June 15, 2019 and ends on September 15 of that same year.
6. During the term of the Regime, Canada shall limit fishing for albacore tuna by its vessels in the EEZ of the United States to 45 troll vessels. The United States shall limit fishing for

albacore tuna by its vessels in the EEZ of Canada to a number of vessels reflective of historical levels.

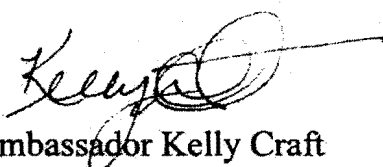
7. (a) A Party may only terminate the Regime by providing written notice to the other Party that during the period of June 15, 2017 to December 31, 2019:
 - (i) an international fisheries management organization with competence over highly migratory species, such as the Inter-American Tropical Tuna Commission, has adopted a fisheries conservation and management measure for North Pacific albacore that requires one or both Parties to adopt a domestic management regime, structure or measure that may not be consistent with or may undermine the implementation of the Regime, or
 - (ii) as a result of domestic fisheries management requirements, regulation or laws, a Party must put in place measures for managing fisheries on albacore or associated species that may not be consistent with, or may undermine, the implementation of the Regime.
- (b) Upon such notification, and unless termination of the Regime occurs within 2019, the Regime shall terminate 30 days

after notification and the Parties shall consult to consider re-establishment of a reciprocal fishing regime for a subsequent year.

(c) Unless a Party notifies the other Party of its intention to terminate the Regime in accordance with paragraph 7(a), the Regime terminates on December 31, 2019.”

If the above proposed amendments are acceptable to the Government of Canada, I have the honor to propose that this Note, and your affirmative Note in reply, which are equally authentic in the English and French versions, shall constitute an Agreement between our two Governments, which shall apply provisionally from the date of your affirmative note in reply and which shall enter into force on the date of the second note that is part of a subsequent exchange of notes confirming the completion by each Party of all internal procedures necessary for its entry into force.

Please accept, Madam Minister, the assurances of my highest consideration.



Ambassador Kelly Craft

The Embassy of the United States of America avails itself of this opportunity to renew to the Department of Foreign Affairs, Trade and Development the assurances of its highest consideration.

Embassy of the United States of America,

Ottawa, May 22, 1961



Minister of
Foreign Affairs



Ministre des
Affaires étrangères

Ottawa, Canada K1A 0G2

Ottawa, MAI 24 2018

Her Excellency Kelly Craft
Ambassador of the United States of America
Embassy of the United States of America
490 Sussex Drive
Ottawa ON K1N 1G6

Dear Ambassador:

I have the honor to acknowledge receipt of your note No. 260 dated 22 May 2018, which reads as follows in its entirety:

"I have the honor to refer to the proposed amendments to Annexes A and C of 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* done at Washington, D.C. on 26 May 1981, as amended, as developed between the Canadian and U.S. delegations by correspondence on March 7-10, 2017, which follow in their entirety and which shall replace the existing Annexes A and C.

"ANNEX A

1. (a) **List of Licensed Canadian Vessels.** The Canadian Government shall create and maintain a list of Canadian vessels with licenses permitting fishing for albacore tuna in the Exclusive Economic Zone (EEZ) of the United States (hereinafter referred to as the "USA68 list"). The USA68 list shall remain fixed as it existed on June 25, 2016. The Canadian Government shall not add or replace vessels and associated licenses on the USA68 list except pursuant to paragraphs 1(e), 1(f) and 1(h), as appropriate.
- (b) **List of Vessels to Fish Each Season.** Each Party agrees to provide to the other Party a list of its fishing vessels that propose to fish albacore tuna in the EEZ of the other Party (hereinafter referred to as "Seasonal List"), as defined in Article I(b) of this Treaty, for the 2017, 2018 and 2019 fishing seasons. For Canada, any vessel on its Seasonal List must also be included in the USA68 list. Each Party's Seasonal List will include:

- (i) Vessel name,

Canada

- (ii) Home port,
- (iii) Radio call sign or vessel identification marking that identifies the flag state of the vessel ("Vessel Identification Marking"),
- (iv) Fishing vessel registration number,
- (v) Captain or operator's name, if known, and
- (vi) Vessel length.

