NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 06/30/2014

Department of Commerce
National Oceanic and Atmospheric Administration

FOR CERTIFYING OFFICIAL: Simon Szykman
FOR CLEARANCE OFFICER: Jennifer Jessup

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 05/28/2014

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201405-0648-004
AGENCY ICR TRACKING NUMBER:
TITLE: U.S.-Canada Albacore Treaty Reporting System
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0492
The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 06/30/2017 DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	1,900	158	1,560
New	1,900	158	1,573
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	0	0	13
Change due to PRA Violation	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Dominic J. Mancini
Acting Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs			
IC Title	Form No.	Form Name	CFR Citation
Request to be listed as eligible vessel			50 CFR 300 Subpart L
Reporting of border crossings			50 CFR 300 Subpart L
Vessel Logbooks	NA	Albacore Treaty Logbook	50 CFR 300 Subpart L
Vessel marking requirement			50 CFR 660.704

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request
DOC/NOAA/NMFS

2. OMB control number
a. 0648 - 0492
b. [ ] None

3. Type of information collection (*check one*)
a. [ ] New Collection
b. [ ] Revision of a currently approved collection
c. [✔] Extension of a currently approved collection
d. [ ] Reinstatement, without change, of a previously approved collection for which approval has expired
e. [ ] Reinstatement, with change, of a previously approved collection for which approval has expired
f. [ ] Existing collection in use without an OMB control number
For b-f, note Item A2 of Supporting Statement instructions

4. Type of review requested (*check one*)
a. [✔] Regular submission
b. [ ] Emergency - Approval requested by ____/____/____
c. [ ] Delegated

5. Small entities
Will this information collection have a significant economic impact on a substantial number of small entities? [ ] Yes [✔] No

6. Requested expiration date
a. [✔] Three years from approval date b. [ ] Other Specify:____/____

7. Title U.S.- Canada Albacore Treaty Reporting System

8. Agency form number(s) (*if applicable*)

9. Keywords Fish, Fishing, Fishing Vessels

10. Abstract

The National Marine Fisheries Service (NMFS) West Coast Region (WCR) manages the U.S. - Canada Albacore Tuna Treaty of 1981 (Treaty). Owners of vessels that fish from United States (U.S.) West Coast ports for albacore tuna will be required to notify NMFS, WCR of their desire to be on the list of vessels provided to Canada each year indicating vessels eligible to fish for albacore tuna in waters under the jurisdiction of Canada. Additionally, vessel operators are required to report in advance their intention to fish in Canadian waters prior to crossing the maritime border as well as to mark their fishing vessels to facilitate enforcement of the Treaty. Vessel operators are also required to maintain and submit a logbook of all catch and fishing effort. The regulations implementing the reporting and vessel marking requirements under the Treaty are at 50 CFR part 300.172 -300.176.

11. Affected public (*Mark primary with "P" and all others that apply with "x"*)
a. ___ Individuals or households d. ___ Farms
b. P Business or other for-profit e. ___ Federal Government
c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government

12. Obligation to respond (*check one*)
a. [ ] Voluntary
b. [ ] Required to obtain or retain benefits
c. [✔] Mandatory

13. Annual recordkeeping and reporting burden
a. Number of respondents 100
b. Total annual responses 1,900
1. Percentage of these responses collected electronically 10 %
c. Total annual hours requested 158
d. Current OMB inventory 158
e. Difference 0
f. Explanation of difference
1. Program change
2. Adjustment

14. Annual reporting and recordkeeping cost burden (*in thousands of dollars*)
a. Total annualized capital/startup costs 0
b. Total annual costs (O&M) 2
c. Total annualized cost requested 2
d. Current OMB inventory 2
e. Difference 0
f. Explanation of difference
1. Program change
2. Adjustment

15. Purpose of information collection (*Mark primary with "P" and all others that apply with "X"*)
a. ___ Application for benefits e. ___ Program planning or management
b. X Program evaluation f. X Research
c. ___ General purpose statistics g. P Regulatory or compliance
d. ___ Audit

16. Frequency of recordkeeping or reporting (*check all that apply*)
a. [✔] Recordkeeping b. [ ] Third party disclosure
c. [✔] Reporting
1. [✔] On occasion 2. [ ] Weekly 3. [ ] Monthly
4. [ ] Quarterly 5. [ ] Semi-annually 6. [✔] Annually
7. [ ] Biennially 8. [ ] Other (describe) ____

17. Statistical methods
Does this information collection employ statistical methods
[ ] Yes [✔] No

18. Agency Contact (person who can best answer questions regarding the content of this submission)
Name: Craig D'Angelo
Phone: (562) 980-4024

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

(a) It is necessary for the proper performance of agency functions;

(b) It avoids unnecessary duplication;

(c) It reduces burden on small entities;

(d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;

(e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;

(f) It indicates the retention period for recordkeeping requirements;

(g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):

- (i) Why the information is being collected;
- (ii) Use of information;
- (iii) Burden estimate;
- (iv) Nature of response (voluntary, required for a benefit, mandatory);
- (v) Nature and extent of confidentiality; and
- (vi) Need to display currently valid OMB control number;

(h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);

(i) It uses effective and efficient statistical survey methodology; and

(j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee	Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature signed by Emily Menashes for Alan Risenhoover	Date 5/7/2014
Signature of NOAA Clearance Officer	
Signature BRABSON.SARAH.1365710488 Digitally signed by BRABSON.SARAH.1365710488 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=OTHER, cn=BRABSON.SARAH.1365710488 Date: 2015.04.10 15:48:09 -04'00'	Date

SUPPORTING STATEMENT
U.S.-CANADA ALBACORE TREATY REPORTING SYSTEM
OMB CONTROL NO.: 0648-0492

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

Enacted in early 2004, House Resolution (H.R.) 2584 amended the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to authorize the issuance of regulations as needed to carry out the obligations of the United States (U.S.) under the 1981 Treaty Between the Government of the U.S. and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges (Treaty) (applicable documents included in this submission). That Treaty had been amended in 2002 with the support of the U.S. albacore fishing industry, which felt that the original Treaty was offering greater benefits for Canadian interests than for U.S. interests. Regulations were promulgated (69 FR 31531) effective June 1, 2004, to implement the provisions of the amended Treaty.

The regulations require vessel operators to: 1) report their desire to be on the list of vessels provided to Canada each year, indicating eligibility to fish for albacore in waters under the fisheries jurisdiction of Canada; 2) report in advance their intention to fish or transit before crossing the border between the U.S. and Canada, or vice versa; 3) record fishing effort in Canadian waters in a logbook; and 4) mark their fishing vessels to facilitate effective enforcement. Without such reports, the U.S. will not be able to meet its obligations under the Treaty.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The West Coast Region (WCR), National Marine Fisheries Service (NMFS) and the Canadian Department of Fisheries and Oceans (DFO) will use reports taken during the year to carry out Treaty obligations. The Treaty amendments include a program of limits on reciprocal fishing by vessels of one Party in the waters of the other Party. In order to comply with these limits, the WCR and DFO must be able to monitor the activity of U.S. and Canadian fishing vessels as they move across the border and fish in the waters subject to the fisheries jurisdiction of the other Party.

Treaty amendments in December 2008 simplified the reporting system for U.S. vessels to hail directly to the Canadian Coast Guard station at Tofino, British Columbia via several possible methods (satellite, cell phone, VHF and sideband radio), 24 hours a day and 7 days a week. The communication costs are borne by the vessel owner or operator initiating the call. The reports provide information that is available to both Parties on a periodic basis during the fishing season so that each Party can determine whether the fishing by its fleet in waters of the other Party is in compliance with obligations under the Treaty. NMFS implemented this reporting system through regulations at 50 CFR Section 300 Subpart L and 50 CFR Parts 600.525 and 600.530.

The regulations also formalized the process for creating a list of vessels that are eligible to fish in Canadian waters under the Treaty. Lastly, vessel owners and operators also must ensure that their fishing vessels are marked with a "U" in accordance with the Treaty to facilitate U.S. vessel identification by enforcement platforms at sea and in the air.

Summaries of fishery information (e.g., number of vessels participating, months of fishing by U.S. vessels and their catch in Canadian waters, total U.S. catch) will be provided to the DFO and U.S. fishery interests and will be released to the public consistent with confidentiality requirements and Information Quality Guidelines.

The National Oceanic and Atmospheric Administration (NOAA) will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response to Question 10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

For the 2014 season, the WCR has developed an online registration system for U.S. vessels who wish to report their desire to be on the list of vessels authorized under the Treaty. This information is currently accepted by phone, fax or email. The new system will take the same estimated time to complete (5 minutes) but will be available 24 hours a day, 7 days a week rather than only during business hours. For other information collections, fishery participants will have multiple options for reporting vessel activity, including hails directly to the Canadian Coast Guard station at Tofino, British Columbia via several possible methods (satellite and cell phone, VHF and sideband radio). The Canadian Coast Guard station at Tofino, British Columbia in turn uses the same means to provide confirmation numbers to the person making report of vessel border crossings. NMFS and DFO are able to use periodically provided spreadsheet reports to monitor and assess the amount of fishing by the respective fleets in the other Party's waters. NMFS and DFO also use electronic means to distribute information to the fishing fleets. The WCR Web site's Albacore Treaty Web page, http://www.westcoast.fisheries.noaa.gov/fisheries/migratory_species/us_canada_albacore_treaty.html is the site used to inform the public about the treaty reporting and other management program requirements. The 2014 compliance guide is posted on this site.

