

No. 19848

**UNITED STATES OF AMERICA
and
MEXICO**

Agreement relating to fisheries (with annex, appendix and exchange of notes). Signed at Mexico City on 24 November 1976

Exchange of notes constituting an agreement amending the above-mentioned Agreement. Tlatelolco, 26 July 1977, and Mexico City, 27 September 1977

Authentic texts: English and Spanish.

Authentic text of the appendix: Spanish.

Registered by the United States of America on 10 June 1981.

**ÉTATS-UNIS D'AMÉRIQUE
et
MEXIQUE**

Accord relatif aux pêcheries (avec annexe, appendice et échange de notes). Signé à Mexico le 24 novembre 1976

Échange de notes constituant un accord modifiant l'Accord susmentionné. Tlatelolco, 26 juillet 1977, et Mexico, 27 septembre 1977

Textes authentiques : anglais et espagnol.

Texte authentique de l'appendice : espagnol.

Enregistrés par les États-Unis d'Amérique le 10 juin 1981.

FISHERIES AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND MEXICO

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

Desirous of establishing appropriate conditions under which their mutual fishery relations shall be conducted so as to maintain and strengthen the friendly relations existing between both countries,

Considering that the Government of Mexico has enacted and, as of July 31, 1976, has been enforcing, the provisions of the "Law to Regulate Paragraph 8 of Article 27 of the Political Constitution of Mexico establishing an Exclusive Economic Zone" off the coasts of Mexico, in which Mexico will exercise by virtue of that law sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, both living and non-living, of the seabed, subsoil and superjacent waters, within 200 nautical miles from the baseline from which the territorial sea is measured,

Considering that the Government of the United States of America has enacted and, as of March 1, 1977, will enforce the provisions of the "Fishery Conservation and Management Act of 1976" establishing a fishery conservation zone off the coasts of the United States, as a consequence of which the United States will exercise and recognize by virtue of that Act fishery management authority as set forth therein,

Taking into account the emerging consensus at the Third United Nations Conference on the Law of the Sea, and their respective positions with regard to the law of the sea,

Noting that the two governments have reached agreement on the provisional delimitation of the common maritime boundaries off their respective coasts in the Gulf of Mexico and in the Pacific Ocean, as provided by the exchange of notes of this date,

Considering further that the Government of Mexico will adopt adequate conservation and management measures in order that the living resources in the Zone off the coast of Mexico are not endangered by over-exploitation,

Considering further that the Government of Mexico will promote the objective of optimum utilization of the living resources in the Zone off the coast of Mexico and shall give access to foreign vessels to the surplus which will result if the total of the allowable catch is greater than the harvesting capacity of Mexican vessels, in accordance with its national interest and under the conditions adopted by Mexico,

Mindful of the Government of Mexico's intention to have its nationals utilize all the living resources in the Zone within the allowable catch for their own benefit, for the development of the Mexican fishing industry, generation of employment and participation in international markets,

¹ Came into force on 24 November 1976 by signature, in accordance with article XXI (2).

Aware of the history of close cooperation between them as neighboring states based on the interrelationship of their fisheries interests, and the cooperation of their scientists,

Taking into account past fishing by nationals of the United States who have habitually fished in areas in the Zone off the coasts of Mexico, and the contribution of scientists of the United States to research and identification of stocks,

Have agreed as follows:

Article I. The purpose of this Agreement is to establish the principles and procedures under which fishing for certain living resources in the Zone established by Mexico, hereinafter referred to as "the Zone" may be conducted by vessels of the United States and to promote cooperation in the effective conservation, optimum utilization and management by Mexico of such resources.

Article II. The Government of Mexico will allow fishing vessels of the United States to harvest in the Zone in accordance with terms and conditions established in this Agreement a portion, determined by the Government of Mexico, of the allowable catch for those fisheries where there is a surplus above the harvesting capacity of Mexican vessels.

Article III. 1. In the exercise of its sovereign rights over living resources in the Zone, the Government of Mexico will determine annually, subject to such adjustments as may be necessitated by unforeseen circumstances affecting the stocks:

- a) The allowable catch for the living resources in the Zone, taking into account in good faith, all the pertinent factors, including the best scientific evidence available to it;
- b) The harvesting capacity of Mexican vessels for such species; and
- c) The surplus of such specified species, as well as the allocation that will be made available to vessels of the United States.

2. The Government of Mexico shall, not later than the beginning of the annual consultations provided for in Article XIX, notify the Government of the United States of America of the above determinations.

3. Notwithstanding the above, the provisions of Article XVIII of this Agreement shall apply to highly migratory species.

Article IV. In order to secure access to the surplus for a particular species, as determined by the Government of Mexico in accordance with Article III, fishing vessels of the United States shall obtain permits from the competent Mexican authorities, in accordance with the procedures set forth in the Annex and shall respect the conservation measures and such other measures relating to the management of living resources as may be established by Mexico in order to regulate such access. The terms of such permits shall not be amended nor the permits cancelled while they are in force except as provided by Article III.

Article V. The permits granted by the Government of Mexico in accordance with Articles II, III and IV shall be subject to the payment of reasonable fees and charges as set forth in the Annex. Such fees and charges shall be fixed pursuant to applicable Mexican law. They shall be paid in the manner set forth in the Annex.

Article VI. The permits that will be issued by the Government of Mexico to vessels of the United States fishing under this Agreement shall contain the conditions and restrictions applicable to that vessel's fishing operations and shall be prominently displayed in the wheelhouse of each vessel together with the National Fishery Registration Form. These permits shall also specify the name, registration number, and owner of the vessel, the area or areas in which fishing may take place, the species for which a directed fishery may be conducted, the dates during which fishing activity will take place, and the fishing gear the vessel may utilize. In establishing such terms and conditions, the Government of Mexico will take into account past fishing practices of the fishing vessels concerned, as well as measures required to achieve its conservation and management objectives.