(c) For Canada, the list of vessels for each fishing season shall be transmitted to the United States by June 1, 2017, June 1, 2018 and June 1, 2019. For the United States, a provisional list of vessels for each fishing season shall be transmitted to Canada by July 1, 2017, July 1, 2018, and July 1, 2019. The list of U.S. vessels may be revised during those fishing seasons.

(d) With regard to Canada's Seasonal List, the list shall remain fixed for each of the fishing seasons as defined in paragraph 2 of Annex C and thereafter. The Canadian Government shall not add or replace vessels on its Seasonal List during the fishing season except pursuant to paragraph 1(e) or (f).

(e) In the event of *force majeure* or other exceptional circumstances that occur during the 2017, 2018 or 2019 fishing seasons, a captain or owner of a vessel on Canada's Seasonal List may make a request to the Canadian Government for the replacement of the captain or owner's vessel by another vessel in that season. If such a request is received by the Canadian Government, the Parties to this Treaty shall refer the request to an *ad hoc* panel established pursuant to the process in paragraph 1(f) that shall approve the request provided that the replacement vessel meets the criteria set out in paragraph 1(f).

(f) If a request for vessel replacement by the owner of a Canadian vessel on Canada's Seasonal List is received by the Canadian Government prior to the commencement of the 2017, 2018 or 2019 fishing seasons, the Parties to this Treaty shall convene, in a timely manner, an *ad hoc* panel to review the request and determine whether the request is warranted and, if so, to grant the request in accordance with the following criteria:

- The replacement vessel has an enforcement record acceptable to the Parties;

- The replacement vessel has a history of fishing for albacore tuna in the EEZ of the United States;
- The replacement vessel is one of the 179 vessels listed on the USA68 list;
- The replacement vessel does not exceed the length overall of the original vessel it is replacing.

(g) As soon as possible after receipt of the other Party's Seasonal List, and subject to paragraph 1(f), the receiving Party shall determine whether the list received meets the criteria of paragraph 1(b) and shall so inform the other Party in order to enable the albacore fishery to proceed pursuant to this Treaty.

(h) Should one Party object to the inclusion of a particular vessel on the Seasonal List of the other Party, the two Parties shall consult. Such objection may be made on the basis that the vessel in question has been involved in serious or repeated fisheries violations or offenses. In the event of consultations, any actions pursuant to paragraph 1(e) with regard to other vessels shall not be delayed. Following consultations, the relevant Party shall notify its respective vessels that both Parties agree that the vessel shall not be included on the Seasonal List.

2. Each vessel, prior to entering and leaving the EEZ of a Party shall, if so required by that Party, inform the appropriate authorities and provide them with the vessel name, radio call sign or Vessel Identification Marking, captain or operator's name, and the reason why the vessel is in that Party's EEZ.

3. When in the EEZ of the other Party, each vessel is required to have its name and radio call sign or Vessel Identification Marking prominently displayed where they are clearly visible both from the air and from a surface vessel.

4. Each Party shall ensure that its vessels maintain accurate and complete records of catch, effort and other data on report forms provided by their respective governments while fishing pursuant to this Treaty. Each Party shall develop a real-time data protocol to report catches by the vessels of one Party fishing in the EEZ of the other Party. Any logbooks and related databases maintained by a Party shall be made available to the other Party regularly for verification purposes, subject to the Parties' respective rules on data confidentiality.

5. In order to obtain better information concerning the stocks of albacore tuna that migrate off the west coasts of the United States and Canada, each vessel engaged in fishing pursuant to this Treaty is required to provide to its government statistics and other scientific information on its operations in the EEZ of the other Party. Each Party shall provide to the other Party such information and in particular the amount (weight) and a sampling of biological data of albacore tuna caught by its vessels in the EEZ of the other Party. Each Party shall provide this information on an annual basis at least 30 days prior to the annual consultations referred to in paragraph 6. The Parties shall decide on other specific information to be provided, as well as the forms and procedures for providing such information.

6. The Parties shall consult annually, *inter alia*, to:

(a) discuss data and information exchanged on albacore tuna fisheries under paragraph 5; and

(b) exchange information on their respective conservation and management measures for albacore tuna and on implementation of internationally agreed conservation and management measures applicable to the Parties related to fisheries covered under this Treaty.