4. Describe efforts to identify duplication.

A vessel that fishes commercially for albacore off the coast of California, Oregon and Washington and within the U.S. EEZ must have a valid Pacific HMS permit. Regulations for this permit are found in 50 CFR Part 660.707. Most vessels that fish for albacore pursuant to the Treaty also fish in the U.S EEZ and therefore have a Pacific HMS permit. The WCR is working to eliminate the duplication of vessel ownership and vessel characteristic data being submitted separately for the Treaty registration and with the Pacific HMS permit application. An online registration system (National Permits System) has been developed that will allow the vessel

owner to verify information previously supplied with the Pacific HMS Permit application for the purpose of registering under the Treaty.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

All fishing operations involving vessels in the albacore fishery can be categorized as small businesses. However, the reporting burdens of: 1) making sure the vessel is on the list provided to Canada, 2) reporting prior to border crossings, and 3) marking vessels as required under the proposed rule are a very small portion of the overall cost of fishing. The use of the Canadian Coast Guard station at Tofino, British Columbia to take reports 24 hours a day and 7 days a week by multiple means allows vessel operators to select the most cost effective way for each individual operation to meet the requirement for vessel reports. No special measures are needed to offset any disproportionate effect on small businesses.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the collection is not conducted, there will be no way to implement the obligations of the Treaty in a fair, equitable, and effective manner. U.S. interests could be seriously disadvantaged and pressure would rise to terminate the Treaty.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Not Applicable.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A notice published in the Federal Register on January 16th, 2014 (79 FR 2817) solicited comments from the public. No comments were received.

NMFS consulted with industry representatives to the Treaty at a meeting on April 17, 2014. Three active fishermen representing the majority of fishermen directly affected by this data collection were asked about the accuracy of burden and the clarity of instructions. All responses indicated that our burden estimates are accurate and that the instructions for complying are clear.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

There are no payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Data collected by NMFS is protected by the Trade Secrets Act.

Fishermen are aware that reports by radio are subject to interception at sea, so the reporting options being provided include landline and cell telephone as well as fax and email. Data such as personal addresses and phone numbers will remain confidential information. The business contact information of holders of Federal permits is, however, public information.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions are asked of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

Based on activity from 2009 to 2013, respondents are estimated to be 100 or fewer. There are four elements to this collection.

1). Vessel owners who want to be eligible to fish in Canadian waters under the Treaty must ensure that their vessels are on the list of vessels exchanged with Canada. This will require the owner to register online, call, email or fax NMFS, taking approximately 5 minutes. If 100 vessel owners so request, the **total annual responses will be 100 and the annual burden for this element will be 8 hours, 20 minutes (8) hours** (100 x 5 minutes/60 minutes).

2). Regulations require reporting border crossings directly to the Canadian Coast Guard station at Tofino, British Columbia. Assuming one round trip (two border crossings, and thus, two calls per trip) for each of an average of 100 active vessels each year, and with each call taking an average of 5 minutes, this imposes a burden of **200 responses and 16 hours, 40 minutes (17) hours** per year (100 x 2 x 5 minutes/60 minutes). Note that some vessels are expected to engage in two or more crossings each year, while most vessels will not engage in any crossings.

3). Regulations require logbook reporting requirements for fishing under the Treaty in Canadian waters. Assuming that all of the estimated 100 vessels fish every day for one month (e.g., up to 30 days) and complete 1 logbook page per day (at 5 minutes per page or 2 hours, 30 minutes per month), the responses will be 30 per vessel or 3,000 and the burden will be a maximum average of 250 hours per year. However, it is estimated that 50 percent of these vessels already respond to the mandatory logbook requirement under the West Coast Highly Migratory Species Fishery Management Plan, so the net maximum burden for which approval is requested under OMB Control No. 0648-0492 is **125 hours (1,500 responses)**. In most years, there will be much less fishing (and thus less reporting) under the Treaty than the level on which this estimate is based.

4). The vessel marking requirement consists of adding the letter "U" after the vessel marking number required under regulations at 50 CFR 660.704, if the vessel enters Canadian waters. This is estimated to take 5 minutes per vessel. Given the estimate of 100 vessels per year, an estimated **annual 100 responses and burden of 8 hours, 20 minutes (8) hours** is anticipated.

Thus, the total responses are estimated to be 1,900 and the burden, 158 hours per year for the next 3-year period.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

There are no significant capital or equipment costs associated with this reporting burden.

1). The estimated cost of making the initial call or fax to be placed on the authorized list is approximately $2.00, or less (5 minutes x $0.40 per minute), **totaling $200.00** if all 100 vessels register through one of these methods.

2). The estimated cost of reporting border crossings by phone or ship-to-shore radio is up to **$1,200**, based on up to 200 reports at $6.00 per call. This includes connection fees and per minute charges.

3). Logbooks: Mailing costs for submitting logbooks are estimated to be up to $123 per year (30 pages per 50 vessels = 1,500 total logbook pages; at 6 pages to the ounce, this would require mailing of 250 ounces at $ 0.49 per ounce or $122.50 (**$123**)).

4). The estimated cost of the vessel-marking requirement is $0.50 per vessel for 100 vessels, or up to **$50.00** per year.

Thus, total annual costs are estimated at $1,573 ($200 + $1,200 + $123 + $50). Actual costs are anticipated to be much less, as not all 100 vessels are expected to fish in a given year.

14. Provide estimates of annualized cost to the Federal government.

The annualized cost to the Federal Government for managing the Pacific Albacore Logbook total $177,000 and are detailed in OMB control Number 0648-0223. It can be estimated that Pacific Albacore Logbooks for the Treaty account for 5% of total logbooks received. **Therefore costs can be estimated at $8,850 for this program.**

15. Explain the reasons for any program changes or adjustments.

Adjustment: The U.S. postage price per ounce has risen from $0.44 to $0.49. Since most of the information is not submitted by mail, the total cost has risen only $13.

16. For collections whose results will be published, outline the plans for tabulation and publication.

There are no plans at this time for publications based on the collections.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not Applicable.

18. <u>Explain each exception to the certification statement</u>.

Not Applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

National Oceanic and Atmospheric Administration
National Marine Fisheries Service

West Coast Region
501 West Ocean Blvd., Suite 4200
Long Beach, CA 90802

GUIDE FOR COMPLYING WITH THE VESSEL FISHING REQUIREMENTS OF THE U.S. - CANADA ALBACORE TREATY

MAY 2014

This guide is intended to help owners and operators of West Coast albacore fishing vessels understand what their obligations are if they wish to fish for albacore in Canadian waters, transit through Canadian waters without fishing, or use Canadian ports during the summer albacore fishing season. This guide has been updated to reflect the agreement reached in April of 2014 and is valid for the 2014, 2015 and 2016 fishing seasons.; however, any inadvertent difference between this guide and the regulations will be resolved by following the regulatory language found at 50 CFR 300 Subpart L and 50 CFR 660.704

Q. What is the U.S.-Canada Albacore Treaty?

The Treaty is a 1981 agreement between the governments of Canada and the United States that allows U.S. vessels to fish for albacore in Canadian waters seaward of 12 miles from shore and Canadian vessels to fish for albacore in U.S. waters seaward of 12 miles from shore. The Treaty also allows Canadian vessels to use certain U.S. ports to obtain supplies and services and to land fish, and it allows U.S. vessels to use certain Canadian ports for the same purposes. The Treaty also calls for exchange of fisheries data between the governments of the two nations.

Q. In general, what do the regulations require?

The regulations establish vessel marking, record keeping, and reporting requirements for U.S. albacore tuna fishing vessel operators and for Canadian albacore tuna fishing vessel operators when they are fishing in U.S. waters.

Q. What are the fishing access limits?

For the 2014, 2015 and 2016 seasons, there will be no precise limit on the number of U.S. vessels allowed to fish in Canadian waters. However, U.S. vessels fishing under the treaty will only be only allowed to fish in the Canadian EEZ June 15th through October 31st. Canadian troll vessels may access U.S waters from June 15th through September 15th and their total number will be limited to 45. Please note that Canadian vessels may still be transiting U.S waters after September 15th but will not be allowed to fish in U.S. waters beyond that date.

Q. What Canadian ports are U.S. albacore fishing vessels allowed to use?

Pursuant to the Treaty, U.S. fishing vessels are authorized to enter, land their catches, sell or transship their catch, obtain fuel, supplies, repairs and equipment only at Coal Harbour, Port Hardy, Prince Rupert, Victoria, Vancouver and Ucluelet ports.

Vessels will be required to clear with Canadian Customs and Border Services Agency prior to any person or cargo being allowed to disembark the vessel. In addition, all U.S. vessels must obtain "Authorization for Port Activity and Exclusive Economic Zone Entry by a Foreign Vessel" (EEZ license) from the Department of Fisheries and Oceans prior to accessing Canadian ports.

