

No. 13078

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**UNITED STATES OF AMERICA  
and  
CANADA**

**Agreement on reciprocal fishing privileges in certain areas off  
their coasts. Signed at Ottawa on 15 June 1973**

*Authentic texts: English and French.*

*Registered by the United States of America on 12 February 1974.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
CANADA**

**Accord relativement aux privilèges réciproques de pêche dans  
certaines régions sises au large de leurs côtes. Signé à  
Ottawa le 15 juin 1973**

*Textes authentiques : anglais et français.*

*Enregistré par les États-Unis d'Amérique le 12 février 1974.*

## AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA ON RECIPROCAL FISHING PRIVILEGES IN CERTAIN AREAS OFF THEIR COASTS

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The Government of the United States of America and the Government of Canada,

Considering that both Governments have established exclusive fishery zones;

Recognizing that fishermen of the two countries have traditionally fished for the same species in certain areas now encompassed within the exclusive fishery zones;

Deeming it desirable to establish the terms and conditions under which nationals and vessels of each of the two countries may conduct, on a reciprocal basis, commercial fishing operations within certain areas off their coasts; and

Having in mind the mutuality of interest on the part of the two countries in the conservation and rational exploitation of certain living marine resources off their coasts;

Have agreed as follows:

1. For the purposes of this Agreement,
  - a. the reciprocal fishing area of the United States of America shall be the fishing zone established in 1966 south of 63° north latitude;
  - b. the reciprocal fishing area of Canada shall be as follows:
    - (i) in those "Areas" listed in Order-in-Council P.C. 1967-2025 and Order-in-Council P.C. 1969-1109, issued by the Government of Canada on November 8, 1967, and June 11, 1969, respectively, those waters extending 9 miles seaward of the territorial sea of Canada as it existed in 1966;
    - (ii) in those areas not listed in the Orders-in-Council cited above, those waters south of 63° north latitude which are contiguous to and extend from three to twelve miles from the coast of Canada, with the exception of bays where they cease to exceed 24 miles in breadth.

Nothing in this Agreement shall affect waters other than those referred to in this paragraph.

2. Nationals and vessels of each country may continue to fish within the reciprocal fishing area of the other country, except that there shall be no such fishing for the following:

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<sup>1</sup> Came into force on 16 June 1973, in accordance with paragraph 8.

- a. any species of clam, scallop, crab, shrimp, lobster or herring;
- b. any salmon other than salmon taken by trolling off the Pacific coasts of the United States and Canada west of a line joining Bonilla Point and Tatoosh Island; north of a line projected due west from Carroll Island (latitude 48°00.3' North, longitude 124°43.3' West) and south of a line projected from Bonilla Point to the intersection of the outer limits of the reciprocal fishing areas of the United States and Canada (latitude 48°29.7' North, longitude 125°00.7' West);
- c. any black cod other than:
  - (i) a catch not to exceed 30,000 pounds annually taken by longline or pot gear off the west coast of Alaska between lines projected southwest (225° true) from Cape Ommaney and Cape Bingham respectively during the open seasons specified for fishing for black cod in the adjacent territorial sea; and
  - (ii) a catch not to exceed 15,000 pounds off the west coast of Vancouver Island between lines projected southwest (225° true) from Estevan Point and Cape Scott respectively;
- d. any tuna other than a catch not to exceed 500 tons annually taken south and west of a line projected due east from Chatham Light on Cape Cod. Not more than two Canadian vessels exceeding 150 feet in overall length may take tuna within the area described, and only at such times and in the same general area as that in which United States tuna vessels exceeding 150 feet in overall length are fishing.

Subject to its domestic legislation, each Government will continue to permit transfers of herring between nationals and vessels of the two countries within the reciprocal fishing areas. The Governments agree that the principal purpose of this provision is to enable the continuation of transfers of herring intended for purposes other than reduction.

3. Nationals and vessels of either country will not initiate fisheries within the reciprocal fishing area of the other country for species which are fully utilized by fishermen of the latter country. If fishermen of either country wish to initiate a fishery within any part of the reciprocal fishing area of the other country for species not fully utilized, their Government will first consult with the other Government and reach an understanding concerning conditions for such a fishery.

4. Regulations established by one country pertaining to the taking or possession of fish within its reciprocal fishing area shall apply equally to the nationals and vessels of both countries operating within such area; in areas of the reciprocal fishing area of Canada in which Canadian domestic regulation at present prohibits trawl fishing by vessels exceeding 65 feet in length, such fishing by United States vessels exceeding 65 feet is also prohibited. These regulations shall be enforced by the Government which issued them. Should either Government consider it necessary

to alter such fishery regulations, that Government shall notify the other Government of such proposed changes 60 days in advance of their application. Should such changes in fishery regulations require major changes in fishing gear, an adequate period of time, up to one year, will be afforded the nationals and vessels of the other country to adapt to such changes prior to their application.

