



# communiqué

No:  
No.: 39

DIFFUSION: FOR IMMEDIATE RELEASE  
RELEASE: APRIL 12, 1978

## CANADA/USA INTERIM RECIPROCAL FISHERIES AGREEMENT

---

The Governments of Canada and the United States completed an Exchange of Notes in Washington, D.C. on April 11 constituting an interim reciprocal fisheries agreement which will enter into force following completion of the necessary legislative action by the United States Congress. This agreement provides for the continuation of reciprocal fishing and for the establishment of new mechanisms for bilateral consultations and the resolution of disputes so as to help ensure that existing fishing patterns are maintained. The new agreement will remain in force through 1978 unless superseded by a comprehensive boundaries and resource treaty or terminated by either Government after notice.

The major changes in this agreement in comparison with the 1977 Canada/USA fisheries agreement are:

- The new agreement can be terminated by either Government on 45 days' notice.
- Bilateral consultative committees will be set up on both the Atlantic and Pacific coasts and differences not settled at that level will be referred to the Special Negotiators for Maritime Boundaries.
- If a dispute is not resolved through consultation, the party objecting to an action of the other party can take reciprocal action to restore the balance of fisheries interests between the two countries.

- Canadian Pacific Coast salmon trollers will be permitted to fish further south along the coast of Washington State between 3 and 12 miles.

The Special Negotiators for Maritime Boundaries will be resuming their efforts towards a comprehensive boundaries and resource agreement early in the summer. Meanwhile Canadian and United States officials are continuing discussions on the legal and technical aspects of the long term agreement.

Copies of the Canadian Note, together with its Annex, and the text of the United States' Note are attached.

Department of External Affairs



Canada

Ministère des Affaires extérieures

Brussels, April 10, 1978

Sir,

I have the honour to refer to the discussions which have taken place between representatives of our governments concerning a long-term agreement on maritime boundaries and related marine resources. I have the honour also to refer to the Reciprocal Fisheries Agreement between the Government of the United States of America and the Government of Canada (The 1977 Reciprocal Agreement) signed in Washington, D.C., February 24, 1977.

While significant progress has been achieved toward conclusion of a long-term agreement, a number of issues remain to be resolved. As you are aware, the 1977 Reciprocal Agreement expired December 31, 1977. Pending conclusion of the long-term agreement, it is necessary to establish further agreed interim measures.

I therefore propose that each party continue on a reciprocal basis to observe the terms and conditions of the

.../2

Special Negotiator Lloyd N. Cutler,

U.S.A. Department of State,

Washington, D.C.

1977 Reciprocal Agreement, as amended by the understandings set forth in the Annex to this Note. These understandings are designed to maintain existing fishing patterns with no initiation of new fisheries and no expansion of effort, and reflect experience gained under the 1977 Reciprocal Agreement and the mutual expectation of an early conclusion of a long-term agreement.

If this proposal is acceptable to the Government of the United States, I have the honour to propose that this Note and its Annex, which are authentic in English and French, together with your reply to that effect, shall constitute an agreement between our governments which shall enter into force following the completion of internal procedures by each government in accordance with its domestic laws and notification thereof to the other. I propose that the present Agreement enter into force on the date of the later of the two notifications. It is further proposed that the understandings contained in the Annex shall be regarded as constituting an integral part of the 1977 Reciprocal Agreement.

Unless the two governments agree on a further extension, this Agreement shall terminate on December 31, 1978, or forty-five (45)

days following notice by either party that it intends to withdraw from the Agreement, or upon the entry into force of a comprehensive long-term agreement between the parties on boundaries and marine resources, whichever occurs first.