The "EEZ license" application form along with a list of approved agents necessary for its completion can be found online:

Q. I am not an albacore fishermen but I transit through Canadian waters to fish in Alaska. How do the regulations affect me?

The Treaty does not affect the rights of U.S. vessels to transit Canadian waters. However, vessels transiting Canadian waters must hail-in to the Canadian Coast Guard at Tofino. In addition, you are required to have your gear stowed in an unfishable condition while you are transiting.

Q. If I am interested in fishing in Canadian waters, what do I have to do?

U.S. albacore vessels wishing to fish in Canadian waters must be identified on the U.S. albacore vessel list; mark their vessels with name and registration number; maintain and submit logbooks; and report when they enter and leave Canadian waters.

Q. Is a permit required to participate in the U. S.-Canada Albacore Treaty fishery?

No permit is required by the Treaty; however, the Pacific Highly Migratory Species (HMS) Fishery Management Plan requires that all U.S. vessels that fish for HMS including albacore off or land HMS in the States of California, Oregon, and Washington have a valid HMS vessel permit. In addition, all U.S. vessels that fish on the high seas are required to have a valid High Seas Fishing Compliance Act Permit (HSFCA).

Q. How do I get on the U.S. albacore list?

Comment [CMD1]: Consider NPS

The owner of any albacore fishing vessel who wants that vessel to be on the list of U.S. vessels eligible to fish for albacore tuna in Canadian waters under the Treaty must contact NMFS at:

(562)980-4024, FAX: (562) 980-4024, or email (albacore.fish@noaa.gov) at least seven days prior to the first day on which any fishing in Canadian waters may begin. The owner must provide his or her name, address, and phone number where the owner can be reached, the vessel name, the U.S. Coast Guard documentation number (or state registration if it is not documented) and vessel operator (if different from the owner) and his or her address and phone number. NMFS will then place the vessel on the vessel list. The list is only valid for a single year. For the United States, a provisional list shall be provided to Canada by July 1st and may be revised during the fishing season.

Q. Can I get on the list after the season has started?

You may get on the list after the season starts, but you must allow a minimum of seven days from the time you register to the time you begin fishing. The seven day delay is necessary to ensure that NMFS has enough time to provide updated information to Canada.

Q. What kind of vessel marking is required?

Your vessel must be clearly marked with its name and documentation (Coast Guard Registration or State Registration) number. Vessel markings must be clearly visible both from the air and from a surface vessel. In addition, the letter 'U' must be painted or securely affixed to the vessel and be positioned at the end of each appearance of the vessel's documentation number. The letter should be of the same size and color as the identification numbers used on the vessel.

Q. What are the logbook requirements?

Use the logbook you received with your HMS vessel permit to record all your fishing activities in the United States (and Canadian waters if landing to a U.S. port). You are also encouraged to record all your fishing activities in Canadian waters and landings to a Canadian port. Be sure you have a page for every day you plan to spend in Canadian waters. The logbook must be submitted to the Southwest Fisheries Science Center within 15 days of the end of a trip regardless of whether the trip ends by reentry to U.S. waters, entry into other Canadian waters where fishing is not permitted, or a Canadian port. If you have departed from Canadian waters into the high seas, the logbook must be submitted within seven days of your next landing. If you **do not** fish in Canadian waters, the logbook must be submitted within 30 days of the end of the trip.

Q. If I don't have a logbook, how do I get one?

To obtain a logbook contact Craig D'Angelo, NMFS Southwest Region, 501 W. Ocean Blvd. #4200, Long Beach, CA 90802 Craig.D"Angelo@noaa.gov (562) 980-4024.

Q. What are the border crossing requirements?

Canadian regulations require U.S. albacore fishing vessels to file a hail–in report to the Canadian Coast Guard at Tofino at least 24 hours prior to entering Canadian waters and 72 hours before leaving Canadian waters.

Q. What is the reporting procedure?

Ways to contact Canadian Coast Guard at Tofino:

VHF channel 26 (within a 60 mile range);
MF channel 2054 (within a 200 mile range);
HF channel 4125 (within a 400 mile range);
Using a satellite phone or cellular phone and dialling 250-726-7716.

Q. What kind of border crossing information do I have to provide?

You must provide your vessel name, vessel documentation number, home port, flag state, Captain's name, and the date when you plan to enter or leave Canadian waters. At the end of the call, you will receive a confirmation number that you should keep on your vessel or have available to refer to in the event you are questioned either in Canadian waters or in a Canadian port. The record will demonstrate that you complied with call-in requirements.

Q. What if I don't call in prior to entering Canadian waters?

If you enter Canadian waters without reporting you will be fishing illegally and may be arrested and prosecuted either by Canada and/or the United States.

Q. What if I don't call in before leaving Canadian waters?

If you leave Canadian waters without reporting you will be in violation of Canadian and U.S. regulations and you may be arrested and prosecuted either by Canada and/or the United States.

Q. Will vessels from Canada have these same reporting requirements?

Yes, Canadian vessels will have to hail-in and out prior to entering and leaving U.S. waters.

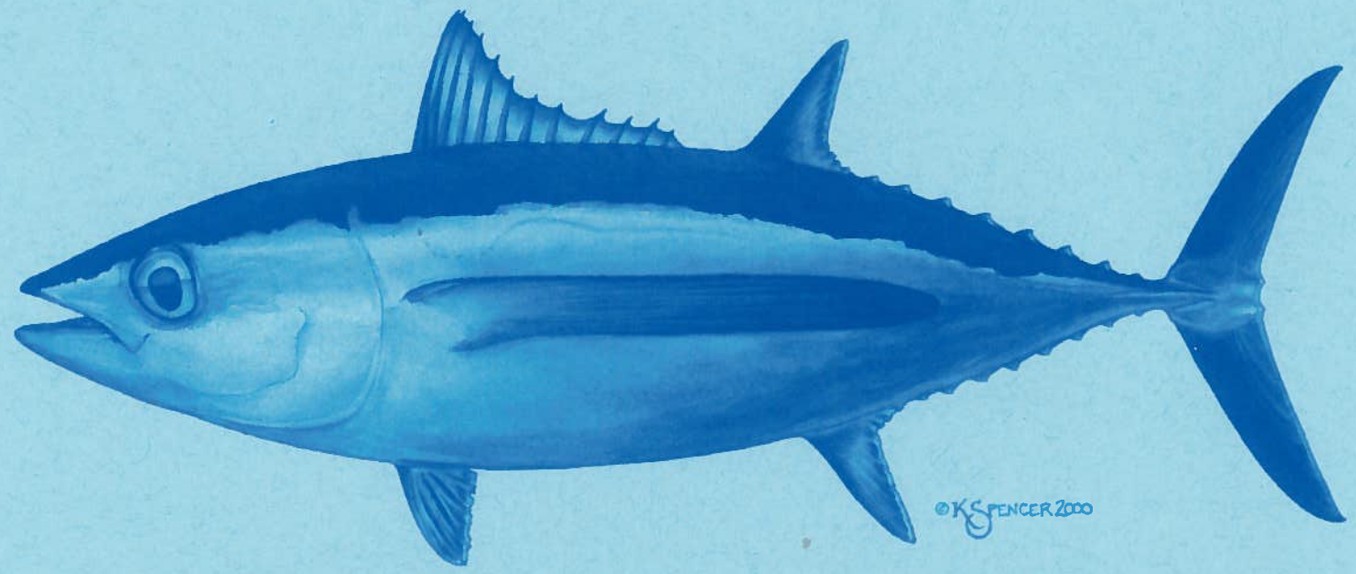
Q. How will NOAA Fisheries and Canada use these reports?

Both NOAA Fisheries and the Canadian Department of Fisheries and Oceans will have access to all report information. Because we will all have access to the same data, there should be no disagreements about the number of vessels or amount of fishing done by those vessels in each nation's waters. Obviously, a vessel from one nation found fishing in waters of the other nation without having hailed in to the Canadian Coast Guard is fishing illegally. Maintaining a record of your confirmation number after you've hailed in is important in the documentation process in the event you are boarded by the Coast Guard and your fishing activities are questioned.

Q. Am I allowed to transport live bait and use live bait in Canadian waters?

U.S. vessels are allowed to transport northern anchovy for use as bait into Canadian waters. Vessels wishing to transport live bait must contact the Canadian Customs and Border Services Agency in order to obtain authorization for transportation of bait prior to entering Canadian waters. U.S. vessels operating under the Treaty are also permitted to fish for albacore tuna using live northern anchovy as bait in Canadian waters.