7. Each Party shall also notify the other of the conservation and management laws and regulations applicable to vessels fishing in its EEZ pursuant to Article I(b) of this Treaty.”

“ANNEX C

1. Each Party agrees to limit fishing by its respective vessels engaged in fishing for albacore tuna in the EEZ of the other Party, which is defined in Article I(b) of this Treaty, in accordance with the limitation regime (the “Regime”) below. The Regime is defined to include the “fishing seasons” as set out in paragraph 2 and the “port access seasons” as set out in paragraph 3.

2. During the term of the Regime, a “fishing season” is defined as the period of fishing.

3. During the term of the Regime, a “port access season” is defined as the period in which fishing vessels fishing pursuant to this Treaty are authorized to enter the Canadian or American ports as listed in Annex B of this Treaty.

4. For the United States, the fishing season commences, on June 15, 2017, June 15, 2018 and June 15, 2019 and ends on October 31 of that same year. The port access season commences on June 15, 2017, June 15, 2018 and June 15, 2019 and ends on December 31 of that same year.

5. For Canada, the fishing season commences on June 15, 2017, June 15, 2018 and June 15, 2019 and ends on September 15 of that same year. The port access season commences on June 15, 2017, June 15, 2018 and June 15, 2019 and ends on September 15 of that same year.

6. During the term of the Regime, Canada shall limit fishing for albacore tuna by its vessels in the EEZ of the United States to 45 troll vessels. The United States shall limit fishing for albacore tuna by its vessels in the EEZ of Canada to a number of vessels reflective of historical levels.

7. (a) A Party may only terminate the Regime by providing written notice to the other Party that during the period of June 15, 2017 to December 31, 2019:

(i) an international fisheries management organization with competence over highly migratory species, such as the Inter-American Tropical Tuna Commission, has adopted a fisheries conservation and management measure for North Pacific albacore that requires one or both Parties to adopt a domestic management regime, structure or measure that may not be consistent with or may undermine the implementation of the Regime, or

(ii) as a result of domestic fisheries management requirements, regulation or laws, a Party must put in place measures for managing fisheries on albacore or associated species that may not be consistent with, or may undermine, the implementation of the Regime.

(b) Upon such notification, and unless termination of the Regime occurs within 2019, the Regime shall terminate 30 days after notification and the Parties shall consult to consider re-establishment of a reciprocal fishing regime for a subsequent year.

(c) Unless a Party notifies the other Party of its intention to terminate the Regime in accordance with paragraph 7(a), the Regime terminates on December 31, 2019."

If the above proposed amendments are acceptable to the Government of Canada, I have the honor to propose that this Note, and your affirmative Note in reply, which are equally authentic in the English and French versions, shall constitute an Agreement between our two Governments, which shall apply provisionally from the date of your affirmative note in reply and which shall enter into force on the date of the second note that is part of a subsequent exchange of notes confirming the completion by each Party of all internal procedures necessary for its entry into force.

Please accept, Madam Minister, the assurances of my highest consideration."

My Government concurs with the proposed amendments to the Annexes to 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*, done at Washington D.C. on 26 May 1981, as amended. Therefore, your note, together with this note in reply, which are equally authentic in the English and French languages, shall constitute an Agreement between our two Governments, which shall apply provisionally from the date of this note and which shall enter into force on the date of the second note that is part of a subsequent exchange of notes confirming the completion by each Party of all internal procedures necessary for its entry into force.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Freeland', written in a cursive style.

The Honourable Chrystia Freeland, P.C., M.P.



Ottawa, ~~MAY~~ 24 2018

Son Excellence Madame Kelly Craft
Ambassadrice des États-Unis d'Amérique
Ambassade des États-Unis d'Amérique
490, promenade Sussex
Ottawa ON K1N 1G6

Madame l'Ambassadrice,

J'ai l'honneur d'accuser réception de votre note n° 260 du 22 mai 2018, dont la teneur suit dans son intégralité :

« J'ai l'honneur de me référer aux amendements proposés aux annexes A et C du *Traité entre le Gouvernement du Canada et le Gouvernement des États-Unis d'Amérique concernant les thoniers (thon blanc) du Pacifique et leurs privilèges portuaires*, fait à Washington, D.C., le 26 mai 1981, tel qu'il a été amendé, qui ont été élaborés par les délégations canadienne et américaine, par correspondance, les 7 - 10 mars 2017, et qui sont reproduits intégralement ci-après et remplacent les annexes A et C existantes.