Article VII. 1. The Government of the United States of America shall take all appropriate measures, to the extent permissible under its national laws, to ensure that the United States fishing vessels that have valid permits to fish comply with this Agreement and applicable Mexican law.

2. In particular, the authorized Mexican officials shall have the right to stop, board and inspect any fishing vessel of the United States of America that is fishing in the Zone when there is reason to believe that it is not complying with the requirements that have been established for its fishing activity by the Government of Mexico as provided by this Agreement.

3. In cases of seizure and arrest of a vessel of the United States of America, notification shall be given promptly through diplomatic channels, informing the Government of the United States of America of the action taken and of any penalties subsequently imposed.

Article VIII. 1. The Government of Mexico may impose penalties, as provided by Mexican law, on those fishing vessels of the United States of America that violate this Agreement.

2. Arrested vessels and their crews shall be promptly released upon the posting of bond or other security reasonably related to the penalty.

3. Penalties for violations of fisheries regulations applicable to fishing by vessels of the United States of America in the Zone shall not include imprisonment or any other form of corporal punishment.

4. In the annual consultation provided for in Article XIX, the Government of Mexico will take into account any substantial violations by fishing vessels of the United States of America that may have occurred the previous years.

Article IX. The Government of the United States of America will provide to the Government of Mexico statistical data on the actual harvest under permits issued by Mexico under this Agreement by vessels of the United States, as specified in the Annex.

Article X. Noting that fishing vessels of the United States of America operating off the coast of Mexico will not be fishing with long line gear and with respect to species other than those dealt with by Article XVIII, the Government of Mexico may establish general restrictions relating to:

- a) Specified areas within the Zone in which no fishing activity may take place;
- b) Species for which a directed fishery may be prohibited;
- c) Prohibited fishing gear;

- d) Prohibited types of fishing vessels;
- e) Other necessary restrictions to protect the living resources from over-exploitation and to reserve certain species for recreational fishing.

Article XI. The Government of the United States of America and the Government of Mexico shall consult at least annually with a view to coordinating their respective national management programs and exchanging relevant information and data, in order to promote the effective conservation and optimum utilization of stocks that occur within the zones, and are harvested by their fishermen, off their respective coasts.

Article XII. The Government of the United States of America and the Government of Mexico shall promote and encourage continued sport and recreational fishing for living resources off their respective coasts. The two governments shall consult as needed to facilitate the achievement of this objective.

Article XIII. The Government of Mexico reserves the right to place on board licensed fishing vessels of the United States observers of Mexican nationality as may be agreed by the two governments.

Article XIV. The Government of the United States of America and the Government of Mexico will continue to promote bilateral cooperation in fisheries research of mutual interest at the level of technical institutions, in the field of exchange of technical information and personnel, and the expansion of markets for fish and fish products that originate in the Zone. Likewise, they will promote cooperation in scientific research that will contribute to the effective conservation and optimum utilization of living resources of mutual interest.

Article XV. Should the Government of Mexico indicate to the Government of the United States of America that its nationals and vessels wish to engage in fishing for living resources over which the United States of America exercises fisheries management authority, the Government of the United States of America will allow such fishing on the basis of principles and procedures similar to those provided for in this Agreement.

Article XVI. 1. The Government of Mexico, recognizing the special status of stocks of cetaceans and other marine mammals, will continue to prohibit a directed fishery for, and reduce incidental catches of, any marine mammal within the Zone in accordance with its laws. The two governments will continue to cooperate in the pursuit of this objective with respect to all marine mammals, including in the deliberations of appropriate international organizations. The Government of the United States of America will take appropriate measures to that end with respect to its nationals and vessels.

2. The two governments will cooperate in taking all necessary measures to protect endangered species within their respective Zones.

Article XVII. The provisions of this Agreement shall not affect the implementation of separate arrangements regarding fishing by certain vessels of the United States of America within 12 miles off the coast of Mexico, as set forth in the Annex.

Article XVIII. Without prejudice as to the legal principles applicable to highly migratory species or to the respective positions of the Government of the United States of America and the Government of Mexico regarding this question; taking into account the deliberations in the Third United Nations Conference on

the Law of the Sea and that both States are parties to the Convention for the establishment of an Inter-American Tropical Tuna Commission,¹ mindful that the Government of Mexico has announced its intention to call for a regional conference to renegotiate existing arrangements in order to establish a new regime consistent with the new institutions, principles and rules that are emerging from the United Nations Conference on the Law of the Sea, and that the United States of America has announced its intention to participate in such a Conference, and with due regard for the respective laws of the two countries on this question:

The Government of the United States of America agrees to provide to the Government of Mexico the names of vessels of the United States of America which intend to fish highly migratory species in the Zone under the present regime of the Inter-American Tropical Tuna Commission, and the Government of the United States of America further will transmit, on behalf of those vessels, to the Government of Mexico the fee set forth in the Annex for each vessel for the issuance of a certificate by the Government of Mexico, which will indicate to Mexican enforcement authorities the status of those vessels in the Zone.

Article XIX. The Government of the United States of America and the Government of Mexico shall hold annual consultations during April of each year on the application and implementation of this Agreement, the precise dates and places for such consultations to be fixed by mutual agreement through diplomatic channels. The two governments shall review the operation of the Agreement and may, in further implementation of its purposes, revise, if necessary, the Annex and its appendices, which are an integral part hereto.