U.S. PACIFIC ALBACORE LOGBOOK



U.S. NATIONAL MARINE FISHERIES SERVICE

(Eleventh Edition, January 2012)

U.S. PACIFIC ALBACORE FISHING INFORMATION

Form LS

VESSEL NAME: LAURA MARIE
COAST GUARD DOCUMENT NO.: 1234567
STATE MARINE BOARD NO. (e.g. WN1234AB):
RADIO CALL SIGN: WXY1234
LANDING RECEIPT NUMBERS: A 123456
CAPTAIN'S NAME: JOHN DOE
DEPARTURE PORT: NEWPORT
ARRIVAL PORT: ILWACO
PORT(S) LANDED: ILWACO
DEPARTURE DATE: 7 / 4 / 1999 (MM/DD/YYYY)
ARRIVAL DATE: 8 / 2 / 1999 (MM/DD/YYYY)
POUNDS LANDED: 43,057

AT SEA TRANSSHIPPING		
DATE:	TRANSHIPPER	AMOUNT

DATE MONTH	DATE DAY	GEAR CODE	FISHING CODE	LATITUDE DEG.	LATITUDE MIN	N/S	LONGITUDE DEG.	LONGITUDE MIN.	E/W	ALBACORE CATCH NO. KEPT	ALBACORE CATCH DISCARD NO.	ALBACORE CATCH AVGWT (lbs)	# JIG LINES	# BAIT POLES	# ARS FISHED	# SKIFFS	SEA TEMP (°F)	SEA CONDITIONS	BYCATCH SPECIES	BYCATCH NO.KEPT	BYCATCH DISCARD NO.	COMMENTS (No. gill net vessels in area, % gill net marked fish, amount of bait and birds in area, transshipments, dumped albacore, etc.)
7	4	1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING	44	40	N	126	22	W	0	0	-	0	0	0	0	62	1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE		0	0	LEFT AT 10:00AM
7	5	1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING	44	52	N	138	15	W	0	0	-	20	0	15	0	61.8	1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE				RUNNING TO OFFSHORE AREA
7	6	1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING	45	03	N	142	16	W	15	3	12	20	0	15	0	61.4	1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE				3 PEANUTS DUMPED
7	7	1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING	45	12	N	146	08	W	33	2	14	20	0	15	0	61.8	1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE				
7	8	1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING	45	17	N	148	06	W	21	0	13	10	0	15	0	61.2	1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE				
7	9	1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING	45	03	N	148	12	W	42	0	13	20	0	15	0	61.8	1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE	SKIPJACK	0	5	GOOD BIRD SIGNS
7	10	1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING	45	01	N	148	50	W	68	0	14	20	0	15	0	61.8	1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE	SKIPJACK	0	1	LOTS OF MARKS. NOT MANY BITERS

I certify that the above information is complete and accurate to the best of my knowledge

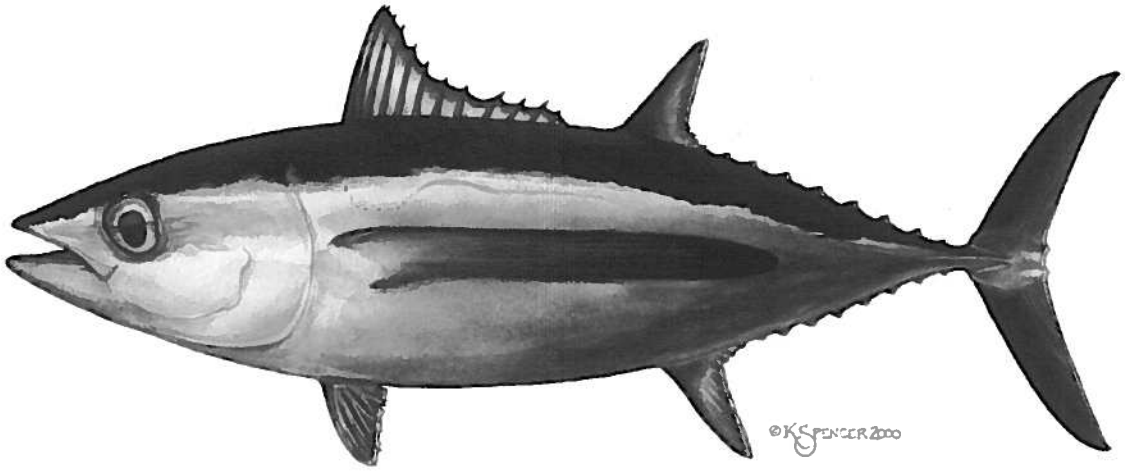
Signature: John Doe

Date: 8 / 3 / 1999

EXAMPLE

INSERT FOLDED BACK COVER UNDER YELLOW COPY

U.S. PACIFIC ALBACORE LOGBOOK



U.S. NATIONAL MARINE FISHERIES SERVICE

(Tenth Edition, March 2006)

INSTRUCTIONS FOR COMPLETING FORMS FP AND LS

PART I. ALBACORE FISHING OPERATION INFORMATION (FORM FP). This section is used to provide information on the general composition of the albacore fleet. Fill in the blanks or circle the number(s) of the fields that apply to your vessel. Complete **one sheet** each season. Sign and date each sheet that is submitted.

PART II. FISHING INFORMATION (FORM LS). Complete one line of the daily catch section from the logbook for each day's fishing. Complete each column on the form by circling or entering the appropriate information. Seven days of fishing can be recorded on each log sheet. **INSERT THE FOLDED FLAP OF THE BACK COVER UNDER THE YELLOW COPY OF THE SHEET BEING WRITTEN ON.** This will prevent the entries from being transferred to the underlying sheets. Sign and date each sheet that is submitted.

TOP OF THE PAGE

Enter Vessel Name, Coast Guard Document Number or State Marine Board Number, Radio Call Sign, Captain's Name, Departure and Arrival Ports, Port(s) where catch was landed, Departure and Arrival Dates, Total Pounds Landed, and all transshipping information for the trip.

DAILY FISHING SECTIONS

1. DATE Enter the month and day of fishing.
2. GEAR CODE Circle the appropriate code number indicating the gear used.
3. FISHING CODE Circle the appropriate code number identifying the vessel's major activity during the day.
4. LOCATION (LAT/LONG) Enter the location (to the nearest minute) where most of the fish were caught.
5. ALBACORE CATCH
   - NUMBER KEPT: Enter the total number of albacore caught and retained for the day. Enter 0 if no albacore were caught and kept.
   - DISCARD NUMBERS: Enter the total number of albacore discarded (dead or alive) for the day.
   - AVERAGE WEIGHT: Enter the average weight (pounds) of albacore caught and retained during the day (your best estimate).
6. # JIG LINES Enter the average number of lines trolled during the day when fishing with jigs.
7. # BAIT POLES Enter the average number of bait poles used during the day when fishing with bait.
8. # HOURS FISHED Enter the total number of hours (to the nearest whole hour) that fishing occurred during the day.
9. # SKIFFS Enter the total number of skiffs used during the day.
10. SEA TEMPERATURE Record the surface temperature (nearest tenth of a degree Fahrenheit) at the time of best fishing.
11. SEA CONDITIONS Circle the appropriate code number that best represents sea conditions during the day.
12. BYCATCH Record the following information about any non-albacore catch (birds, turtles, sharks, other fish and marine mammals) that was kept or returned to the ocean.
    - SPECIES: Record the bycatch species (common or scientific) name.
    - NUMBER KEPT: Record the numbers of the bycatch species that were kept.
    - DISCARD NUMBER: Record the numbers of the bycatch species that were discarded dead or alive.
13. COMMENTS Record any observations related to fishing activities such as number of gill net vessels seen during the day, percentage or numbers of catch that had gill net scars, movement of fish, type of feed, water color, bird flocks, temperature "edges" or "fronts".

SUBMITTING LOGBOOKS

This logbook is mandatory for all U.S. vessels using troll gear to fish for albacore. Vessels are required to submit original (white copies) of form LS within 30 days after each unloading and form FP once a year to one of the following addresses:

National Marine Fisheries Service
8604 La Jolla Shores Dr.
La Jolla, CA 92037

National Marine Fisheries Service
P.O. Box 4150
Pago Pago, American Samoa 96799

ALL INFORMATION RECEIVED FROM YOU WILL BE KEPT CONFIDENTIAL

LENGTH-WEIGHT-AGE RELATIONSHIP FOR PACIFIC ALBACORE

FORK LENGTH		WEIGHT		AGE
CM	INCHES	LB	KG	YRS
40	16	2.9	1.3	1.7
41	16	3.1	1.4	1.8
42	17	3.4	1.5	1.9
43	17	3.6	1.6	1.9
44	17	3.9	1.8	2.0
45	18	4.1	1.9	2.1
46	18	4.4	2.0	2.1
47	19	4.7	2.1	2.2
48	19	5.0	2.3	2.3
49	19	5.3	2.4	2.3
50	20	5.7	2.6	2.4
51	20	6.0	2.7	2.5
52	20	6.4	2.9	2.5
53	21	6.7	3.1	2.6
54	21	7.1	3.2	2.7
55	22	7.5	3.4	2.8
56	22	8.0	3.6	2.8
57	22	8.4	3.8	2.9
58	23	8.8	4.0	3.0
59	23	9.3	4.2	3.1
60	24	9.8	4.4	3.1
61	24	10.3	4.7	3.2