« ANNEXE A

1. a) **Liste des navires canadiens disposant d'un permis.** Le Gouvernement du Canada établit et maintient une liste des navires canadiens disposant d'un permis de pêche du thon blanc dans la zone économique exclusive (ZEE) des États-Unis (ci-après dénommée « liste USA68 »). La liste USA68 telle qu'elle existait à la date du 25 juin 2016 demeure inchangée. Le Gouvernement du Canada n'effectue aucun ajout ou remplacement de navires et de permis connexes sur la liste USA68, sauf en application des paragraphes 1e), 1f) et 1h), s'il y a lieu.

b) **Liste des navires qui pratiqueront la pêche pendant chacune des saisons.** Chaque Partie convient de fournir à l'autre Partie une liste de ses navires de pêche qui prévoient de pêcher le thon blanc dans la ZEE de l'autre Partie (ci-après dénommée « liste saisonnière »), telle qu'elle est définie à l'article I b) du présent Traité, pendant les saisons de pêche 2017, 2018 et 2019. Dans le cas du Canada, tout navire figurant sur sa liste saisonnière doit également être inclus sur la liste USA68. La liste saisonnière de chaque Partie indiquera :

i) le nom du navire,

- ii) le port d'attache du navire,
- iii) l'indicatif radio ou la marque d'identification du navire qui identifie l'État du pavillon du navire (la « marque d'identification du navire »),
- iv) le numéro d'immatriculation du navire de pêche,
- v) le nom du capitaine ou de l'exploitant, s'il est connu,
- vi) la longueur du navire.

c) Dans le cas du Canada, la liste de navires afférente à chacune des saisons de pêche est transmise aux États-Unis au plus tard le 1^{er} juin 2017, le 1^{er} juin 2018 et le 1^{er} juin 2019. Dans le cas des États-Unis, une liste provisoire de navires afférente à chacune des saisons de pêche est transmise au Canada au plus tard le 1^{er} juillet 2017, le 1^{er} juillet 2018 et le 1^{er} juillet 2019. La liste des navires américains peut être révisée pendant les saisons de pêche précitées.

d) La liste saisonnière du Canada demeure inchangée pendant chacune des saisons de pêche au sens du paragraphe 2 de l'annexe C, et par la suite. Le Gouvernement du Canada n'effectue aucun ajout ou remplacement de navires sur sa liste saisonnière pendant la saison de pêche, sauf en application du paragraphe 1e) ou f).

e) Dans un cas de force majeure ou dans d'autres circonstances exceptionnelles survenant pendant les saisons de pêche 2017, 2018 ou 2019, le capitaine ou le propriétaire d'un navire figurant sur la liste saisonnière du Canada peut présenter au Gouvernement du Canada une demande de remplacement du navire de ce capitaine ou propriétaire par un autre navire pendant la saison en question. Si le Gouvernement du Canada reçoit une telle demande, les Parties au présent Traité la soumettent au groupe spécial institué conformément au processus prévu au paragraphe 1f), qui approuve la demande si le navire de remplacement satisfait aux critères énoncés au paragraphe 1f).

f) Si, avant le début des saisons de pêche 2017, 2018 ou 2019, le Gouvernement du Canada reçoit une demande de remplacement de navire de la part du propriétaire d'un navire canadien figurant sur la liste saisonnière du Canada, les Parties au présent Traité convoquent, en temps opportun, un groupe spécial afin qu'il examine la demande, qu'il détermine si elle est justifiée et, dans l'affirmative, qu'il l'accepte conformément aux critères suivants :

- le navire de remplacement a, en matière d'application de mesures, un dossier qui est acceptable pour les Parties;

- le navire de remplacement a déjà servi à la pêche du thon blanc dans la ZEE des États-Unis;
- le navire de remplacement fait partie des 179 navires figurant sur la liste USA68;
- la longueur du navire de remplacement n'excède pas la longueur hors tout du navire original qu'il remplace.