If between annual consultations the Government of the United States of America wishes to apply, on behalf of its nationals, for other species, it shall address a formal request to the Government of Mexico in accordance with Articles II, III, IV and V and the procedures in the Annex.

Article XX. 1. The present Agreement does not affect other bilateral agreements in force between the two governments nor does it prejudice the position that either Government maintains with respect to the law of the sea or the Third United Nations Conference on the Law of the Sea.

2. Nothing in the present Agreement shall affect the exercise of freedom of navigation by United States fishing vessels in the Zone.

Article XXI. 1. Representatives of the two Governments shall meet to review the terms of this Agreement during the fourth year of its operation, at a date and place to be mutually agreed.

2. This Agreement, including its Annex and Appendices,* shall enter into force upon signature and shall remain in force until terminated by either Party upon formal notice given one year prior to the date upon which such termination shall take effect.

* With the exception of Appendix A, the appendices referred to were never finalized (information supplied by the Government of the United States).

¹ United Nations, *Treaty Series*, vol. 80, p. 3.

DONE at Mexico City this twenty-fourth day of November, nineteen seventy-six, in English and Spanish, both texts being equally authentic.

For the Government
of the United States of America:

[Signed]

JOSEPH JOHN JOVA
Ambassador Extraordinary
and Plenipotentiary

For the Government
of the United Mexican States:

[Signed]

ALFONSO GARCIA ROBLES
Secretary of External Relations

ANNEX

Part I. PROCEDURES

1. Obtaining permits

a) Upon the conclusion of the annual consultations provided for in Article XIX, the Government of the United States shall address a formal request, on behalf of its nationals, to the Government of Mexico, through the Secretary of External Relations, in which it will specify the total tonnage of each fishery for which its nationals wish to obtain permits authorizing a harvest in the Zone, the areas in which the harvest would occur, the number of vessels that would participate in the fishery, the name and registration number of each vessel, as well as the name of the owner, his address, and the home port of each vessel, the net tonnage of the vessel, the power of its engines, the size of the crew and the gear that each vessel will employ. The formal request should be accompanied by the completed and notarized National Fishery Registration Form for each vessel.

b) Within 30 days of receiving the formal request referred to in paragraph 1 (a) of this Annex, the Government of Mexico will notify the Government of the United States of the applications that have been approved as provided in this Annex and the United States shall thereupon transmit, on behalf of the vessel owners or operators concerned, the required fees and charges and the required cash deposit of performance guarantee or performance bond.

c) Upon the completion of the above requirements, the Government of Mexico shall forward within 10 days the approved permits to the Government of the United States, which shall transmit them to the vessel owners or operators concerned.

2. Identification requirements

a) The permits issued by the Mexican Government will be posted in the wheelhouse of each fishing vessel, together with the National Fishery Registration Form.

b) The fishing vessel will also display the number of the permit issued by the Mexican Government on both sides of the wheelhouse. They will also display the official number of the fishing vessel on the roof of the wheelhouse in order to facilitate air identification.

3. Statistical reporting

a) The master of each vessel with a permit to fish in the Zone will maintain a current vessel fishing log while in the Zone and, at the end of each trip, will deliver a completed and notarized Fishing Trip Report, on an official form to be agreed upon, to the nearest Mexican Consular Office. The master will also submit a copy of the Report to the appropriate regional office of the United States National Marine Fisheries Service.

b) The National Marine Fisheries Service of the United States will transmit to the Secretariat of Industry and Commerce of Mexico, a cumulative Monthly Statistical Report based on the Fishing Trip Reports, as well as an Annual Statistical Report based on all

available data regarding the captured species, volumes, effective fishing days of each vessel, and any other relevant scientific information available.

c) Notwithstanding Article IV of the Agreement, in any case of substantial discrepancy between the vessel fishing log and the Fishing Trip Report, the Government of Mexico may cancel the permit of the vessel involved and may determine that the vessel will not be eligible for any more permits to fish in the Zone.

4. *Performance guarantee or bond*

a) There will be posted for each vessel in the fishery a cash deposit of performance guarantee or a cash performance bond of \$1,600.00 U.S. dollars for vessels applying individually, or \$160.00 U.S. dollars for vessels applying in association with others, with joint liability for loss of the cash guarantee or the bond for those applying in association.

b) Performance bonds shall be issued by a Mexican bonding company.

c) Cash deposits will be refunded upon application at the end of each year or when a vessel leaves the fishery, if the bond has not been forfeited.

Part II. FISHING WITHIN 12 MILES

5. *Permits*

a) The United States fishing vessels that have habitually fished within 12 miles off the west coast of the Peninsula of Baja California will be authorized to continue fishing the same species, in accordance with past practice and under the following conditions:

- 1) Each vessel shall obtain an annual permit.
- 2) In accordance with present practice, they shall pay the required charges, before each trip, at the Mexican Government Collection Offices in San Diego or San Pedro, California, United States of America, or Ensenada, Baja California, Mexico.
- 3) In accordance with present practice, each vessel shall obtain fishing documents at the Fisheries Offices of the Government of Mexico in San Diego or San Pedro, California, United States of America, or Ensenada, Baja California, Mexico.
- 4) The amount of catch harvested in Mexican waters must be reported, after each trip, to the Fisheries Offices in San Diego or San Pedro, California, United States of America.

b) The 141 vessels that have been authorized for this fishery will be the same as those that appear in Appendix A of this Agreement. This Appendix shall not be amended.

c) The United States fishing vessels that have been duly authorized to carry out fishing activities in this area cannot be replaced by others nor be substituted on account of a material change of owner, except in case of transfer by inheritance of the vessel from parent to child and so long as the child operates the vessel. If a vessel fails to fish during a period of 12 consecutive months it may be disqualified from further permits.

d) The United States fishing vessels that have been duly authorized to carry out fishing activities in this area will comply with the provisions of Article 37 of the Mexican Federal Law for the Development of Fisheries, as it has been applied in practice in the past.