FORK LENGTH		WEIGHT		AGE
CM	INCHES	LB	KG	YRS
62	24	10.8	4.9	3.3
63	25	11.3	5.1	3.4
64	25	11.9	5.4	3.4
65	26	12.4	5.6	3.5
66	26	13.0	5.9	3.6
67	26	13.6	6.2	3.7
68	27	14.2	6.4	3.8
69	27	14.8	6.7	3.9
70	28	15.5	7.0	4.0
71	28	16.2	7.3	4.0
72	28	16.9	7.6	4.1
73	29	17.6	8.0	4.2
74	29	18.3	8.3	4.3
75	30	19.0	8.6	4.4
76	30	19.8	9.0	4.5
77	30	20.6	9.3	4.6
78	31	21.4	9.7	4.7
79	31	22.2	10.1	4.8
80	31	23.1	10.5	4.9
81	32	24.0	10.9	5.0
82	32	24.9	11.3	5.1
83	33	25.8	11.7	5.2

FORK		WEIGHT		AGE
CM	INCHES	LB	KG	YRS
84	33	26.7	12.1	5.3
85	33	27.7	12.6	5.4
86	34	28.7	13.0	5.5
87	34	29.7	13.5	5.6
88	35	30.7	13.9	5.8
89	35	31.8	14.4	5.9
90	35	32.9	14.9	6.0
91	36	34.0	15.4	6.1
92	36	35.1	15.9	6.2
93	37	36.2	16.4	6.4
94	37	37.4	17.0	6.5
95	37	38.6	17.5	6.6
96	38	39.8	18.1	6.7
97	38	41.1	18.6	6.9
98	39	42.4	19.2	7.0
99	39	43.7	19.8	7.1
100	39	45.0	20.4	7.3
101	40	46.4	21.0	7.4
102	40	47.8	21.7	7.6
103	41	49.2	22.3	7.7
104	41	50.6	23.0	7.9
105	41	52.1	23.6	8.1

FORK LENGTH		WEIGHT		AGE
CM	INCHE	LB	KG	YRS
106	42	53.6	24.3	8.2
107	42	55.1	25.0	8.4
108	43	56.7	25.7	8.6
109	43	58.2	26.4	8.7
110	43	59.9	27.2	8.9
111	44	61.5	27.9	9.1
112	44	63.2	28.7	9.3
113	44	64.9	29.4	9.5
114	45	66.6	30.2	9.7
115	45	68.4	31.0	9.9
116	46	70.2	31.8	10.1
117	46	72.0	32.7	10.3
118	46	73.8	33.5	10.6
119	47	75.7	34.4	10.8
120	47	77.6	35.2	11.1
121	48	79.6	36.1	11.3
122	48	81.6	37.0	11.6
123	48	83.6	37.9	11.9
124	49	85.6	38.8	12.2
125	49	87.7	39.8	12.5
126	50	89.8	40.8	12.8
127	50	92.0	41.7	13.1

FORK LENGTH		WEIGHT		AGE
CM	INCHE	LB	KG	YRS
128	50	94.2	42.7	13.5
129	51	96.4	43.7	13.8
130	51	98.6	44.7	14.2
131	52	100.9	45.8	14.7
132	52	103.3	46.8	15.1
133	52	105.6	47.9	15.6
134	53	108.0	49.0	16.1
135	53	110.4	50.1	17.3
136	54	112.9	51.2	
137	54	115.4	52.3	
138	54	117.9	53.5	
139	55	120.5	54.7	
140	55	123.1	55.8	
141	56	125.8	57.0	
142	56	128.4	58.3	
143	56	131.2	59.5	
144	57	133.9	60.8	
145	57	136.7	62.0	
146	57	139.6	63.3	
147	58	142.4	64.6	
148	58	145.4	65.9	
149	59	148.3	67.3	

Length-Weight relationship from Bartoo and Foreman, 1994. A review of the biology and fisheries for North Pacific Albacore (*Thunnus alalunga*).
Length-Age relationship from Suda, et. al. 1966. Catch variations in the North Pacific albacore VI. The Speculation about influence of fisheries on the catch and abundance of the albacore in the north-west Pacific by use of some simplified mathematical models.

Form FP

ALBACORE FISHING OPERATION INFORMATION

VESSEL NAME: LAURA MARIE
RADIO CALL SIGN: WXY1234
HOME STATE: CALIFORNIA

COAST GUARD DOCUMENT NO.: 1234567
OR
STATE MARINE BOARD NO. (e.g. WN1234AB):

CALIFORNIA REG. NO.: 12345
OREGON REG. NO.: 12345
WASHINGTON REG. NO.: 12345

LENGTH (ft.): 57
HORSEPOWER: 325
AVG. CRUISING SPEED (knots): 8
HOLD CAPACITY (Short Tons): 29

NAVIGATIONAL EQUIPMENT (CIRCLE ALL THAT APPLY)
1. RDF
2. LORAN
(3.) RADAR
4. OMEGA
5. OTHER
(6.) GPS

RADIO EQUIPMENT (CIRCLE ALL THAT APPLY)
(1.) AM
2. CB
(3.) VHF
(4.) SSB
5. OTHER
6. CELLULAR TELEPHONE
7. INMARSAT

REFRIGERATION TYPE (CIRCLE ALL THAT APPLY)
1. ICE
2. BRINE
(3.) SPRAY BRINE
4. BLOWER / BLAST
5. OTHER

SPECIAL EQUIPMENT (CIRCLE ALL THAT APPLY)
(1.) HYDRAULIC POWER GURDY
2. LINE PULLER
3. XBT
(4.) SOUNDER
5. SOUNDER W/ WHITE LINE
(6.) SEA-SURFACE TEMP. SENSOR
7. OTHER
(8.) SONAR

CREW SIZE (including captain): 3

CREW ALBACORE FISHING EXPERIENCE	
NUMBER WITH FIRST SEASON	0
NUMBER WITH 1-3 SEASONS	1
NUMBER WITH 4-10 SEASONS	1
NUMBER WITH >10 SEASONS	0

CAPTAIN'S ALBACORE FISHING EXPERIENCE
1. FIRST SEASON
2. 1-3 SEASONS
3. 4-10 SEASONS
(4.) >10 SEASONS

GEAR
1. BAIT
(2.) JIG
3. BOTH
OTHER

SKIFFS	
NO.	0
AVG. LENGTH	
AVG. HP	
AVG. NO.	
LINES TROLLED	

I certify that the above information is complete and accurate to the best of my knowledge

DATE: 7/4/1999 (month/ day/ year)
CAPTAIN'S NAME (PRINT): DOE, J (Last name, First initial)
John Doe (SIGNATURE)

EXAMPLE

Form FP

ALBACORE FISHING OPERATION INFORMATION

VESSEL NAME _____ RADIO CALL SIGN _____ HOME STATE _____

COAST GUARD DOCUMENT NO. _____
OR
STATE MARINE BOARD NO.
(e.g. WN1234AB) _____

CALIFORNIA REG. NO. _____
OREGON REG. NO. _____
WASHINGTON REG. NO. _____

LENGTH (ft.) _____ HORSEPOWER _____ AVG. CRUISING SPEED (knots) _____ HOLD CAPACITY (Short Tons) _____

NAVIGATIONAL EQUIPMENT (CIRCLE ALL THAT APPLY)
1. RDF
2. LORAN
3. RADAR
4. OMEGA
5. OTHER _____
6. GPS

RADIO EQUIPMENT (CIRCLE ALL THAT APPLY)
1. AM
2. CB
3. VHF
4. SSB
5. OTHER _____
6. CELLULAR TELEPHONE
7. INMARSAT

REFRIGERATION TYPE (CIRCLE ALL THAT APPLY)
1. ICE
2. BRINE
3. SPRAY BRINE
4. BLOWER / BLAST
5. OTHER

SPECIAL EQUIPMENT (CIRCLE ALL THAT APPLY)
1. HYDRAULIC POWER GURDY
2. LINE PULLER
3. XBT
4. SOUNDER
5. SOUNDER W/ WHITE LINE
6. SEA-SURFACE TEMP. SENSOR
7. OTHER _____
8. SONAR

CREW SIZE (including captain) _____

CREW ALBACORE FISHING EXPERIENCE	
NUMBER WITH FIRST SEASON	_____
NUMBER WITH 1-3 SEASONS	_____
NUMBER WITH 4-10 SEASONS	_____
NUMBER WITH >10 SEASONS	_____

CAPTAIN'S ALBACORE FISHING EXPERIENCE
1. FIRST SEASON
2. 1-3 SEASONS
3. 4-10 SEASONS
4. >10 SEASONS

GEAR

1. BAIT
2. JIG
3. BOTH

OTHER _____

SKIFFS	
NO.	_____
AVG. LENGTH	_____
AVG. HP	_____
AVG. NO.	_____
LINES TROLLED	_____

I certify that the above information is complete and accurate to the best of my knowledge:

DATE _____ (month/ day/ year)

CAPTAIN'S NAME (PRINT) _____ (Last name, First initial)

_____ (SIGNATURE)

U.S. PACIFIC ALBACORE FISHING INFORMATION

Form LS

VESSEL NAME: LAURA MARIE
COAST GUARD DOCUMENT NO.: 1234567
RADIO CALL SIGN: WXY1234
CAPTAIN'S NAME: JOHN DOE
STATE MARINE BOARD NO. (e.g. WN1234AB):
DEPARTURE PORT: NEWPORT
ARRIVAL PORT: ILWACO
PORT(S) LANDED: ILWACO
DEPARTURE DATE: 7 / 4 / 1999 (MM/DD/YYYY)
ARRIVAL DATE: 8 / 2 / 1999 (MM/DD/YYYY)
POUNDS LANDED: 43,057

