

No.12901

**UNITED STATES OF AMERICA
and
JAPAN**

Exchange of notes constituting an agreement relating to certain fisheries off the coast of the United States of America (with related note and agreed minutes). Washington, 20 December 1972

Authentic text: English.

Registered by the United States of America on 12 December 1973.

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

Échange de notes constituant un accord relatif à certaines activités de pêche au large des côtes des États-Unis d'Amérique (avec note connexe et procès-verbal approuvé). Washington, 20 décembre 1972

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 12 décembre 1973.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND JAPAN RELATING TO CERTAIN FISHERIES OFF THE COAST OF THE UNITED STATES OF AMERICA

I

The Japanese Ambassador to the Secretary of State

EMBASSY OF JAPAN
WASHINGTON

December 20, 1972

Excellency,

I have the honor to refer to the consultation between the representatives of the Government of Japan and the Government of the United States of America held in Washington, D.C., from November 7 to November 27, 1972, concerning certain fisheries off the coast of the United States of America and to confirm on behalf of my Government the following understandings which shall replace the previous Agreement contained in the exchange of notes on December 11, 1970:²

1. The Government of Japan will take necessary measures to ensure that the nationals and vessels of Japan will not engage in fishing except such fishing as listed below in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured.

- 1) In the waters off the Bering Sea coast of the Aleutian Islands:
 - (a) between 165° and 166°45' West Longitude, dragnet and longline fishing and loading from December 1 to May 31 inclusive;
 - (b) between 166°45' and 169° West Longitude, dragnet and longline fishing and loading from February 16 to September 14 inclusive;
 - (c) between 169° and 172° West Longitude, dragnet and longline fishing and loading year-round;
 - (d) between 172° and 176° West Longitude, dragnet and longline fishing and loading from April 1 to October 31 inclusive;
 - (e) west of 176° West Longitude, dragnet fishing from May 1 to December 31 inclusive and longline fishing and loading year-round.
- 2) In the waters off the Pacific coast of the Aleutian Islands:
 - (a) between 166° and 169° West Longitude, longline fishing and loading from February 16 to September 14 inclusive;
 - (b) between 169° and 172° West Longitude, dragnet and longline fishing and loading year-round;
 - (c) between 172° and 178°30' West Longitude, dragnet fishing from July 1 to October 31 inclusive and longline fishing and loading from April 1 to October 31 inclusive;

¹ Came into force on 20 December 1972, by the exchange of the said notes.

² United Nations, *Treaty Series*, vol. 776, p. 197.

(d) west of 178°30' West Longitude, dragnet fishing from May 1 to December 31 inclusive and longline fishing and loading year-round.

3) Tuna fishing in all waters except off the mainland of the continental United States of America (including Alaska), Puerto Rico, the Virgin Islands, Panama Canal Zone, and Hawaii, Maui, Molokai, Oahu, Kauai, Lanai, and Niihau of the Hawaiian Islands.

2. In addition to the areas of fishing listed in paragraph 1, the areas for loading operations by nationals and vessels of Japan in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured shall be as follows:

- 1) Near Destruction Island, Washington, in the waters between 47°36' North Latitude and 47°45' North Latitude.
- 2) Near Forrester Island, Alaska, in the waters bounded on the north by 54°54' North Latitude, on the east by 133°16' West Longitude, and on the south by 54°44' North Latitude.
- 3) On the east side of Kayak Island, Alaska, in the waters between 59°48' and 59°56' North Latitude west of 143°53' West Longitude and on the west side of Kayak Island in the waters between 59°52' and 60°07' North Latitude east of 145° West Longitude.
- 4) North of Tonki Cape on Afognak Island, Alaska, in the waters bounded on the north by 58°35' North Latitude, on the south by 58°25' North Latitude, on the west by 152°02' West Longitude and on the east by 151°52' West Longitude.
- 5) On the west side of Sanak Island, Alaska, in the waters bounded on the north by 54°36' North Latitude, on the south by 54°26' North Latitude, on the west by 163°05' West Longitude and on the east by 162°40' West Longitude.
- 6) On the south side of Unalaska Island, Alaska, in the waters between 167°18' West Longitude and 167°40' West Longitude.
- 7) On the north side of Unalaska Island, Alaska, in the waters between 167°15' West Longitude and 167°30' West Longitude.
- 8) Off St. George Island of the Pribilof Islands, Alaska.
- 9) On the north side of St. Matthew Island, Alaska, in the Bering Sea in the waters between 172°29' West Longitude and 172°46' West Longitude, and on the south side of St. Matthew Island in the waters between 172°17' West Longitude and 172°35' West Longitude and in the waters between 172°54' West Longitude and 173°04' West Longitude.