6. *Fees and charges*

a) The fees for the annual permits that the Government of Mexico will authorize to the United States fishing vessels will be \$80.00 U.S. dollars.

b) The charges that will be paid by these vessels before each trip are the following:

- 1) For vessels whose net registered tonnage is not greater than 150 tons, 5% of the official price of \$464.00 U.S. dollars per net registered ton, i.e., \$23.20 U.S. dollars per net registered ton.

- 2) For vessels with greater net registered tonnage, 10% of the said amount per net registered ton, i.e., \$46.40 U.S. dollars per net registered ton.

Part III. FISHING WITHIN THE ZONE

7. Authorized fisheries within the Zone

As of the entry into force of this Agreement, the Government of Mexico and the Government of the United States have agreed that fishing vessels of the United States will be authorized to conduct a directed fishery in the Zone for snapper and grouper, and for shrimp, and associated incidental fishes not exceeding, on the average, 5% of the total catch, in conformity with the following terms and conditions of this Part of the Annex, and until those terms and conditions are revised in accordance with Article XIX of the Agreement.

8. Terms and conditions for the snapper and grouper fishery

a) The annual volume of authorized harvest of snapper and grouper shall be an amount up to 450 metric tons. For this fishery, the Government of Mexico will not issue permits for more than 52 fishing vessels of the United States. The authorized vessels for this fishery will be those listed in Appendix B to this Annex.

b) For snapper and grouper, the permit fees will be \$80.00 U.S. dollars, for each vessel. The total of the charges for the amounts of agreed capture will be 5% of the official price of \$1,000.00 U.S. dollars per ton, for each vessel of less than 150 tons of net registered tonnage. The annual charge for each vessel will be the total of the charges divided by the number of authorized vessels. For an authorized harvest of 450 metric tons, this charge will be \$433.00 U.S. dollars, if the maximum number of authorized vessels apply to fish. If less than that number of vessels apply to fish, at the request of the Government of the United States of America, less than 450 metric tons shall be authorized for capture by United States vessels, so that the annual charge per vessel will not exceed \$433.00 U.S. dollars.

c) The authorized harvest will take place in the Zone in the Gulf of Mexico outside 12 nautical miles.

d) Fishing for snapper and grouper and incidentally caught fishes will be restricted to the use of hook and line gear.

9. Terms and conditions for the shrimp fishery

The Government of Mexico intends that vessels of Mexico will be harvesting, by December 31, 1979, or before, the total allowable catch of shrimp within the Zone in the Gulf of Mexico. Therefore United States vessels will terminate this fishery in the Zone by that date, in accordance with the following terms and beginning, as of August 1st, 1976, with an initial 40% reduction in the catch and the number of United States vessels from the previous period.

a) For the period between August 1, 1976 and July 31, 1977, United States vessels will be allowed to harvest 2,750 metric tons of shrimp (heads off) by no more than 318 vessels. Each of these vessels will pay a permit fee of \$80.00 U.S. dollars and a charge of \$2,006.00 U.S. dollars, calculated on the basis of 5% of the official price of \$4,640.00 U.S. dollars per ton, for their yearly catch. There will be posted for each vessel in the fishery a cash deposit of performance guarantee or a cash performance bond of \$1,600.00 U.S. dollars for vessels applying individually, or 160 U.S. dollars for vessels applying in association with others, with joint liability for loss of the cash guarantee or the bond for those applying in association.

b) The Government of the United States will provide to the Government of Mexico monthly data on landings made at the conclusion of each trip so that the Government of Mexico may determine when the total amount allocated to U.S. vessels has been harvested and the yearly fishery should be terminated. Pursuant to this commitment the National

Marine Fisheries Service, Department of Commerce, of the United States and the Ministry of Industry and Commerce of Mexico will consult regularly throughout the season on the progress of the activities of United States vessels in this fishery.

c) There will be no harvesting of shrimp in the Campeche area by United States fishing vessels after August 1, 1976.

The authorized harvest will take place in the Gulf of Mexico in the zone outside 12 nautical miles, in the following areas:

Tampico: West of 94° W longitude

Contoy: East of 88° W longitude

d) The authorized vessels for this fishery will be those listed in Appendix C to the Annex.

e) The amount to be harvested annually by United States vessels will be divided between fisheries in the Tampico and Contoy areas, with no more than 80% of the total catch being taken off Tampico.

f) The applicable figures in implementation of the principles enunciated above shall be:

<i>Period</i>	<i>Metric tons</i>	<i>Number of vessels</i>	<i>Permit fees</i>	<i>Catch charges per vessel</i>
Aug. 1, 1976-July 31, 1977	2,750	318	\$80 US cy	\$2,006 US cy
Aug. 1, 1977-July 31, 1978	1,925	223	\$80 US cy	\$2,006 US cy
Aug. 1, 1978-July 31, 1979	1,100	127	\$80 US cy	\$2,006 US cy
Aug. 1, 1979-Dec. 31, 1979	344	95	\$80 US cy	\$ 836 US cy

g) Taking into account that the fishery in the Contoy Area has yielded, on an average, 35% rock shrimp (*Sicyonia brevirostris*) and noting that the official price for rock shrimp is \$1,540.00 U.S. dollars per ton, United States vessels applying for permits to fish exclusively in that area will pay an annual catch charge of \$1,538.00 U.S. dollars per vessel and \$641.00 U.S. dollars per vessel for the period August 1-December 31, 1979.

h) Fishing for shrimp will be restricted to the use of trawl nets of not less than 1 and 3/4 inch stretched mesh in the cod end.

i) The provisions of this paragraph shall not be amended during the period ending December 31, 1979.