5. The two Governments recognize the desirability of coordinating their regulations for certain salmon fisheries and agree as follows:

- a. the appropriate fishery management authorities of the two countries shall consult frequently with a view to co-ordinating the regulatory measures to be applied by them to the fisheries for coho and chum salmon in British Columbia Statistical Area 20 and Statistical Areas 1 and 2 of the Washington State Department of Fisheries;
- b. with respect to the chinook salmon fishery in the portion of Washington State Statistical Area 1 bounded on the north by the international boundary, on the east by the low-water line bordering the western and southern shores of Point Roberts peninsula, on the south by a line projected from Lily Point to Georgina Point on Mayne Island between Lily Point and its point of intersection with the boundary line, and on the west by the international boundary and, with respect to the chinook salmon fishery in British Columbia Statistical Area 29, the appropriate fisheries officials of the two countries shall consult for the purpose of co-ordinating regulations regarding the open fishing days for the two specified areas. The Canadian officials, when designating the open fishing days for the specified Canadian area, shall give appropriate weight to the needs and interests expressed by the United States officials. The United States officials shall, to the extent consistent with the needs of the United States fishery, designate the same open fishing days for the specified United States area as are designated for the specified Canadian area and shall, in any case, designate the same number of open fishing days as designated for the specified Canadian area;
- c. with respect to the chum salmon fishery in the section of Washington State Statistical Area 1 westward of Point Roberts peninsula, bounded on the north by the international boundary, on the east by the low-water line of Point Roberts peninsula, and by a line projected from Iverson Dock (Point Roberts) to Turning Point No. 1 of the boundary line in latitude  $49^{\circ} 00' 08.87''$  North and longitude  $123^{\circ} 19' 17.18''$  West, and with respect to the chum salmon fishery in British Columbia Statistical Area 29, the appropriate fisheries officials of the two countries shall consult for the purpose of co-ordinating regulations regarding the open fishing days for the two specified areas. The following provisions shall be applicable from a date agreed by the appropriate fisheries officials of the two countries, which date shall be no earlier than the fifth and no later than the fifteenth of October:

- (i) the Canadian officials, when designating the open fishing days for the specified Canadian area, shall give appropriate weight to the needs and interests expressed by the United States officials;
- (ii) the United States officials shall designate the same open fishing days for the specific United States area as are set for the specified Canadian area.

6. The two Governments recognize the importance of maintaining the fishery resources in their reciprocal fishing areas at appropriate levels. Both Governments agree to continue and expand co-operation in both national and joint research programs on species of common interest off their coasts. The appropriate agencies of the two Governments will arrange for exchanges and periodic joint reviews of scientific information.

7. Nothing in this Agreement shall prejudice the claims or views of either of the parties concerning internal waters, territorial waters, or jurisdiction over fisheries or the resources of the continental shelf; further, nothing in this Agreement shall affect either bilateral or multilateral agreements to which either Government is a party.

8. This Agreement shall enter into force on June 16, 1973, and shall remain in force until April 24, 1974. Representatives of the two Governments shall consult prior to expiration of the period of validity of this Agreement with a view to possible amendment and/or extension. However, if the Government of Canada gives notice to the Government of the United States of America of intent to extend its surflines off the west coast of Vancouver Island, and/or extends the troll season for salmon off the west coast of Vancouver Island, the Government of the United States of America may give notice of termination of the Agreement, which termination shall take effect 60 days after the giving of such notice.

IN WITNESS WHEREOF the respective representatives have signed this Agreement.

DONE in two copies at Ottawa this 15th day of June 1973, in the English and French languages, each language version being equally authentic.

EN FOI DE QUOI les fondés de pouvoir respectifs ont signé le présent Accord.

FAIT en double exemplaire à Ottawa le 15<sup>e</sup> jour de juin 1973, en français et en anglais, les deux versions faisant également foi.

[Signed — Signé]<sup>1</sup>

For the Government of the United States of America

Pour le Gouvernement des Etats-Unis d'Amérique

[Signed — Signé]<sup>2</sup>

For the Government of Canada

Pour le Gouvernement du Canada

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<sup>1</sup>Signed by Adolph W. Schmidt — Signé par Adolph W. Schmidt.

<sup>2</sup>Signed by K. C. Lucas — Signé par K. C. Lucas.