

No. 12995

**UNITED STATES OF AMERICA
and
UNION OF SOVIET SOCIALIST REPUBLICS**

Agreement on certain fisheries problems in the northeastern part of the Pacific Ocean off the coast of the United States of America. Signed at Moscow on 21 February 1973

Authentic texts: English and Russian.

Registered by the United States of America on 23 January 1974.

**ÉTATS-UNIS D'AMÉRIQUE
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

Accord relatif à certaines questions posées par l'exercice de la pêche dans la partie nord-est du Pacifique au large de la côte des États-Unis d'Amérique. Signé à Moscou le 21 février 1973

Textes authentiques : anglais et russe.

Enregistré par les États-Unis d'Amérique le 23 janvier 1974.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON CERTAIN FISHERIES PROBLEMS IN THE NORTHEASTERN PART OF THE PACIFIC OCEAN OFF THE COAST OF THE UNITED STATES OF AMERICA

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Being mutually interested in having the fisheries in the northeastern part of the Pacific Ocean off the coast of the United States conducted with due attention to their respective interests, and

Considering it desirable that the fisheries in the said area be conducted with due regard to the conservation of fish stocks, and that measures be taken to prevent damage to the fishing gear used by fishermen of the two countries,

Have agreed on the following:

1. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics consider it desirable to expand research pertaining to the species of fish of interest to both parties, on a national basis as well as in the form of coordinated research according to agreed programs. The competent agencies of both Governments shall ensure the following, at least on an annual basis:

- a. An exchange of scientific and statistical data, published works and the results of fishery research;
- b. Meetings of scientists and, in appropriate cases, the participation of the scientists of each Government in fishery research conducted on the research vessels of the other Government.

Each Government will, within the scope of its domestic laws and regulations, facilitate entry into appropriate ports for research vessels of the other Government engaged in joint research. Fishery research vessels of the Soviet Union with participating scientists of the United States on board may conduct cooperative research within the nine-mile zone contiguous to the territorial sea of the United States off the California, Oregon, and Washington coasts.

2. Fishing vessels of the Soviet Union may fish and conduct loading operations within the nine-mile zone contiguous to the territorial sea of the United States in the following areas:

- a. In the Gulf of Alaska between 140°30' West Longitude and 142°30' West Longitude.
- b. Off the Bering Sea coast of the Aleutian Islands:
 - (1) between 169° and 172° West Longitude;
 - (2) from May 1 to December 31 inclusive, west of 176° West Longitude;
 - (3) from February 16 to September 14 inclusive, between 165° and 169° West Longitude;

¹ Came into force on 21 February 1973 by signature.

(4) from July 1 to October 31 inclusive, between 172° and 176° West Longitude.

c. Off the Pacific Ocean coast of the Aleutian Islands:

(1) between 169° and 172° West Longitude;

(2) from May 1 to December 31 inclusive, west of 178°30' West Longitude;

(3) from July 1 to October 31 inclusive, between 172° and 178°30' West Longitude.

Fishing effort in these areas will not exceed 1966 levels. In this connection, statistics on fishing effort and catches by species in these areas will be provided on a regular basis.

3. In addition, fishing vessels of the Soviet Union may conduct loading operations in the following areas within the nine-mile zone contiguous to the territorial sea of the United States:

a. On the north side of Nunivak Island in the Bering Sea between 166°39' and 166°51' West Longitude, and on the south side of Nunivak Island between 165°49' and 166°01' West Longitude.

b. On the north side of St. Matthew Island in the Bering Sea between 172°29' and 172°46' West Longitude and on the south side of St. Matthew Island between 172°17' and 172°35' West Longitude and between 172°54' and 173°04' West Longitude.

c. On the north side of Unalaska Island between 167°30' and 167°35' West Longitude.

d. On the west side of Sanak Island 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.

e. North of Marmot Island in the Gulf of Alaska between 151°42' and 151°52' West Longitude.

f. On the east side of Kayak Island in the Gulf of Alaska between 59°52' and 59°56' North Latitude west of 143°53' West Longitude, and on the west side of Kayak Island between 59°56' and 60°00' North Latitude.

g. Near Forrester Island 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.

h. On the south side of Unalaska Island in the waters between 167°18' West Longitude and 167°40' West Longitude.

4. The Government of the Soviet Union will adopt the measures necessary to ensure that nationals and vessels of the Soviet Union:

a. Refrain from fishing in the waters off the Pacific coast of the United States between 46°14' and 46°56' North Latitude landward of the isobath of 110 meters;

b. Refrain from concentrating fishing vessels during the period from June 15 to September 15 inclusive between 47°54' and 48°28' North Latitude east of 125°06' West Longitude;

c. 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, refrain from fishing in the following areas:

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

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

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

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

- (3) The waters seaward of the nine-mile zone contiguous to the territorial sea of the United States in the area enclosed by straight lines connecting the following coordinates in the order listed:

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

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 the Union of Soviet Socialist Republics by the Government of the United States of America.