Part IV. HIGHLY MIGRATORY SPECIES

10. The question of fishing for highly migratory species by United States vessels in the Zone shall be governed by the provisions of Article XVIII of the Agreement.

11. The fees provided for by that Article shall be \$20.00 U.S. dollars per vessel annually.

RELACIÓN DE EMBARCACIONES PESQUERAS NORTEAMERICANAS QUE CONSTITUYEN EL APÉNDICE "A", AL 1º DE ENERO DE 1978, Y QUE SON SUSCEPTIBLES DE OTORGARLES PERMISOS EXCEPCIONALES DE PESCA DENTRO DEL MAR TERRITORIAL DE MÉXICO. SAN DIEGO, CALIFORNIA

LIST OF UNITED STATES FISHING VESSELS THAT CONSTITUTE APPENDIX A AS OF JANUARY 1, 1978, AND THAT ARE ELIGIBLE TO BE ISSUED SPECIAL PERMITS FOR FISHING IN THE MEXICAN TERRITORIAL SEA. SAN DIEGO, CALIFORNIA¹

LISTE DES BATEAUX DE PÊCHE AMÉRICAINS QUI CONSTITUENT L'APPENDICE A AU 1^{er} JANVIER 1978 ET QUI SONT AUTORISÉS À RECEVOIR DES PERMIS DE PÊCHE DANS LES EAUX TERRITORIALES DU MEXIQUE. SAN DIEGO (CALIFORNIE)

	Nombre	Matrícula	Tonelaje neto	Nombre del propietario	Número de permiso	
					Primera temporada	Segunda temporada
	Name	Registration number	Net tonnage	Owner	Permit number	
					1st season	2nd season
	Nom	Número d'enregistrement	Tonnage net	Propriétaire	Numéro du permis	
					1 ^{re} saison	2 ^e saison
1.	Aloha	CF3203AW	1	Mr. Frank Carini	061	203
2.	Alpino	224710	5	John H. Harrler		253
3.	American Star	CF0561BL	3	Dominick Ghio	067	225
4.	Angelina	254792	5	Sam Bancroft, Jr.		298
5.	Deleted/annulé					
6.	Deleted/annulé					
7.	Ataloa	268199	18	Richard G. Zarkos		201
8.	Barbara Anne	542088	42	Bernard L. Effie	029	231
9.	Barbara H.	541086	81	Arthur F. Haworth	001	224
10.	Bernadette	249164	149	Bernadette Fisheries, Inc.	028	265
11.	Bluefin	249977	8	Edward H. Depew	054	302
12.	Calafia	557680	41	Weir Henderson	041	
13.	Caprice	542017	11	Marco Collini		257
14.	Charlotte V.	509557	41	Peter R. Vovaux	030	229
15.	Cibola	545013	42	James J. McIlwee	009	251
16.	Colomba	253015	9	Frank Crivello	037	220
17.	Phoenix	554528	81	Jerry & Sally J. Purschell	105	280
18.	Pioneer	246212	85	Bernard Mattera	119	276
19.	Ronnie M.	240796	102	Anton Misetich	104	272
20.	Sea Scout	248454	84	Matt Dragich y Frank Koatrench	117	275
21.	Southern Explorer	246153	99	John Zankich		292
22.	Southern Queen	252296	103	Anthony Mascola	116	274
23.	Tammy	291617	7	Ruby E. Scott	106	270
24.	Deleted/annulé					

¹ This appendix was prepared only with Spanish headings and titles. The English translations were supplied by the Government of the United States of America — Cet appendice a été préparé avec des en-têtes et titres en espagnol seulement. Les traductions anglaises ont été fournies par le Gouvernement des Etats-Unis d'Amérique.

RELACIÓN DE EMBARCACIONES PESQUERAS NORTEAMERICANAS QUE CONSTITUYEN EL APÉNDICE "A", AL 31 DE MAYO DE 1978 Y QUE SON SUSCEPTIBLES DE OTORGARLES PERMISOS EXCEPCIONALES DE PESCA DENTRO DEL MAR TERRITORIAL DE MÉXICO. SAN PEDRO, CALIFORNIA

LIST OF UNITED STATES FISHING VESSELS THAT CONSTITUTE APPENDIX A AS OF MAY 31, 1978, AND THAT ARE ELIGIBLE TO BE ISSUED SPECIAL PERMITS FOR FISHING IN THE MEXICAN TERRITORIAL SEA. SAN PEDRO, CALIFORNIA¹

LISTE DES BATEAUX DE PÊCHE AMÉRICAINS QUI CONSTITUENT L'APPENDICE A AU 31 MAI 1978 ET QUI SONT AUTORISÉS À RECEVOIR DES PERMIS DE PÊCHE DANS LES EAUX TERRITORIALES DU MEXIQUE. SAN PEDRO (CALIFORNIE)

