



Guide for Complying with the Vessel Fishing Requirements of the U.S. Canada Albacore Treaty 2020

This guide is intended to help owners and operators of West Coast albacore fishing vessels understand their obligations 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 to reflect the agreement reached in June of 2020 and is valid for the remainder of the 2020 fishing season. However, any inadvertent difference between this guide and the regulations will be resolved by following the regulatory language found at 50 CFR part 300 Subpart L¹ and 50 CFR 660 Subpart K.² Regulations are subject to change, so this guide may become out of date. Any discrepancy between the contents of this guide and regulations will be resolved in favor of regulations published in the *Federal Register* and codified in the *Code of Federal Regulations*.³

Q. What is the U.S. – Canada Albacore Treaty (Treaty)?

The Treaty is a 1981 agreement between the governments of Canada and the United States (U.S.) that 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.

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.

Q. What are the fishing access limits?

For the 2020 season, there is no precise limit on the number of U.S. vessels allowed to fish in Canadian waters. However, U.S. vessels fishing under the Treaty will only be allowed to fish in Canada's Exclusive Economic Zone (EEZ) June 15th through October 31st. Canadian troll vessels may access U.S. waters from June 15th through September 15th and their total number will be limited to 45 vessels. Please note that Canadian vessels may still be transiting U.S. waters after September 15th, but will not be allowed to fish in U.S. waters after that date.

¹ <https://www.ecfr.gov/cgi-bin/text-idx?SID=9f0d8da977e7d3c17bf8a79b6dae0d0a&mc=true&node=pt50.11.300&rgn=div5#sp50.11.300.l>

² <https://www.ecfr.gov/cgi-bin/text-idx?SID=9f0d8da977e7d3c17bf8a79b6dae0d0a&mc=true&node=pt50.13.660&rgn=div5#sp50.13.660.k>

Q. What Canadian ports are U.S. albacore fishing vessels allowed to use?

Pursuant to the Treaty, U.S. fishing vessels are authorized to enter, land their catches, sell or transship their catch, obtain fuel, supplies, repairs and equipment only at Coal Harbour, Port Hardy, Prince Rupert, Victoria, Vancouver and Ucluelet ports.

Vessels will be required to clear with Canadian Customs and Border Services Agency prior to any person or cargo being allowed to disembark the vessel. In addition, all U.S. vessels must obtain “Authorization for Port Activity and Exclusive Economic Zone Entry by a Foreign Vessel” (EEZ license) from the Department of Fisheries and Oceans prior to accessing Canadian ports.

The “EEZ license” application form, along with a list of approved agents necessary for its completion, can be found online:

<https://www.pac.dfo-mpo.gc.ca/fm-gp/licence-permis/forms/eez-zee-eng.html>

Please note that the vessel master is required to sign the EEZ license application form. It is recommended that the vessel master and Canadian authorized agent work together to ensure that the EEZ application is signed prior to submission. Applications missing signatures from the vessel master will be considered incomplete. Applications that have already been signed and submitted may be amended (e.g., for updated entry/exit dates) as required.

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 (Prince Rupert – see ways to contact below). 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?

Yes. An EEZ Port Access license (listed as reason for visit #7: Fishing in Canadian EEZ on the application form) is required by Canada DFO for the Treaty. A Pacific Highly Migratory Species Permit is required for U.S. West Coast Fisheries for Highly Migratory Species (including albacore) to offload, or land HMS in the States of California, Oregon, and Washington. Vessels fishing outside of 200nm 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) 980-4238, 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 their 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 U.S., a provisional list shall be provided to Canada by July 1st and may be revised during the fishing season. Vessels must be on the U.S. albacore list prior to applying for a Canadian EEZ port entry license.

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 seven days from the time you register to the time you begin fishing. The seven day delay is necessary to ensure that NMFS has enough time to provide updated information to Canada and for Canada to process EEZ access applications.

Q. What kind of vessel marking is required?

Your vessel must be clearly marked with its name and documentation (U.S. 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 hook and line logbook you received with your HMS vessel permit to record all of your fishing activities in the United States (and Canadian waters if landing to a U.S. port). You are also required to record all of your fishing activities in Canadian waters and landings to a Canadian port. 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 seven 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 Shannon Penna, NMFS West Coast Region, 501 W. Ocean Blvd. Suite 4200, Long Beach, CA 90802, by email at wcr-permits@noaa.gov, or by phone at (562) 980-4238.

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 (Prince Rupert) 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 (Prince Rupert):
VHF channel 83A (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 dialing 250-627-3082.

Q. What kind of border crossing information do I have to provide?

You must provide your vessel name, call sign, vessel documentation number, home port, flag state, Captain’s name, Canadian waters entry and departure date, intention (fishing or port access) and date of activity in 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 confirmation number 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 United States.

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 United States.

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

Yes, Canadian vessels will have to hail in and out prior to entering and leaving U.S. waters.

Q. How will NOAA Fisheries and Canada use these reports?

Both NOAA Fisheries and Fisheries and Oceans Canada (DFO) 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. As stated above, 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 have hailed in is important in the documentation process in the event you are boarded by the Coast Guard and your fishing activities are questioned.

Q. Am I allowed to transport live bait across the border for use during fishing in Canadian waters?

U.S. vessels operating under the Treaty are permitted to fish for albacore tuna using live northern anchovy as bait in Canadian waters. U.S. vessels are allowed to transport live northern anchovy for use as bait into Canadian waters. Vessels wishing to enter a Canadian port with live bait on board must inform the Canadian Customs and Border Services Agency (CBSA) that they have northern anchovy for use as bait on board when clearing customs prior to entering the port. Vessels not planning to enter a Canadian port do not have to inform the CBSA, although the vessel must still follow the hail in and out requirements mentioned above.

Public Burden Statement

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995 unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for this information collection is 0648-0492. Without this approval, we could not conduct this information collection. Public reporting for this information collection is estimated to be approximately 5 minutes per response for the Request to be Listed as Eligible Vessel, 10 minutes per response (5 minutes per hail in and hail out) for Reporting of Border Crossings, and 3 hours for the Vessel Marking Requirement, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are mandatory/required to obtain benefits. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the NMFS at: 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802, Attn: Permits & Monitoring Branch or wcr-permits@noaa.gov.