- d. During the period September 15 to February 15 inclusive, refrain from trawling in the waters seaward of the nine-mile zone contiguous to the territorial sea of the United States in the area enclosed by straight lines connecting the following coordinates in the order listed:

| <i>North Latitude</i> | <i>West Longitude</i> |
|-----------------------|-----------------------|
| 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' |

It is agreed that in the above area west of 164°45' West Longitude trawling may be conducted during the said period of time at depths of 200 meters or greater.

- e. Restrict its total catch of flatfish, including yellowfin flounder, in the eastern Bering Sea to a level not exceeding the average of the 1969, 1970 and 1971 catches (100,000 metric tons) during 1973 and 1974.

- f. Limit the catch level of Pacific hake to the 1971 level (150,000 metric tons) during the 1973 and 1974 fishing seasons.

5. Both Governments will take appropriate measures to ensure that their nationals and vessels refrain from:

- a. Conducting bottom trawl fishing along the coast of the United States of America in the northeastern Pacific Ocean between the isobaths of 200 and 600 meters during the period December 15 to April 30 inclusive in the following areas:
- (1) 48°10' to 47°35' North Latitude
 - (2) 47°00' to 46°08' North Latitude
 - (3) 45°50' to 45°35' North Latitude
 - (4) 45°09' to 44°41' North Latitude
 - (5) 44°10' to 43°37' North Latitude
 - (6) 42°00' to 41°15' North Latitude
- b. Conducting a specialized fishery for rockfish in the waters south of 50°30' North Latitude. In this connection, the annual incidental catch of rockfish by nationals and vessels of the two countries in waters south of 48°10' North Latitude shall not exceed the 1969 level, and the masters of fishing vessels will be instructed to avoid conducting fishing operations in areas of rockfish concentrations. For purposes of this Agreement, the term "incidental catch" means a catch taken unintentionally in the course of conducting a specialized fishery for other species.
- c. Conducting a specialized fishery for flounders and soles south of 48°10' North Latitude.

The provisions of this paragraph shall not apply to vessels under 110 feet in length.

6. The two Governments will take effective measures to prevent the use by their nationals and vessels of liners of such mesh size as to retain immature fish in trawling for bottom fish, and will also take all measures necessary to ensure the use in fishing for hake of bottom trawls with a mesh size in any of the parts no less than 60 to 70 millimeters or 2.4 to 2.8 inches, stretched mesh, including one knot (two bars). It is agreed that there will be no marked change in the manner in which bottom trawl gear is rigged and operated in 1973 and 1974.

7. The two Governments will take appropriate measures to ensure that their nationals and vessels refrain from fishing with mobile gear during the period from three and three-fourths days before the opening hour of the halibut season to three and one-half days after such opening hour at depths between 200 and 1000 meters and, bearing in mind the provisions of paragraph 9 of the Agreement, take additional precautions to avoid gear conflicts during the next seven days in the three areas enclosed by straight lines connecting the following coordinates in the order listed:

| <i>a. North Latitude</i> | <i>West Longitude</i> |
|--------------------------|-----------------------|
| 55°04' | 167°18' |
| 54°44' | 166°14' |
| 54°30' | 166°24' |
| 54°34' | 167°14' |
| 54°50' | 167°38' |
| 55°04' | 167°18' |

| | | |
|-----------|-----------------------|-----------------------|
| <i>b.</i> | <i>North Latitude</i> | <i>West Longitude</i> |
| | 56°18' | 170°24' |
| | 56°20' | 169°03' |
| | 56°12' | 168°46' |
| | 55°56' | 169°10' |
| | 55°56' | 170°24' |
| | 56°18' | 170°24' |
| | | |
| <i>c.</i> | <i>North Latitude</i> | <i>West Longitude</i> |
| | 58°32' | 174°52' |
| | 58°40' | 174°20' |
| | 57°02' | 173°00' |
| | 56°52' | 173°44' |
| | 58°32' | 174°52' |

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 the Union of Soviet Socialist Republics by the Government of the United States of America.