3. Nothing in the present arrangements shall be deemed to prejudice the claims of either Government in regard to the jurisdiction of a coastal state over fisheries.

4. The present arrangements shall be effective as of January 1, 1973, and shall continue in effect until December 31, 1974, provided that in regard to the fishing as specified in paragraph 1 (1) (a), the present arrangements shall continue in effect until May 31, 1975. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time to consider the desirability of modifications of these arrangements. The two Governments shall meet before December 31, 1974, to review the operation of the present arrangements and to decide on future arrangements.

I have further the honor to propose that this note and Your Excellency's reply confirming the above understandings on behalf of your Government shall be regarded as constituting an agreement between the two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

NOBUHIKO USHIBA

His Excellency William P. Rogers
Secretary of State

II

DEPARTMENT OF STATE
WASHINGTON

December 20, 1972

Excellency,

I have the honor to acknowledge receipt of Your Excellency's note of today's date, which reads as follows:

[See note I]

I have further the honor to confirm the above understandings on behalf of the Government of the United States of America and to agree that Your Excellency's note and this reply shall be regarded as constituting an agreement between the two Governments.

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

WILLIAM P. ROGERS
Secretary of State of the United States of America

His Excellency Nobuhiko Ushiba
Ambassador of Japan

RELATED NOTE

EMBASSY OF JAPAN
WASHINGTON

December 20, 1972

Excellency,

I have the honor to refer to the arrangements set forth in the notes exchanged today between us concerning certain fisheries off the coast of the United States of America and to inform Your Excellency of the following:

The Government of Japan will take necessary measures to ensure that, with a view to preventing conflict of fishing gear during periods of high concentration of such gear, nationals and vessels of Japan will not, during the duration of the above-mentioned arrangements, engage in the following fishing in the waters and during the periods specified below respectively:

1. Dragnet and longline fishing from August 15 to April 25 of the following year inclusive:

Off Kodiak Island seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured in the six areas bounded respectively by straight lines connecting in each of the following groups the coordinates in the order listed:

(i)	<u>North Latitude</u>	<u>West Longitude</u>
	57°15'	154°51'
	56°57'	154°34'
	56°21'	155°40'
	56°26'	155°55'
	57°15'	154°51'
(ii)	<u>North Latitude</u>	<u>West Longitude</u>
	56°27'	154°06'
	55°46'	155°27'
	55°40'	155°17'
	55°48'	155°00'
	55°54'	154°55'
	56°03'	154°36'
	56°03'	153°45'
	56°30'	153°45'
	56°30'	153°49'
	56°27'	154°06'
(iii)	<u>North Latitude</u>	<u>West Longitude</u>
	56°30'	153°49'
	56°30'	153°00'
	56°44'	153°00'
	56°57'	153°15'
	56°45'	153°45'
	56°30'	153°49'
(iv)	<u>North Latitude</u>	<u>West Longitude</u>
	57°05'	152°52'
	56°54'	152°52'
	56°46'	152°37'
	56°46'	152°20'
	57°19'	152°20'
	57°05'	152°52'
(v)	<u>North Latitude</u>	<u>West Longitude</u>
	57°35'	152°03'
	57°11'	151°14'
	57°19'	150°57'
	57°48'	152°00'
	57°35'	152°03'
(vi)	<u>North Latitude</u>	<u>West Longitude</u>
	58°00'	152°00'
	58°00'	150°00'
	58°12'	150°00'
	58°19'	151°29'
	58°00'	152°00'

2. Dragnet and longline fishing from September 15 to February 15 of the following year inclusive:

Off Unimak Island seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured in the area bounded by straight lines connecting the following coordinates in the order listed.

<u>North Latitude</u>	<u>West Longitude</u>
54°10'	163°04'
53°28'	166°00'
54°00'	166°00'
54°00'	165°00'
54°33'	164°00'
54°33'	163°04'
54°10'	163°04'

3. Dragnet fishing during the period from three and three-fourths days before the opening hour of the halibut fishing season to three and one-half days after such opening hour in the following areas. Information as to the opening dates of the halibut fishing season shall be provided no less than one month in advance to the Government of Japan by the Government of the United States of America:

(1) The area bounded by straight lines connecting the following coordinates in the order listed:

<u>North Latitude</u>	<u>West Longitude</u>
59°28'	150°00'
59°28'	147°41'
58°30'	148°30'
58°42'	150°20'

(2) The area bounded by straight lines connecting the following coordinates in the order listed:

<u>North Latitude</u>	<u>West Longitude</u>
58°05'	150°27'
58°05'	148°47'
57°40'	150°05'

(3) The area seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured bounded by straight lines connecting the following coordinates in the order listed:

<u>North Latitude</u>	<u>West Longitude</u>
56°24'	156°30'
56°18'	155°48'
55°31'	156°04'
55°30'	156°31'

4. Dragnet and longline fishing throughout the year in the waters off the coast of the State of Washington between 46°14' North Latitude and 46°56' North Latitude landward of the isobath of 110 meters.