g) Dès que possible après la réception de la liste saisonnière de l'autre Partie, et sous réserve du paragraphe 1f), la Partie qui reçoit la liste détermine si celle-ci satisfait aux critères énoncés au paragraphe 1b) et en informe l'autre Partie afin de permettre la poursuite de la pêche du thon blanc en application du présent Traité.

h) Lorsqu'une Partie s'oppose à l'inclusion d'un navire particulier sur la liste saisonnière de l'autre Partie, les deux Parties se consultent. Une telle opposition peut reposer sur le fait que le navire en question a été impliqué dans des actes de violation ou des délits sérieux ou répétés liés aux pêches. Si elles ont lieu, les consultations n'ont pas pour effet de retarder les mesures prises en application du paragraphe 1e) à l'égard d'autres navires. À la suite des consultations, la Partie concernée informe ses propres navires que les deux Parties ont convenu que le navire ne sera pas inclus sur la liste saisonnière.

2. Chaque navire, avant d'entrer dans la ZEE d'une Partie et de quitter celle-ci, si cette Partie l'exige, en informe les autorités compétentes et leur fournit le nom du navire, l'indicatif radio ou la marque d'identification du navire, le nom du capitaine ou de l'exploitant et la raison de la présence du navire dans la ZEE de cette Partie.

3. Lorsqu'il se trouve dans la ZEE de l'autre Partie, chaque navire est tenu d'afficher bien en vue son nom et son indicatif radio ou sa marque d'identification du navire à un endroit où ils sont clairement visibles, tant des airs que depuis un navire de surface.

4. Chaque Partie veille à ce que ses navires tiennent des dossiers précis et complets sur les prises, l'effort et les autres données figurant dans les formulaires de rapport fournis par leurs gouvernements respectifs lorsqu'ils pratiquent la pêche en application du présent Traité. Chaque Partie élabore un protocole sur les données en temps réel en vue de produire des rapports sur les prises effectuées par les navires d'une Partie pêchant dans la ZEE de l'autre Partie. Les journaux de bord et bases de données connexes tenus par une Partie sont régulièrement mis à la disposition de l'autre Partie aux fins de vérification, sous réserve des règles respectives des Parties en matière de confidentialité des données.

5. Afin d'obtenir des renseignements de meilleure qualité au sujet des stocks de thon blanc qui migrent au large de la côte ouest des États-Unis et du Canada, chaque navire participant à la pêche en application du présent Traité est tenu de fournir à son gouvernement des données statistiques et autres renseignements scientifiques sur ses activités dans la ZEE de l'autre Partie. Chaque Partie communique ces renseignements à l'autre Partie, et l'informe notamment de la quantité (poids) du thon blanc pêché par ses navires dans la ZEE de l'autre Partie et lui fournit un échantillon des données biologiques connexes. Ces renseignements sont communiqués par chaque Partie sur une base annuelle, au moins 30 jours avant les consultations annuelles mentionnées au paragraphe 6. Les Parties décident des autres renseignements particuliers devant faire l'objet de la communication, ainsi que des formulaires et procédures devant être utilisés à cette fin.

6. Les Parties se consultent annuellement pour, entre autres :

- a) discuter des données et des renseignements sur la pêche du thon blanc échangés en application du paragraphe 5;
- b) échanger des renseignements sur leurs mesures respectives de conservation et de gestion du thon blanc et sur la mise en œuvre de mesures de conservation et de gestion convenues à l'échelle internationale applicables aux Parties et liées aux pêches visées par le présent Traité.

7. Chaque Partie informe également l'autre Partie des lois et règlements en matière de conservation et de gestion applicables aux navires qui pêchent dans sa ZEE conformément à l'article I b) du présent Traité. »

« ANNEXE C

1. Chaque Partie convient de limiter la pêche effectuée par ses navires respectifs participant à la pêche du thon blanc dans la ZEE de l'autre Partie, telle qu'elle est définie à l'article I b) du présent Traité, conformément au régime de limitation (le « Régime ») ci-dessous. Le Régime est défini comme comprenant les « saisons de pêche », telles qu'elles sont décrites au paragraphe 2, et les « saisons d'accès aux ports », telles qu'elles sont décrites au paragraphe 3.

2. Pendant la durée du Régime, une « saison de pêche » est définie comme étant une période de pêche.

3. Pendant la durée du Régime, une « saison d'accès aux ports » est définie comme étant la période pendant laquelle les navires de pêche qui pratiquent la pêche en application du présent Traité sont autorisés à entrer dans les ports canadiens ou américains qui sont énumérés à l'annexe B du présent Traité.