AT SEA TRANSSHIPPING		
DATE:	TRANSHIPPER	AMOUNT

DATE		GEAR CODE	FISHING CODE	LATITUDE			LONGITUDE			ALBACORE CATCH			# JIG LINES	# BAIT POLES	# ARS FISHED	# SKIFFS	SEA TEMP (°F)	SEA CONDITIONS	BYCATCH			COMMENTS (No. gill net vessels in area, % gill net marked fish, amount of bait and birds in area, transshipments, dumped albacore, etc.)
MONTH	DAY			DEG.	MIN	N/S	DEG.	MIN.	E/W	NO. KEPT	DISCARD NO.	AVGWT (lbs)							SPECIES	NO.KEPT	DISCARD NO.	
7	4	1 BAIT (2) JIG 3 BOTH 4 OTHER	1 IN PORT (2) TRANSIT 3 BAITING 4 FISHING	44	40	N	126	22	W	0	0	-	0	0	0	0	62	(1) CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE		0	0	LEFT AT 10:00AM
7	5	1 BAIT (2) JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING (4) FISHING	44	52	N	138	15	W	0	0	-	20	0	15	0	61.8	1 CALM (2) MODERATE 3 ROUGH 4 UNWORKABLE				RUNNING TO OFFSHORE AREA
7	6	1 BAIT (2) JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING (4) FISHING	45	03	N	142	16	W	15	3	12	20	0	15	0	61.4	1 CALM (2) MODERATE 3 ROUGH 4 UNWORKABLE				3 PEANUTS DUMPED
7	7	1 BAIT (2) JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING (4) FISHING	45	12	N	146	08	W	33	2	14	20	0	15	0	61.8	1 CALM 2 MODERATE (3) ROUGH 4 UNWORKABLE				
7	8	1 BAIT (2) JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING (4) FISHING	45	17	N	148	06	W	21	0	13	10	0	15	0	61.2	1 CALM 2 MODERATE (3) ROUGH 4 UNWORKABLE				
7	9	1 BAIT (2) JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING (4) FISHING	45	03	N	148	12	W	42	0	13	20	0	15	0	61.8	1 CALM (2) MODERATE 3 ROUGH 4 UNWORKABLE	SKIPJACK	0	5	GOOD BIRD SIGNS
7	10	1 BAIT (2) JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING (4) FISHING	45	01	N	148	50	W	68	0	14	20	0	15	0	61.8	1 CALM (2) MODERATE 3 ROUGH 4 UNWORKABLE	SKIPJACK	0	1	LOTS OF MARKS. NOT MANY BITERS

I certify that the above information is complete and accurate to the best of my knowledge

Signature: John Doe

Date: 8 / 3 / 1999

EXAMPLE

INSERT FOLDED BACK COVER UNDER YELLOW COPY

U.S. PACIFIC ALBACORE FISHING INFORMATION

Form LS

VESSEL NAME _____ COAST GUARD DOCUMENT NO. _____ RADIO CALL SIGN _____

CAPTAIN'S NAME _____ STATE MARINE BOARD NO. (e.g. WN1234AB) _____

DEPARTURE PORT _____ ARRIVAL PORT _____ PORT(S) LANDED _____

DEPARTURE DATE ___/___/___ (MM/DD/YYYY) ARRIVAL DATE ___/___/___ (MM/DD/YYYY) POUNDS LANDED _____

AT SEA TRANSSHIPPING		
DATE:	TRANSHIPPER	AMOUNT

DATE		GEAR CODE	FISHING CODE	LATITUDE			LONGITUDE			ALBACORE CATCH			# JIG LINES	# BAIT POLES	# HRS FISHED	# SKIFFS	SEA TEMP (°F)	SEA CONDITIONS	BYCATCH			COMMENTS (No. gill net vessels in area, % gill net marked fish, amount of bait and birds in area, transshipments, dumped albacore, etc.)
MONTH	DAY			DEG.	MIN	N/S	DEG.	MIN.	EW	NO. KEPT	DISCARD NO.	AVGWT (lbs)							SPECIES	NO.KEPT	DISCARD NO.	
		1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING															1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE				
		1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING															1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE				
		1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING															1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE				
		1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING															1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE				
		1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING															1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE				
		1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING															1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE				
		1 BAIT 2 JIG 3 BOTH 4 OTHER	1 IN PORT 2 TRANSIT 3 BAITING 4 FISHING															1 CALM 2 MODERATE 3 ROUGH 4 UNWORKABLE				

I certify that the above information is complete and accurate to the best of my knowledge | Signature: | Date:

INSERT FOLDED BACK COVER UNDER YELLOW COPY

INSERT THIS FLAP UNDER YELLOW COPY

The National Marine Fisheries Service (NMFS) is collecting this information in support of its implementation of the Magnuson-Stevens Fishery Management and Conservation Act, the High-Seas Fishing Compliance Act (HSFCA), and the Fisheries Management Plan for Highly Migratory Species. The information will be used by NMFS to assess the status of Pacific albacore stocks and monitor the fisheries. It will be also be used by U.S. negotiators in international and domestic forums to develop policy for the continued harvesting of Pacific albacore. Response is mandatory. The information submitted will be treated confidentially in accordance with NOAA Administrative Orders. The burden for completing a logbook for a fishing trip of 30 days is estimated at 1 hour above that of logbooks kept for normal business practice. This estimate includes the time for reviewing the instructions, searching existing data sources, gathering and maintaining the date needed, and completing and reviewing the collection of information. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

forth in section 4(a)(1) of the Act and regulations implementing the listing provisions of the Act (50 CFR part 424).

We will continue to monitor the status of the species, and to accept additional information and comments from all concerned governmental agencies, the scientific community, industry, or any other interested party concerning this finding.

References Cited

A complete list of all references cited in this finding is available on request from the Carlsbad Fish and Wildlife Office (see **ADDRESSES** above).

Author

The primary author of this finding is the staff of the Carlsbad Fish and Wildlife Office.

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 28, 2004.

Marshall Jones,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 04–12659 Filed 6–3–04; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 300 and 600

[Docket No. 040423129–4165–02; I.D. 041404D]

RIN 0648–AQ22

International Fisheries Regulations; Pacific Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges (Treaty) as authorized by recently passed legislation. This final rule establishes vessel marking, record keeping, and reporting requirements for U.S. albacore tuna fishing vessel operators and vessel marking and reporting requirements for Canadian albacore tuna fishing vessel operators fishing under the Treaty. The intended effect of this final rule is to allow the United States to carry out its obligations under the Treaty by limiting fishing by both U.S. and Canadian vessels as provided for in the Treaty.

DATES: Effective June 1, 2004.

ADDRESSES: Copies of the environmental assessment/regulatory impact review/final regulatory flexibility analysis (EA/RIR/FRFA) are available from Svein Fougner at the NMFS address. Comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted in writing to Svein Fougner, Assistant Administrator for Sustainable Fisheries, NMFS, Southwest Region and to David Rostker, OMB, by e-mail at *David_Rostker@omb.eop.gov*, or by facsimile (Fax) to 202–395–7285.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Sustainable Fisheries Division, Southwest Region, NMFS, 562–980–4030; fax: 562–980–4047; and email: *svein.fougner@noaa.gov*.

SUPPLEMENTARY INFORMATION: The Treaty, as amended in 2002, establishes a number of obligations of the Parties (the United States and Canada) to control reciprocal fishing in the waters of one Party by vessels of the other Party as well as reciprocal port privileges. The proposed rule (69 FR 23715, April 30, 2004) provided substantial information on the history of the Treaty and that information will not be repeated here. The Treaty permits fishing vessels of one Party to fish for albacore tuna in waters under the fisheries jurisdiction of the other Party seaward of 12 nautical miles from the baseline from which the territorial sea is measured (hereafter generally referred to as "waters"). The Treaty originally allowed for unlimited fishing for albacore tuna by vessels of each Party in waters of the other Party. In response to U.S. industry concerns about the increase in fishing effort by Canadian vessels in U.S. waters beginning in 1998, the Departments of State (DOS), supported by the National Marine Fisheries Service, initiated technical discussions which led to negotiations with Canada and ultimately agreement to amend the Treaty to establish controls over reciprocal fishing. Agreement to amend the Treaty was reached on April 24, 2002. The U.S. Senate has given its advice and consent to the Treaty amendments, and Congress enacted H.R. 2584 (Public Law 108–219) on March 29, 2004, to authorize the Secretary of Commerce to issue regulations to implement the amended Treaty. The President signed H.R. 2584 into law on April 13, 2004.

The amendment to Article 1 (b) of the Treaty allows for the United States and Canada to establish a mutually agreed upon fisheries limitation regime applicable to each Party's vessels fishing for albacore in the other Party's waters. Pursuant to that provision, the United States and Canada agreed to an initial 3–year regime that reduces reciprocal fishing effort each year until a level is reached in year three that is slightly above the pre–1998 average. Annex C of the Treaty also provides for a further reduced level of fishing after the 3–year period if the Parties are not able to reach agreement on a subsequent regime.