5. Dragnet fishing during the period from March 28th 1500 hours to April 5th 0300 hours, or in the event the Government of Japan is informed by the Government of the United States of America no less than one month in advance of a change in the halibut fishing season, the period from three and three-fourths days before the opening hour to three and one-half days after the opening hour of such season in each of the following three areas respectively bounded by straight lines connecting the coordinates in the order listed:

<u>North Latitude</u>	<u>West Longitude</u>
(Polaris Grounds)	
55°04'	167°18'
54°44'	166°14'
54°30'	166°24'
54°34'	167°14'
54°50'	167°38'
(Misty Moon Grounds)	
56°18'	170°24'
56°20'	169°03'
56°12'	168°46'
55°56'	169°10'
55°56'	170°24'
(Corridor Grounds)	
58°32'	174°52'
58°40'	174°20'
57°02'	173°00'
56°52'	173°44'

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

NOBUHIKO USHIBA

His Excellency William P. Rogers
Secretary of State

AGREED MINUTES

The representatives of the Government of the United States of America and the Government of Japan have agreed to record the following in connection with the notes exchanged today between the Secretary of State Rogers and Ambassador Ushiba concerning certain fisheries off the coast of the United States of America and salmon fishing, and the note of Ambassador Ushiba of today's date concerning dragnet and longline fishing in certain waters:

1. It is agreed that for the purposes of the arrangements set forth in the above-mentioned notes the term "the United States of America" does not include the Trust Territory of the Pacific Islands.

2. The Japanese representative stated that fishing effort by Japanese nationals and vessels in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured (hereinafter referred to as "the Waters") would not exceed the level of 1966 and that, with respect to dragnet fishing in the Waters, there would be no marked change in the present method of operating the fishing gear.

3. It is recognized to be appropriate that, with respect to cases of gear conflict which may arise between the fisheries of the two countries, prompt consultation be held between the Parties concerned as necessary in each case.

4. It is agreed that, with respect to areas of heavy concentration of fishing operations of both countries, each Government will take appropriate measures aimed at prevention of damage to fishing gear of the vessels of both countries, including measures for improvement of the means for marking fixed gear, measures to ensure that fixed gear is set with due regard

for the operation of mobile gear and measures to ensure that vessels operating with mobile gear will operate with due regard for fixed gear.

5. It is recognized that it might not be possible to fully prevent parts of longlines used in the tuna fishery from unintentionally and accidentally drifting into that part of the Waters where the Japanese Government agrees to ensure that Japanese nationals and vessels will not engage in the tuna fishery. Such cases as described above, when verified by the circumstances, will not be regarded as infringements of the above-mentioned arrangements.

6. It is agreed that the respective Governments would take all possible measures to ensure that their nationals and vessels refrain from engaging in such harmful practices as would result in pollution of the seas and would have deleterious effects upon the health and well-being of the living resources thereof.

7. The Japanese representative stated that when fishing for tuna in areas adjacent to the United States coast, Japanese tuna fishermen would not attempt to seek out concentrations of billfishes.

8. The Japanese representative stated that salmon fishing operations of nationals and vessels of Japan in the Waters would be conducted paying due regard to the conditions of the runs of salmon of Bristol Bay origin. The two Governments will hold consultations, if necessary, on the problem of fishing for salmon of Bristol Bay origin.

9. The Japanese representative took cognizance of the existing bilateral Agreements between the United States and the Soviet Union¹ and Poland² with respect to certain species of fish in the Mid-Atlantic area on the high seas off the coast of the United States. The said representative stated that the target species of nationals and vessels of Japan operating in the area concerned consisted mainly of such species as butterfish, squid and argentine, species which are not covered by the said agreements, and that they would not harvest those particular species covered by the agreements to such an extent as to impair the objectives of the said agreements.

10. The Japanese representative stated that Japanese nationals and vessels engaged in fishing operations off the United States Atlantic coast north of Cape Hatteras have not heretofore engaged and will not engage in the future in intentional catching of lobster, and that the incidental catch of lobster has been small and will remain so.

Washington, D.C., December 20, 1972.

For the United States Delegation:

DONALD L. MCKERNAN

For the Japanese Delegation:

YUTAKO NOMURA

¹ See "Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on certain fishery problems on the high seas in the western areas of the Middle Atlantic Ocean", in United Nations, *Treaty Series*, vol. 777, p. 3.

² See "Agreement between the Government of the United States of America and the Government of the Polish People's Republic regarding fisheries in the western region of the Middle Atlantic Ocean", in United Nations, *Treaty Series*, vol. 719, p. 209.