<i>Nombre</i>	<i>Matricula</i>	<i>Tonelaje neto</i>	<i>Nombre del propietario</i>	<i>Número del permiso</i>	
				<i>Primera temporada</i>	<i>Segunda temporada</i>
<i>Name</i>	<i>Registration number</i>	<i>Net tonnage</i>	<i>Owner</i>	<i>Permit number</i>	
				<i>1st season</i>	<i>2nd season</i>
<i>Nom</i>	<i>Numéro d'enregistrement</i>	<i>Tonnage net</i>	<i>Propriétaire</i>	<i>Número du permis</i>	
				<i>1^{re} saison</i>	<i>2^e saison</i>
1. Anthony M.	261420	83	Anton Misetich	112	269
2. California Maid	267563	5	William H. Potts	109	268
3. Cimarron	299176	41	Jimmy W. Basham	123	289
4. City of Los Angeles	247156	81	John Gargas & Nicj Gargas	120	286
5. Commodore	251209	122	Marijan Ketnich, Jr. y Robert J. Pasarow	115	273
6. Deleted/annulé					
7. Donny Boy	514996	41	Wallace A. Hughes	121	287
8. Doris E.	544588	82	Ray H. Gale	107	281
9. H. M.	566612	8	Bradford M. Boyd	103	279
10. Historic	262552	144	Mike Trama		293
11. Liberator	562722	134	Paul R. Biazevich	111	271
12. Loretta Marie	252831	12	Anthony M. West	110	282
13. Margot	509791	12	I. A. Galyette & Co. McMullen	113	283
14. Deleted/annulé					
15. Mauritania	250236	181	Nick Mosich y John K. Wilicich	122	288
16. Paramount	250688	155	Anthony G. Pitich	114	284
17. Compass Rose	513573	41	Lloyd y Marie Myking	012	237
18. Cyvones	510288	81	Cyvones, Corp.	017	260
19. Della C.	521021	9	Robert L. Stephenson		297
20. Elsinore	271940	142	Western Seas, Inc.	049	259
21. Elusive	546019	6	Fredric A. Petti	055	296
22. Favorita	539149	9	Harold G. Greenman		222
23. Finback	557678	41	Frank R. Anderson		300
24. Genie	545076	42	Mr. John Chillinsky	050	254
25. Giuseppina	245667	9	Richard L. Kelly		294

¹ This appendix was prepared only with Spanish headings and titles. The English translations were supplied by the Government of the United States of America — Cet appendice a été préparé avec des en-têtes et titres en espagnol seulement. Les traductions anglaises ont été fournies par le Gouvernement des Etats-Unis d'Amérique.

	<i>Nombre</i>	<i>Matricula</i>	<i>Tonelaje neto</i>	<i>Nombre del propietario</i>	<i>Número del permiso</i>	
					<i>Primera temporada</i>	<i>Segunda temporada</i>
	<i>Name</i>	<i>Registration number</i>	<i>Net tonnage</i>	<i>Owner</i>	<i>Permit number</i>	
					<i>1st season</i>	<i>2nd season</i>
	<i>Nom</i>	<i>Numéro d'enregistrement</i>	<i>Tonnage net</i>	<i>Propriétaire</i>	<i>Numéro du permis</i>	
					<i>1^{re} saison</i>	<i>2^e saison</i>
26.	Her Grace	561849	42	Mr. Henry C. May	013	264
27.	Holy Family	CF0288BB	2	Gaetano Brancalone		256
28.	Jo Ann	255005	149	Charles L. Whitney	025	246
29.	J. Ann	556535	41	Terence y Judith Hornidge	016	250
30.	Jo Linda	250944	148	Vito Romani, Anthony L. Gudi u otros	036	258
31.	Jan Lyn	568481	12	Paul W. Hawkins	053	206
32.	Janea	503021	59	M & M Management, Inc.	045	262
33.	Jeanne Ann	538650	82	John L. Poutous, Arnold Baptista y Robert Mc. Way	026	208
34.	Julia B.	249171	101	John da Luz	014	215
35.	Karen Kristie	562358	81	Robert J. Pringle & Dorothy	022	211
36.	Karen Mary	507798	41	Timothy Peterson South Pacific Fisheries, Inc.	005	242
37.	Katheryn Ann	544930	81	John L. Poutous, David Hibbard y Louis H. Kornik	003	263
38.	Kitty Lee	259737	5	Lawrence M. Balma	065	255
39.	La Diana	CF7491BA	1	Joe de Santi	063	217
40.	Lady Olga	255083	33	E. Brent Bixler		301
41.	Light	274213	16	Larry D. Gow		207
42.	Deleted/annulé					
43.	Lococo Bross	247816	5	Frank L. Lococo	040	239
44.	Lois Ann	559928	17	Robert L. Jason and Sarah Ann	042	226
45.	Lu Marie	258199	8	Marie Lograsso	044	209
46.	Lydorein	500057	44	Carl Nish	010	233
47.	Madonna	509346	41	Ernest Sokol	048	247
48.	Marti B.	545600	90	Bernard J. Blocker	033	245
49.	Mary Ann	CF6655BA	1	Tony Giacalone	062	218
50.	Mary K.	540011	81	Ted A. Dunn y Mary K. Dunn	004	223
51.	Molly N.	510351	47	Norman Nish	051	232
52.	Nancy	253247	16	Jay W. Davidson		235
53.	Nina	247743	5	Terry P. Hawkins	058	205
54.	Deleted/annulé					
55.	Deleted/annulé					
56.	Quicksilver	533102	41	Charles L. La Gamma	059	244
57.	Ramona	CF6891BA	1	Carlo Sn. Filippo	060	204
58.	Rhonda Sue	541087	81	Charles F. Smith	021	241
59.	Roberta Grace	542997	41	Sr. James W. Packer y Sra. Packer	056	234
60.	Roberta Jean	292442	16	John B. Stagnard	039	240
61.	Sagittarius	533956	6	Raymond E. Salitore	064	267
62.	Deleted/annulé					
63.	Santa Rosa	261691	148	John L. Gomes		266