The specific actions that are called for under the Treaty and being implemented through this final rule are:

Vessel Lists

As under the original Treaty, the United States and Canada will annually exchange lists of fishing vessels which may fish for albacore tuna in each other's waters under the Treaty.

Vessel Marking

U.S. and Canadian vessels must have their name and vessel identification marking prominently displayed where they will be clearly visible both from the air and from a surface vessel.

Hail-in and Hail-out

The operators of U.S. and Canadian albacore fishing vessels must report to designated reporting offices at least 24 hours prior to entering the waters of the other nation to fish under the Treaty.

Recordkeeping

Operators of U.S. and Canadian vessels must keep accurate logbook records of catch and effort while fishing under the Treaty and must submit those logbooks to their respective fishery agencies.

Information Exchange

The United States and Canada will annually monitor the amount of fishing and the weight of albacore tuna caught by their respective vessels in waters under the fisheries jurisdiction of the other Party, and will annually exchange this information.

Annual Treaty Consultations

The United States and Canada will consult annually to review the information exchanged on the albacore tuna fisheries; on their respective conservation and management measures for albacore tuna; and on implementation of internationally agreed conservation and management measures applicable to the Parties related to fisheries covered under the Treaty.

Notification of Management Laws and Regulations

The United States and Canada will notify one another of the conservation and management laws and regulations applicable to vessels fishing in each other's waters.

Limitation of Fishing Effort

Annex C of the Treaty established a 3–year regime which limits the level of fishing that vessels of one Party can conduct in fishing for albacore tuna in the other Party's waters, beginning on June 1 of the first year of implementation of the limitation program. The limit can be exercised in terms of either the maximum number of vessels that can fish under the Treaty for up to 4 months each in a year; or the maximum number of fishing months that vessels can conduct in a year without a limit on the number of vessels that can participate in the year (i.e., vessel fishing months). The United States will administer the effort limit in terms of vessel fishing months. This is administratively the simplest approach and provides maximum flexibility to U.S. vessels to engage in fishing in Canadian waters if the fish are there. During the first year, the limit on fishing by U.S. vessels in Canadian waters will be 680 vessel fishing months; during the second year, the limit will be 560 vessel fishing months; and during the third year, the limit will be 500 vessel fishing months. There is provision for a "carry over" of unused fishing in a subsequent year.

The Treaty does not affect rights of U.S. vessels, including fishing vessels, to transit Canadian waters. However, Canadian hail-in requirements will continue to apply to transiting vessels, and with respect to albacore fishing vessels, fishing gear must be stowed in an unfishable condition to prevent the vessel from being considered to be "fishing" under the Treaty.

Extension or Adjustment of Fishing Limits

Prior to the expiration of this 3–year effort limitation program, the United States and Canada will consult to consider a new limitation program or extension of this program for 1 or more years.

The intent of this program is to ensure that neither Party receives disproportionate benefits from the fishing opportunities provided by the Treaty and that neither Party's fishermen will be disadvantaged relative to the other Party's fishermen under the Treaty.

To carry out this agreement, NMFS establishes the following requirements for U.S. albacore fishing vessel owners and operators:

1. *Vessel List.* The owner of any albacore fishing vessel who wants that vessel to be on the list of U.S. vessels eligible to fish for albacore tuna in Canadian waters under the Treaty must provide to NMFS the vessel name, the vessel registration number (U.S. Coast Guard documentation number or, if not documented, the state registration number), the home port, and the captain or operator's name. A vessel is not eligible to fish for albacore tuna in Canadian waters if it is not on the U.S. vessel list for at least 7 days prior to engaging in fishing for albacore tuna in Canadian waters. Each list is only valid for a single calendar year.

2. *Vessel Marking.* A U.S. vessel eligible to fish for albacore tuna in Canadian waters must be marked with the name and vessel identification marking prominently displayed where they will be clearly visible both from the air and from a surface vessel. The letter "U" must be painted or otherwise securely affixed to the vessel and be positioned at the end of each appearance on the vessel of its U.S. Coast Guard Documentation number (or if not documented, the state registration number) in the same height and size as the numerals. Regulations at 50 CFR 660.704 implementing the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) establish vessel marking size requirements relative to the size of the vessel involved; the U would be the same size as the numerals for each vessel under those regulations.

3. *Logbook Reports.* The owner of a U.S. albacore fishing vessel is responsible for ensuring that a logbook of catch and effort covering fishing under the Treaty is maintained and submitted to the Southwest Region, NMFS, within 15 days of the end of the trip if the vessel re-enters U.S. waters or enters the Canadian territorial sea or other Canadian waters in which fishing is not permitted or a Canadian port having notified NMFS of its intent to stop fishing; or within 7 days of landing fish if the vessel entered the high seas after exiting the Canadian exclusive economic zone (EEZ). NMFS will provide the logbook form upon being advised of the owner's request to be placed on the list of eligible vessels as described above.

4. *Hail-in/Hail-out Reports.* The operator of a U.S. vessel eligible to fish for albacore tuna in Canadian waters must report to an office designated by NMFS at least 24 hours prior to entering Canadian waters to fish under the Treaty and at least 24 hours prior to returning to U.S. waters or exiting Canadian waters and entering the high seas. NMFS has contracted for a call-in system to support U.S. reporting requirements. Reports will be acceptable through single sideband radio, landline and cell telephone, fax, and email. NMFS will provide detailed information to U.S. vessel operators of the appropriate times for reporting and the contractor contact points (phone numbers, radio frequencies, and email addresses) to all owners or operators identified on the list of eligible vessels.

NMFS and the U.S. Coast Guard will use all available means to inform fishers of closures of the fishery in Canadian waters in a timely manner. This will include use of Notice to Mariners, a hotline on current information relative to fishing limits, fax notices, and internet and web page notices. A closure notice also will be published in the **Federal Register**. Other means may be developed with the industry in the future.

This final rule also adds a new § 600.530 to the foreign fishing regulations at 50 CFR part 600 subpart F. This will reinforce Canadian regulations to govern the activity of Canadian vessels and ensure adequate ability to enforce the regulations and prosecute violations. In this context, it should be noted that Public Law 108–219 authorizes fishing by vessels from Canada in waters under the fisheries jurisdiction of the United Statesmore than 12 nautical miles from the baseline from which the territorial sea is measured, notwithstanding the prohibitions at 50 CFR part 600, subpart F.

The DOS has concurred with issuance of this final rule, as required by Public Law 108–219.

Changes From the Proposed Rule

Three changes were made from the proposed rule. In § 300.175, the language is clarified to require that U.S. vessels planning to fish in waters under Canadian jurisdiction must file a hail-in report to the Reporting Office at least 24 hours prior to engaging in fishing in such waters. Similarly, in § 600.530(e) and (f) Canadian vessels must file reports 24 hours prior to their entry and exit from the U.S. EEZ. These changes make this final rule consistent with the Canadian regulations. A time frame was not specified in the proposed rule.

This final rule adds a new § 600.525 to part 600, subpart F, to clarify that fishing by vessels of Canada is regulated only under §§ 600.525 and 600.530 and not by the other sections of subpart F. This makes clear that the reporting and recordkeeping requirements and other

provisions of subpart F do not apply to Canadian vessels fishing under the Treaty. The proposed rule had been unclear on this point.

Comments and Responses

Comment: NMFS received one set of comments on the proposed rule. Those comments criticized NMFS for allowing profiteering and rapacious fishermen to destroy U.S. fishery resources; and proposed that no Canadian fishing be allowed in U.S. waters nor U.S. fishing in Canadian waters; that the fisheries be reduced by 50 percent this year and 10 percent each year thereafter; that the allowed levels of fishing are far too high; that marine protected areas be established; and that the logbook requirement is a joke because there is no enforcement. No other comments were received.

Response: None of the comments specifically addressed the actions addressed by this rule, and no changes have been made in this final rule as a result of the comments. The United States is obliged to allow fishing by Canadian vessels consistent with the Treaty.

Classification

NMFS prepared a FRFA that describes the economic impact this final rule will have on small entities. The FRFA is available from NMFS (see **ADDRESSES**). A summary of the FRFA follows.

This final rule is not expected to have significant effects on U.S. vessels that are active in the troll albacore fishery off the West Coast and on the high seas, all of which are considered small entities. About 800 vessels made landings of albacore into U.S. ports or transshipped albacore to foreign ports in 2003, with a total estimated catch of just under 15,000 metric tons (mt). Average annual U.S. albacore catches have been about 12,000 mt for the past 10 years. The amount of fishing in Canadian waters has been quite low; NMFS estimates that between 1 and 2 percent of total U.S. fishing effort (estimated at about 25,000 days per year) has been conducted in Canadian waters thepast 10 years. The Treaty limitations are not expected to affect either the amount of fishing by U.S. vessels or their albacore catches in future years off the West Coast, in Canadian waters, or on the high seas. There are no catch limits under the Treaty or these implementing regulations. If Canadian fishing in U.S. waters declines through the effort limitation regime, there maybe less competition on fishing grounds in U.S. waters, but it does not appear (though it is not certain) that there would be any effects on U.S. vessels' effort or catches or on subsequent revenues and profits in the fishery.

