



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

## 2023

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 most recent agreement reached by the U.S. and Canada in June of 2020. Any discrepancy between the contents of this guide and applicable U.S. regulations will be resolved in favor of the regulations, which can be found at 50 CFR part 300, subpart L<sup>1</sup> and 50 CFR part 660, subpart K.<sup>2</sup> Regulations are subject to change, so this guide may become out of date.

### Q1. What is the U.S.—Canada Treaty (Treaty)?

The Treaty is an 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.

### Q2. In general, what do the regulations require?

The regulations establish vessel marking ([50 CFR 300.173](#)), record keeping ([§ 300.174](#)), and reporting requirements ([§ 300.175](#)) for U.S. albacore tuna fishing vessel operators and for Canadian albacore tuna fishing vessel operators when they are fishing in U.S. waters.

### Q3. What are the fishing access limits?

For the 2023 season, there is no 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.

### Q4. What Canadian ports are U.S. albacore fishing vessels allowed to use?

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<sup>1</sup> <https://www.ecfr.gov/current/title-50/chapter-III/part-300/subpart-L>

<sup>2</sup> <https://www.ecfr.gov/current/title-50/chapter-VI/part-660#subpart-K>

The Treaty authorizes U.S. fishing vessels 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 (CBSA) prior to any person or cargo being allowed to disembark the vessel.

For more information, see [Canadian Fishing and Port Access Requirements](#).

**Q5. 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) ([§ 300.175](#)). In addition, you are required to have your gear stowed in an unfishable condition while you are transiting.

**Q6. If I am interested in fishing in Canadian waters, what do I have to do?**

All U.S. North Pacific albacore tuna fishing vessels wishing to fish in Canadian waters pursuant to the treaty MUST register with NOAA Fisheries seven (7) days prior to the first planned day in Canada ([§ 300.172](#)); mark their vessels with name and registration number ([§ 300.173](#)); maintain and submit logbooks ([§ 300.174](#)); and report when they enter and leave Canadian waters ([§ 300.175](#)).

In addition, all U.S. vessels interested in fishing in Canadian waters must obtain an EEZ Port Access License prior to entering the Canadian EEZ. The “EEZ license” application form, along with a list of approved agents necessary for its completion, can be found online [here](#).

Please note that both the vessel owner and the vessel master are required to sign the EEZ Port Access License application form. It is recommended that the vessel owner and 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.

Lastly, U.S. vessels interested in fishing in Canadian waters need an “EEZ Albacore Tuna Fishing License for U.S. Vessels” (EEZ tuna fishing license) prior to entering Canada’s EEZ to fish. To obtain an EEZ tuna fishing license, agents/harvesters only need to check the box for this license on their application for an EEZ Port Access License. The EEZ tuna fishing license allows U.S. North Pacific albacore tuna vessels to enter and fish in Canada’s EEZ in accordance with Canadian Law. The EEZ tuna fishing license is valid for the calendar year in which it was issued.

*\*\*\* The same application form is used to apply for both port access and fishing licenses. \*\*\**

**Q7. Is a permit required to participate in the U.S.-Canada Albacore Treaty fishery?**

Yes. The Canadian DFO requires an EEZ Port Access license using its [EEZ Entry By A Foreign Vessel License Application form](#) (Under “Reason for Visit to Port, EEZ Access” on the application form select #7: “Fishing in Canadian EEZ”), as well as an EEZ tuna fishing license.

To obtain an EEZ tuna fishing license, check the box for this license on the application for an EEZ Port Access License.

A [Pacific Highly Migratory Species Permit](#) is also required to offload or land HMS in the States of California, Oregon, and Washington (§ 606.707(b)). In addition, vessels fishing outside of 200nm are required to have a valid [High Seas Fishing Compliance Act Permit](#) (HSFCA) (§ 300.333).

#### **Q8. 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, and in accordance with regulations at [§ 300.172](#), must contact NMFS at: (562) 980-4238, or email ([albacore.fish@noaa.gov](mailto: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 review the vessel's NMFS Pacific HMS Permit status and then place the vessel on the vessel list. The list is only valid for a single calendar 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 Access License.*

#### **Q9. 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 enter Canada. 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 Port Access License applications.

#### **Q10. 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 ([§ 300.173](#)). 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. However, Western and Central Pacific Fisheries Convention (WCPFC) Area Endorsement vessels may operate under the U.S.-Canada Albacore Treaty and be marked according to WCPFC requirements. See the [regulations](#) for vessel identification for vessels fishing on the high seas for more information.

#### **Q11. 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) ([§ 300.174](#)). 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.

**Q12. If I don't have a logbook, how do I get one?**

To obtain a logbook contact NMFS West Coast Region Permits Office, 501 W. Ocean Blvd. Suite 4200, Long Beach, CA 90802, by email at [wcr-permits@noaa.gov](mailto:wcr-permits@noaa.gov), or by phone at (562) 980-4238. A copy of the logbook may also be downloaded and printed from here: [HMS Hook and Line Logbook](#)

**Q13. 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 ([§ 300.175](#)).

**Q14. 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);
- By satellite phone or cellular phone at 250-627-3082.

**Q15. 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.

**Q16. 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 prosecuted either by Canada and/or the United States ([§ 300.176\(a\)\(3\)](#)).

**Q17. 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 ([§ 300.176\(c\)](#)).

**Q18. 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.

**Q19. How will NOAA Fisheries and Canada use these reports?**

Both NOAA Fisheries and Canadian 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.

**Q20. 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 3 hours and 20 minutes per response, 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](mailto:wcr-permits@noaa.gov).