	<i>Nombre</i>	<i>Matricula</i>	<i>Tonelaje neto</i>	<i>Nombre del propietario</i>	<i>Número del permiso</i>	
					<i>Primera temporada</i>	<i>Segunda temporada</i>
	<i>Name</i>	<i>Registration number</i>	<i>Net tonnage</i>	<i>Owner</i>	<i>Permit number</i>	
					<i>1st season</i>	<i>2nd season</i>
	<i>Nom</i>	<i>Numéro d'enregistrement</i>	<i>Tonnage net</i>	<i>Propriétaire</i>	<i>Número du permis</i>	
					<i>1^{re} saison</i>	<i>2^e saison</i>
64.	Sara Jane	255802	8	Santo J. Tarantino	057	210
65.	Sarah Ann	556925	41	Robert L. Jason and Sarah Ann	007	228
66.	Sarita	254692	5	Sarita Emil Sigler	047	221
67.	Seeadler	286579	6	Albert E. Niess, Jr.		299
68.	Shapacy	539543	81	Erwin W. Blocker	023	227
69.	Skally I.	538331	42	Gene A. Skallerud	031	236
70.	South Wind	250846	5	W. Saxon Wraith		295
71.	Spartan	271955	6	Anthony Madruga	066	212
72.	St. Vincent	537823	7	Hjalmar Pearson	052	248
73.	Taurus	541696	81	M & M. Management, Inc.	035	261
74.	Terry S.	502334	5	Gene Santos	043	213
75.	Theresa B.	570025	6	Pete Buompensiero	006	202
76.	Unione I. (nueve)	571063	12	Pete Busalacchi	038	219
77.	Deleted/annulé					
78.	Vivian M.	538257	19	Roy y Vivian Myking		249
79.	Westerly	299741	19	Joseph Tarantino	015	214

EXCHANGE OF NOTES

I

No. 2163

The Embassy of the United States of America presents its compliments to the Secretariat of Foreign Relations of the United Mexican States and on the instructions of its Government has the honor to refer to the Fisheries Agreement between Mexico and the United States, signed on this date.

The Government of the United States of America, pursuant to Article XIV of the Agreement, proposes to address a formal request to the Government of the United Mexican States on behalf of U.S. nationals who wish to conduct experimental fishing for the purpose of determining whether fisheries resources might be available for commercial exploitation in the Zone established by Mexico. Such requests shall include the following information:

The Government of the United States shall specify (a) the number of vessels which would participate in the fishery, (b) the name, registration number and home port of each vessel, (c) the name of the owner of each vessel and his address, (d) the net tonnage of each vessel and the power of its engines, (e) the size of the crew of each vessel, (f) the dates each vessel would be in the Mexican Zone, (g) the general area of fishing operations in the Zone, (h) the species or species groups to be fished, (i) the type of fishing gear to be used.

It is the understanding of the Government of the United States of America that the Government of the United Mexican States shall endeavor to reply to such requests of the United States within thirty days, and shall indicate the terms and conditions which shall pertain to such fishing, which may include that at the conclusion of each trip for such experimental fishing the master of the vessel shall deliver a completed and notarized fishing trip report, as identified in paragraph 3(a) of Part I of the Annex to the Agreement, to the nearest Mexican Consular Office. The master will also submit a copy of the Report to the appropriate Regional Office of the United States National Marine Fisheries Service.

It is also the understanding of the Government of the United States that, at an appropriate time after sufficient data have been collected from experimental fishing, the two governments will review the data and determine the possibility of exploiting these resources commercially.

The Embassy of the United States of America avails itself of this opportunity to renew the assurances of its highest consideration.

The Embassy of the United States of America

Mexico, D.F., November 24, 1976

II

[SPANISH TEXT — TEXTE ESPAGNOL]

[TRANSLATION¹ — TRADUCTION²]

ESTADOS UNIDOS MEXICANOS
SECRETARÍA DE RELACIONES
EXTERIORES
MÉXICO

UNITED MEXICAN STATES
DEPARTMENT OF FOREIGN RELATIONS
MEXICO

513093

La Secretaría de Relaciones Exteriores saluda muy atentamente a la Embajada de los Estados Unidos de América y en respuesta a su nota 2163 de esta misma fecha, relativa a la pesca experimental que desean conducir nacionales de los Estados Unidos de América dentro de las aguas comprendidas en la Zona Económica Exclusiva que ha establecido México, le manifiesta su conformidad para que ésta se lleve a cabo en los términos de la nota de la Embajada y con base en el Acuerdo de Pesca suscrito entre los dos países el 24 de noviembre de 1976.

La Secretaría de Relaciones Exteriores aprovecha la oportunidad para reiterar a la Embajada de los Estados Unidos de América las seguridades de su más atenta y distinguida consideración.

Tlatelolco, D.F., a 24 de noviembre de 1976

A la Embajada de los Estados Unidos
de América
Ciudad

No. 513093

The Department of Foreign Relations presents its compliments to the Embassy of the United States of America and, in reply to its note No. 2163 of this date concerning the experimental fishing which nationals of the United States of America wish to conduct within waters included in the Exclusive Economic Zone established by Mexico, informs the Embassy that it agrees to such fishing under the terms set forth in the Embassy's note and the provisions of the Fisheries Agreement between the two countries, signed on November 24, 1976.

The Department of Foreign Relations avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest and most distinguished consideration.

Tlatelolco, D.F., November 24, 1976

Embassy of the United States
of America
Mexico, D.F.

¹ Translation supplied by the Government of the United States of America.