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



Ambassador M. Cadieux  
Special Negotiator for  
Maritime Boundaries (Canada/USA)

ANNEX

1. The terms and conditions of Article V of the 1977 Reciprocal Agreement are replaced by the following:

a. On the Pacific Coast, there shall be no fishing for salmon by nationals and vessels of either Party in the zone of the other, except salmon taken by trolling beyond 12 nautical miles of the coast and salmon taken by trolling between 3 and 12 nautical miles in the area west of a line joining Bonilla Point and Tatoosh Island; north of a line projected due west on 47 degrees 6 minutes North latitude, and south of a line projected from Bonilla Point to latitude 48 degrees 29.7 minutes North, longitude 125 degrees 00.7 minutes West.

b. Each Party shall have the right to limit such fishing for salmon in its zone by nationals and vessels of the other to the same time periods as its nationals and vessels are permitted such fishing for salmon in the zone of the other.

c. In light of the number of immature salmon originating in the rivers of the United States found in the Swiftsure Bank area of British Columbia Statistical Area 21, Canada agrees to consult with the United States about the conservation need to close this area to all salmon fishing from April 15, 1978 through June 14, 1978. If the United States concludes that there is a conservation need to close the fishery during such period but Canada does not do so, the United States shall have no obligation to permit salmon fishing in its Pacific Coast waters by nationals and vessels of Canada on more favorable terms than the terms of the 1977 Reciprocal Agreement.

d. In light of the fact that U.S. and Canadian regulations differ as to the chinook salmon size limit, the United States agrees that Canadian salmon troll vessels, in the U.S. fishery conservation zone off the coast of the State of Washington, north of a line drawn due west from La Push (47 degrees 55 minutes North latitude) may have chinook salmon between 26 and 28 inches on board, subject to the following conditions:

i) All such fish must be caught in the Canadian zone;

ii) Upon entering the U.S. fishery conservation zone, all vessels shall report by radio to U.S. authorities on designated frequencies the number of chinook salmon on board the vessel between 26 and 28 inches in length, and shall notify the same authorities upon leaving the zone. The two Parties recognize that in certain areas, salmon fishermen traditionally troll back and forth between the zones of the two countries, and that certain problems could arise with regard to the reporting requirements outlined in this paragraph when vessels are conducting continuous

fishing operations in these areas. It is agreed that the appropriate enforcement authorities of the two Governments shall establish uniform procedures which recognize this particular situation and minimize disruption of fishing.

iii) Such fish shall be segregated or grouped for identification on board the vessel and the location and number of such fish recorded by the Master in order to facilitate inspection and enforcement. U.S. and Canadian enforcement authorities shall make periodic inspections to enforce this provision.

2. The two Parties note that negotiations are continuing toward an agreement on interceptions of Pacific salmon and that both Governments are committed to an intensive effort to conclude these negotiations in 1978. Such an agreement would provide a framework for improved management, development, and utilization of these salmon stocks. In the context of such an agreement, the Canadian authorities would be prepared to work with the U.S. authorities in developing coordinated regulations for the ocean troll fishery, including increased minimum size limits, such as 28 inches for chinook salmon, and other measures, off the Pacific coasts of Canada and the U.S.

3. The Parties note that paragraph 1 of this Annex provides for Canadian salmon troll fishing in a larger area in the U.S. fishery conservation zone than that provided for originally in the 1977 Reciprocal Agreement. The two Parties agree that this expansion of area shall not provide for an increase in the total Canadian salmon troll fishing effort in the U.S. fishery conservation zone over the existing level as intended in Article II, paragraph 3 of the 1977 Reciprocal Agreement. In accordance with paragraph 5 of this Annex, the two Parties shall consult to ensure that procedures are developed to monitor Canadian effort in the U.S. zone and to exchange information regarding that effort.

4. The United States recognizes that Canadian salmon troll vessels that might lawfully possess chinook salmon between 26 and 28 inches periodically lay-to at night in areas north of La Push, and that because of existing strong southerly currents, they may, while laying-to at night, drift south of 47 degrees 55 minutes North. The U.S. undertakes to assure that U.S. enforcement authorities will take this factor into account, but notes that no Canadian troll vessels with 26-28 inch fish aboard shall be permitted to conduct fishing operations south of La Push, nor drift further south than 47 degrees 46 minutes North latitude.