8. Each Government shall, within the scope of its domestic laws and regulations, facilitate entry into appropriate ports for fishing vessels, fishery research vessels, and fishery support vessels. The Government of the United States of America will take appropriate measures to ensure the following:

a. The entry of Soviet fishing, fishery research, and fishery support vessels into the ports of Seattle, Washington; Portland, Oregon; and Honolulu, Hawaii, Entry into these three ports shall be permitted subject to four days' advance notice to the appropriate authority. In addition, special provisions shall be made when necessary regarding the entry into these and certain other U.S. ports of Soviet research vessels which are engaged in mutually agreed research programs.

b. The Government of the United States at its Embassy in Moscow will accept crew lists in application for visas valid for a period of six months and for multiple entries into United States ports pursuant to the provisions of this paragraph. Such a crew list shall be submitted at least 21 days prior to the first entry of a vessel into a port of the United States. Submission of an amended (supplemental) crew list subsequent to departure of a vessel from Soviet ports will also be subject to the provisions of this subparagraph, provided that visas issued thereunder shall only be valid for six months from the date of issuance of the original crew list visa. Notification of entry under subparagraph *a* of this paragraph shall specify whether shore leave is requested under such a multiple entry visa.

c. Entry of all vessels into the ports referred to in subparagraph *a* of this paragraph will be to replenish ship stores or fresh water, obtain bunkers, provide rest for or make changes in personnel of such vessels, and obtain minor repairs and other services normally provided in such ports, all in accordance with applicable rules and regulations.

d. Subject to the provisions of this Agreement, it is understood that the entry of Soviet vessels into any United States port is subject to the applicable laws and regulations of the United States.

e. Each of the above provisions of this paragraph may be modified by mutual consent at any time.

9. Each Government will take appropriate measures with regard to areas of heavy concentration of fishing operations of both countries directed at prevention of damage to fishing gear, including:

- a. Measures leading to improvement of the means for marking fixed fishing gear and for reciprocal notification of areas in which fixed gear is concentrated;
- b. Measures to ensure that fixed gear is set with due regard for the operation of mobile gears;
- c. Measures to ensure that vessels operating with mobile gear will pass clearly marked fixed gear at a distance of not less than 400 meters from the nearest marker.

10. Both Governments will take appropriate measures to ensure that except in cases of *force majeure* no vessel shall dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear, fishing vessels, or marine mammals. United States fishery authorities and Soviet fishing fleet commanders will inform each other of the location of items of fishing gear or other materials lost overboard which constitute a danger to fishing operations on common fishing grounds.

11. Both Governments consider it useful to arrange:

- a. That representatives of the fishing fleets of the United States and the Soviet Union meet at least twice each fishing session in the Alaska area and at least twice each fishing season in the California, Oregon, and Washington area. At least one meeting in each area will be at a site to be selected by the appropriate Regional Director of the U.S. National Marine Fisheries Service and at least one meeting in each area at a site to be selected by the Soviet Fleet Commander;
- b. That each side will inform the other side, at least one month before the visit, of subjects it wishes to discuss. Those participating shall prepare a brief report of each visit and submit it to the appropriate authorities of the two Governments. These visits will be to exchange information and discuss actual or potential problems concerning the fishing grounds, questions relating to the operations of fishing fleets, and questions arising out of the application of the provisions of this Agreement;
- c. In addition, mutual visits of representatives of fishermen's organizations of the two countries on vessels operating in the northeastern part of the Pacific Ocean. Such visits may be arranged on mutually agreed terms determined in each particular case by the appropriate Regional Director of the U.S. National Marine Fisheries Service and the Chief of the Joint Expedition of the Main Administration of DALRYBA.

12. Nothing in this Agreement shall be interpreted as prejudicing the views of either Government with regard to freedom of fishing on the high seas or to traditional fisheries.

13. This Agreement shall replace the Agreement of February 13, 1967,¹ between the two Governments on certain fishery problems in the northeastern Pacific Ocean, as extended December 18, 1967,² and as amended and extended by the Agreements of January 31, 1969,³ and of February 12, 1971,⁴ which in turn was extended by an exchange of notes dated December 31, 1972. This Agreement shall remain in effect for a period of two years. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time

¹ United Nations, *Treaty Series*, vol. 688, p. 157.

² *Ibid.*, vol. 697, p. 362.

³ *Ibid.*, vol. 714, p. 352.

⁴ *Ibid.*, vol. 777, p. 17.

with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review its operation and to decide on future arrangements. Notwithstanding the above, at any time subsequent to one year after signature, either Government may communicate to the other Government its intention to denounce this Agreement, in which case this Agreement shall terminate one month from the date of the communication. As soon as possible after receipt of such communication, representatives of the two Governments will meet to discuss possible future arrangements.

IN WITNESS WHEREOF the undersigned, being duly authorized for this purpose, have signed this Agreement.

DONE at Moscow, February 21, 1973, in duplicate, in the English and Russian languages, both texts being equally authentic.

For the Government
of the United States of America:

[Signed — Signé]¹

For the Government
of the Union of Soviet
Socialist Republics:

[Signed — Signé]²

¹ Signed by Donald L. McKernan — Signé par Donald L. McKernan.

² Signed by V. M. Kamentsev — Signé par V. M. Kamentsev.