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND MEXICO
AMENDING THE FISHERIES AGREEMENT OF 24 NOVEMBER 1976²

I

[SPANISH TEXT — TEXTE ESPAGNOL]

[TRANSLATION³ — TRADUCTION⁴]

*The Mexican Secretary
of Foreign Relations
to the American Ambassador*

ESTADOS UNIDOS MEXICANOS
SECRETARÍA DE RELACIONES
EXTERIORES
MÉXICO

UNITED MEXICAN STATES
DEPARTMENT OF FOREIGN RELATIONS

MEXICO

Tlatelolco, D.F., a 26 de julio de 1977

Tlatelolco, D.F., July 26, 1977

Señor Embajador:

Tengo el honor de referirme a la atenta nota número 1186, fechada el 16 del corriente, en la que Su Señoría Herbert B. Thompson, en su calidad de Encargado de Negocios *ad interim*, dió respuesta a la nota verbal de la Secretaría número 507175, fechada el 23 de junio último, relativa a la enmienda al párrafo 8 del Anexo al Acuerdo sobre Pesca entre México y los Estados Unidos de América de 24 de noviembre de 1976, acordada durante las consultas anuales sobre la aplicación del citado Acuerdo celebradas en esta capital los días 26 y 27 de abril del presente año.

Mi Gobierno interpreta la citada nota 1186 en el sentido de que el Gobierno de los Estados Unidos acepta las enmiendas a los apartados *a)* y *b)* del párrafo 8 del Anexo al Acuerdo sobre Pesca de 24 de noviembre de 1976, contenidas en las notas 1097 de la Embajada y 507157 de la Secretaría, de tal manera que los apartados en cuestión se lean en el futuro de la siguiente manera:

Mr. Ambassador:

I have the honor to refer to note No. 1186 of July 16, 1977, from Herbert B. Thompson, Chargé d'Affaires *ad interim*, in response to note verbale No. 507175 of June 23, 1977, from this Department, regarding the amendment of paragraph 8 of the Annex to the Fisheries Agreement of November 24, 1976, between Mexico and the United States of America,² which was agreed upon during the annual consultations on the implementation of the aforesaid Agreement, held in this capital on April 26 and 27, 1977.

My Government interprets the aforesaid note No. 1186 as an acceptance on the part of the Government of the United States of the amendments of paragraph 8 (*a*) and (*b*) of the Annex to

¹ Came into force on 27 September 1977, the date of the note in reply, in accordance with the provisions of the said notes.

² See p. 78 of this volume.

³ Translation supplied by the Government of the United States of America.

⁴ Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.

the Fisheries Agreement of November 24, 1976, contained in Embassy note No. 1097 and Department note No. 507175. Paragraph 8 (a) and (b) shall therefore read as follows:

“8. Términos y condiciones para la pesca del huachinango y del mero:

a) El volumen de captura anual autorizado de huachinango y mero será no mayor de 300 toneladas métricas. Para esta pesquería, el Gobierno de México no expedirá permiso para más de 52 embarcaciones pesqueras de los Estados Unidos de América. Las embarcaciones autorizadas para esta pesquería son las que aparecen en el Apéndice B de este anexo.

b) Para el huachinango y el mero, la tarifa de los permisos será de \$80.00 dólares de los Estados Unidos para cada embarcación. El total de los impuestos sobre el monto de la captura convenida será de 5% del precio oficial de \$1,000.00 dólares de los Estados Unidos por tonelada, por cada embarcación cuyo tonelaje neto registrado sea menor de 150 toneladas. El impuesto anual por cada embarcación será el total de los impuestos dividido por el número de embarcaciones autorizadas anualmente”.

Mi Gobierno acepta igualmente las enmiendas a los apartados a) y b) del párrafo 8 del Anexo al Acuerdo sobre Pesca de 24 de noviembre de 1976 en los términos arriba transcritos.

En consecuencia, propongo que la presente nota y la nota de Vuestra Excelencia en la que confirme mi interpretación de la nota número 1186 de la Embajada constituyan la aprobación formal de tales enmiendas.

“8. Terms and conditions for the snapper and grouper fishery:

(a) The annual volume of authorized harvest of snapper and grouper shall be an amount up to 300 metric tons. For this fishery, the Government of Mexico will not issue permits for more than 52 fishing vessels of the United States of America. The authorized vessels for this fishery will be those listed in Appendix B to this Annex.

(b) For snapper and grouper, the permit fees will be \$80.00 U.S. dollars, for each vessel. The total of the charges for the amounts of agreed capture will be 5% of the official price of \$1,000.00 U.S. dollars per ton, for each vessel of less than 150 tons of net registered tonnage. The annual charge for each vessel will be the total of the charges divided by the number of annually authorized vessels.”

My Government also accepts the foregoing amendments of paragraph 8 (a) and (b) of the Annex to the Fisheries Agreement of November 24, 1976.

I therefore propose that this note and Your Excellency's note confirming my interpretation of Embassy note No. 1186 constitute official acceptance of the aforesaid amendments.

Aprovecho esta ocasión para renovar a Vuestra Excelencia el testimonio de mi más alta consideración.

S. ROEL

Excelentísimo señor
Patrick Joseph Lucey
Embajador Extraordinario y Plenipotenciario de los Estados Unidos de América
México, D.F.

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

S. ROEL

His Excellency
Patrick Joseph Lucey
Ambassador Extraordinary and Plenipotentiary of the United States of America
Mexico, D.F.

II

The American Ambassador to the Mexican Secretary of Foreign Relations

No. 1920

Mexico, D.F., Mexico, September 27, 1977

Excellency:

I have the honor to refer to Your Excellency's Note of July 26, 1977, concerning the amendment of paragraph 8 (a) and (b) of the Annex to the Fisheries Agreement of November 24, 1976, between our two Governments.

My Government agrees with the amendments to the Agreement contained in Your Excellency's Note. I, therefore, confirm that Your Excellency's Note of July 26, 1977, and this Note constitute an Agreement between our two Governments, effective on the date of this Note.

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

Patrick J. Lucey

His Excellency Lic. Santiago Roel
Secretary of Foreign Relations
Mexico, D.F.