5. The two Parties recognize that the 1977 Reciprocal Agreement deals principally with the subject of reciprocal fishing privileges in their respective zones and that the rational management of fisheries subject to reciprocal fishing privileges is necessary in order to ensure their effective conservation. The two Parties recognize that their domestic management decisions regarding stocks of mutual interest may have conservation impacts of joint concern and therefore agree to consult quarterly, and at such other times as either may request, regarding appropriate action each may take to limit catches from these stocks. With this in mind, and in order to facilitate the harmonious implementation of this Agreement, the Parties agree that the following consultative mechanisms and procedures shall be established:

a. There shall be established two Consultative Committees, one for the Atlantic Coast and one for the Pacific Coast (hereinafter referred to as the Committees).

b. Each Committee shall be composed of members appointed by each Party who may be accompanied by advisors.

c. The Committees shall serve as fora for consultation on matters concerning the implementation of this Agreement. Unless otherwise agreed between the Parties, all questions shall be referred in the first instance to the appropriate Committee for its consideration. Each Committee shall meet at the request of either Party and at least quarterly.

d. Each Party agrees to notify the other of proposed regulatory measures affecting fisheries subject to reciprocal fishing privileges and to consult with the other Party on such measures within the Committees referred to above. Such consultations shall take place prior to the implementation of the regulatory measures concerned. Where one Party believes that urgent conservation concerns require immediate action, the Committee shall consider the matter within 48 hours of notification to the other Party during which time the proposed regulatory measure shall not be implemented.

e. Matters which have not been successfully resolved by a Committee, and matters of general concern which do not pertain solely to either the Atlantic or to the Pacific Coasts, shall be referred to the Special Negotiators of the long-term agreement without delay. In the absence of either Special Negotiator the matter shall be referred to an appropriately designated alternate.

6. In the event that a Party takes any action which, in the view of the other Party, adversely affects its fisheries in the zone of the Party taking action or in the boundary regions in a manner substantially incompatible with this Agreement, the



consultative process described in paragraph 5 above shall be utilized. In the event that a matter is not thereby resolved within 14 days of referral to the Special Negotiators or designated alternates, either Party may take reciprocal action with regard to the activities of the fishing vessels of the other Party to an extent sufficient to re-establish the balance of fisheries interests between the two Parties.

7. The two Parties note the importance of exchanging catch and effort statistics on a regular and timely basis and monitoring the fishing activities of the vessels of one country fishing in the zone of the other. The Parties also note the need for vessels to be more conspicuously marked so as to provide for more effective enforcement surveillance. It is agreed that the two Parties will consult, in accordance with Paragraph 5 of this Annex, on these matters in order to establish more effective procedures. In particular, each Party recognizes the interest in establishing reciprocal procedures for reporting by vessels of the other country of entry and departure into its zone and of catches taken in its zone, and agrees to consult in this regard.

8. Noting Article IX of the 1977 Reciprocal Agreement, the two Parties agree that in order to ensure the full and effective enforcement of this Agreement in the boundary region on the Atlantic coast, the enforcement authorities of each will closely coordinate their inspection and enforcement activities, including appropriate steps to facilitate the exchange of observers on the vessels of each Party.

TEXT OF USA NOTE OF REPLY TO CANADIAN NOTE  
CONSTITUTING RECIPROCAL FISHERIES AGREEMENT

Department of State

Washington

April 11, 1978

Excellency,

I have the honour to refer to your note of April 10 in which you noted that while negotiations are continuing toward a long-term agreement on maritime boundaries and related marine resources, agreed interim measures must be established.

You have proposed that each party continue on a reciprocal basis to observe the terms and conditions of the 1977 Reciprocal Fisheries Agreement between our two Governments signed on February 24, 1977, as amended by the understandings set forth in the annex to your note, with a view to maintaining existing fishing patterns.

I have the honour to inform you that the proposals contained in your note are acceptable to the Government of the United States of America and to confirm that your note and the annex thereto, which are authentic in English and French, together with this reply shall constitute an Agreement between our two Governments. As you proposed, this Agreement shall enter into force when each of our Governments has notified the other of the completion of its internal procedures in accordance with its domestic laws, on the date of the later of the two notifications. It is further understood that, unless the two

His Excellency Marcel Cadieux,

Special Negotiator for Maritime Boundaries (Canada/USA),  
Brussels.

Governments agree on a further extension, this Agreement shall terminate on December 31, 1978, or forty-five (45) days following notice by either party that it intends to withdraw from the Agreement, or upon the entry into force of a comprehensive long-term agreement, whichever occurs first.

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

(signed)

Lloyd N. Cutler

Special Maritime Negotiator