4. Dans le cas des États-Unis, la saison de pêche débute le 15 juin 2017, le 15 juin 2018 et le 15 juin 2019, et prend fin le 31 octobre de la même année. La saison d'accès aux ports débute le 15 juin 2017, le 15 juin 2018 et le 15 juin 2019, et prend fin le 31 décembre de la même année.

5. Dans le cas du Canada, la saison de pêche débute le 15 juin 2017, le 15 juin 2018 et le 15 juin 2019, et prend fin le 15 septembre de la même année. La saison d'accès aux ports débute le 15 juin 2017, le 15 juin 2018 et le 15 juin 2019, et prend fin le 15 septembre de la même année.

6. Pendant la durée du Régime, le Canada limite la pêche du thon blanc effectuée par ses navires dans la ZEE des États-Unis à 45 bateaux de pêche aux lignes traînantes. Les États-Unis limitent la pêche du thon blanc effectuée par leurs navires dans la ZEE du Canada au nombre de navires reflétant les niveaux historiques.

7. a) Une Partie ne peut mettre fin au Régime qu'au moyen d'un avis écrit transmis à l'autre Partie l'informant que, au cours de la période du 15 juin 2017 au 31 décembre 2019, selon le cas :

i) une organisation internationale de gestion des pêches ayant compétence sur les espèces hautement migratoires, comme la Commission interaméricaine du thon tropical, a adopté une mesure de conservation et de gestion des pêches relative au thon blanc du Pacifique Nord qui nécessite qu'une Partie ou les deux Parties adoptent un régime, une structure ou une mesure de gestion interne pouvant ne pas être compatible avec la mise en œuvre du Régime ou pouvant compromettre celle-ci,

ii) en raison des exigences, règlements ou lois internes en matière de gestion des pêches, une Partie doit mettre en place des mesures pour la gestion des pêches du thon blanc ou des espèces associées pouvant ne pas être compatibles avec la mise en œuvre du Régime ou pouvant compromettre celle-ci.

b) À la suite d'une telle notification, et à moins qu'il n'y soit mis fin au cours de l'année 2019, le Régime prend fin 30 jours après la notification, et les Parties se consultent pour étudier l'opportunité de rétablir un régime de pêche réciproque pour une année suivante.

c) À moins qu'une Partie ne notifie à l'autre Partie son intention de mettre fin au Régime conformément au paragraphe 7a), le Régime prend fin le 31 décembre 2019. »

Si les amendements proposés ci-dessus agréent au Gouvernement du Canada, j'ai l'honneur de proposer que la présente note, ainsi que la note contenant votre réponse affirmative, dont les versions française et anglaise font également foi, constituent entre nos deux gouvernements un accord qui s'appliquera à titre provisoire à compter de la date de la note contenant votre réponse affirmative, et qui entrera en vigueur à la date de la deuxième note faisant partie d'un échange ultérieur de notes confirmant l'accomplissement par chacune des Parties de toutes les procédures internes nécessaires à son entrée en vigueur.

Je vous prie d'agréer, Madame la Ministre, les assurances de ma très haute considération. »

Mon gouvernement accepte les amendements proposés aux annexes du *Traité entre le Gouvernement du Canada et le Gouvernement des États-Unis d'Amérique concernant les thoniers (thon blanc) du Pacifique et leurs privilèges portuaires*, fait à Washington, D.C., le 26 mai 1981, tel qu'il a été amendé. Par conséquent, votre note, ainsi que la présente note donnée en réponse, dont les versions française et anglaise font également foi, constituent entre nos deux gouvernements un accord qui s'appliquera à titre provisoire à compter de la date de la présente note, et qui entrera en vigueur à la date de la deuxième note faisant partie d'un échange ultérieur de notes confirmant l'accomplissement par chacune des Parties de toutes les procédures internes nécessaires à son entrée en vigueur.

Je vous prie d'agréer, Madame l'Ambassadrice, mes sentiments les meilleurs.

A handwritten signature in black ink, appearing to be 'C. Freeland', written in a cursive style.

L'honorable Chrystia Freeland, C.P., députée