The principal impacts of this final rule are reporting burdens (see following discussion of Paperwork Reduction Act burdens). Those owners who choose to have their vessels participate in fishing in Canadian waters under the Treaty would incur the costs associated with having the vessel name placed on the U.S. vessel list provided to Canada; reporting to NOAA Fisheries designated offices prior to entering Canadian waters to fish and prior to exiting Canadian waters; maintaining and submitting a logbook report on fishing in Canadian waters; and marking the vessels in accordance with the requirements. The total annual cost of these actions is estimated to be less than $100 per vessel owner. In any year, it is likely that U.S. vessels' fishing in Canadian waters will be far below the U.S. limit (average of 580 vessel months per year for the first 3 years) as albacore migrate into Canadian waters in relatively few years and for only a short time (less than two months) in those years.

The effect of this final rule is distinguished from the likely impacts of the fishing limits under the Treaty. That is, under these limits, there will be lower risk of levels of Canadian fishing in U.S. waters at levels that would create problems for U.S. vessels, such as crowding on the grounds or preemption of catch. Thus, the Treaty limits may have beneficial impacts on U.S. vessels' catch per unit effort, total catch and total revenue in the future, all other things being equal. In turn, it is conceivable that failure to implement this final rule would result in further delay in implementing the Treaty fishing limits such that U.S. vessel owners would be disadvantaged by unlimited Canadian fishing in U.S. waters. Under those circumstances, however, there would likely be pressure to terminate the Treaty and foreclose the future option of U.S. fishing in Canadian waters to ensure that there would not beunlimited Canadian fishing in U.S. waters. This final rule is not expected to result in any increase or decrease in average fishing time, catch per unit effort, total catch and revenue, or costs other than the administrative costs identified above. Thus, there will be very little impact (if any) on profits of the vessel owners involved from this final rule.

NMFS considered a number of alternatives to the specific actions related to vessel lists, vessel identification and marking, hail-in and hail-out reports, and logbooks. The differences between those options were relatively slight and the economic impacts were small. The requirements selected were felt to best balance between the need for good information to carry out U.S. obligations and the need to minimize the burden on U.S. and Canadian vessel operators and owners. With respect to the reciprocal fishing limit, however, there were substantially different choices and NMFS considered the following alternatives to the proposed approach: (a) to establish a U.S. limited entry program by which to carry out the U.S. effort limitation regime using "vessel years" as the operating limit; and (b) to establish monthly effort limits (i.e., one-fifth of the annual limit each month in the months of June through October each year) to implement the effort limitation regime on a vessel month basis.

The former would be administratively more complex than the proposed approach. It would require establishing either a lottery by which eligible vessels might be selected or criteria (e.g., prior participation) by which the requisite number of vessels would be identified as being eligible to fish in the year; issuing specific licenses or permits for fishing under the Treaty to those vessels; and then evaluating the effects and effectiveness of the program and possibly refining it the next year.

The latter would also be more complex and less flexible than the proposed approach. It could support enforcement of the program by ensuring that there would not be an excessive flood of vessels into Canadian waters in any one month. However, it also would increase the potential that the U.S. would not be able to carry out as much fishing as legally permitted under the Treaty, since unused vessel months in one month would not carry over to the following month (which is the practical effect of the proposed approach).

Thus the proposed action was chosen for administrative ease, maximum flexibility to the fleet, and ability to enforce and administer at relatively low cost.

Neither of the alternatives (nor this final rule) would be likely to substantially affect the fishing effort and catch and revenue of the U.S. albacore fishery. As noted above, U.S. vessels have not fished extensively in Canadian waters for many years, and the U.S. fleet is not expected to fish at levels permitted under the Treaty. Thus, the form of the limitation used should not result in changes in fishing effort, catches or revenue.

This final rule establishes reporting burdens subject to the Paperwork Reduction Act (PRA). The vessel

marking requirement consists of adding the letter "U" after the vessel marking number required under regulations at 50 CFR 660.704 if the vessel enters Canadian waters. This is estimated to take 5 minutes per vessel.

It is expected that all of the U.S. vessels that would fish under the Treaty are subject to the HMS FMP and/or the High Seas Fishing Compliance Act, both of which require vessel marking, and the added cost (adding the letter U) under this final rule is minimal. Given the limits of the amended Treaty, the maximum number of times the added burden would occur in the 3–year period is 1,740 vessel crossings, or 580 per year, with a burden of 48.33 hours annualized.

This final rule requires that vessel owners or operators take action each year to be sure that their vessels are on the list of vessels eligible to fish in Canadian waters under the Treaty. This can be done with a 5 minute phone call. Although it is highly unlikely, it is assumed for estimating the reporting burden that 700 vessels will get on the list (this is about 90 percent of the number of vessels that actually landed albacore into a West Coast port in 2003); under this assumption, the total fleet burden is 58.33 hours. It should be noted that there is no cost to get on the list; therefore, it is expected that many will choose to get on the list just in case an opportunity to fish in Canadian waters arises during the year. This final rule also requires U.S. vessels to report border crossings to and from Canadian waters. Assuming a round trip for the maximum of 580 vessels (assuming that every vessel fishes only 1 month toward the U.S. limit), and with each call taking an average of 5 minutes, this imposes a burden of 96.67 hours. Finally, this final rule imposes a logbook reporting requirement for U.S. vessels fishing under the Treaty in Canadian waters. Under the limits of the Treaty, U.S. vessels will be limited to an average of no more than 580 vessel months per year (over 3 years).

Assuming full fishing each month (i.e., up to 30 days per month) and 1 logbook page per day (at 5 minutes per page), the reporting burden will be 2.5 hours per vessel per month or a fleet total of 1,450 hours per year. It is estimated that 50 percent of these vessels already participate in a voluntary albacore fishery logbook program, so the net new burden for which PRA approval has been requested is 725 hours.

Most years there will be much less fishing under the Treaty than the level on which this estimate is based. However, assuming full participation, the total new reporting burden for the fleet is 928.33 hours per year for the first 3 year period of fishing limits. There are no significant capital or equipment costs associated with this reporting burden. NMFS is working with the albacore fishery to evaluate the potential of electronic recordkeeping and reporting for this fishery. This could reduce the collection burden in the future. An emergency PRA clearance request was approved by the Office of Management and Budget (OMB) so this final rule could be published by the target effective date.

Public comment is sought regarding whether these proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility, the accuracy of the burden estimate, ways to enhance the quality, utility, and clarity of the information to be collected, and ways to minimize the burden of the collection of information, including through the use of automated information technology. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to, Svein Fougner, Assistant Administrator for Sustainable Fisheries, NMFS, Southwest Region (SEE **ADDRESSES**) and by e-mail to *David_Rostker@omb.eop.gov*, or facsimile (fax) to202–395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirement of the PRA, unless that collection of information displays a currently valid OMB control number.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Administrative Procedure Act

The Assistant Administrator for Fisheries finds good cause under 5 U.S.C. 553(d)(3) to waive the 30–day delay in effectiveness of this final rule. This final rule must be made effective by June 1, 2004 (the start of the Pacific albacore tuna fishing year), as the Parties to the Treaty agreed to implement the Amended Treaty by that date. The legislation (H.R. 2584)ratifying the Amended Treaty was signed into law on April 13, 2004. NMFS published a proposed rule to implement the Amended Treaty in the **Federal Register** on April 30, 2004. As the comment period for the rule ended on May 17, 2004, NMFS has insufficient time to provide 30 days to delay the effectiveness of this rule prior to June 1, 2004. Failure to have the rule in effect that date would mean that the U.S. and Canada could not exchange diplomatic notes confirming that all administrative steps for Treaty implementation had been taken. Failure to do so would delay for another full fishing year (i.e., until 2005) the implementation of the reciprocal fishing limit regime that is very important to the U.S. albacore fishing fleet. The Parties agreed that the Treaty would not go into effect during the fishing year (i.e., after June 1). Without this limitation program, Canadian vessels could once again fish without limits in U.S. waters to the likely disadvantage of U.S. vessels. The limitation regime is intended to allow a fair opportunity for each nation's vessels to participate in fishing on the common stock, but Canadian fishing vessels have enjoyed much greater benefit under the Treaty than U.S. vessels in recent years. NOAA has prepared an information package for almost 1,100 U.S. vessel owners and operators about the new restrictions imposed by this final rule and the proposed rule was posted on the internet and sent to industry advisors for distribution to fishers. No U.S. vessel is expected to fish under the Treaty in the first several weeks after June 1, 2004, providing additional time to distribute this information to the industry. NOAA has been advised that Canadian vessel owners and operators have also been informed that the requirement to report prior to border crossings will be a condition of their licenses to fish in U.S. waters.

List of Subjects

50 CFR Part 300

Fisheries, High seas fishing, International agreements, Permits, Reporting and recordkeeping requirements.

50 CFR Part 600

Administrative practice and procedure, Confidential business information, Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics.

Dated: May 27, 2004.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 300 is amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

■ 1. A new Subpart L is added to read as follows:

Subpart L—Pacific Albacore Tuna Fisheries

Sec.
300.170 Purpose and scope.
300.171 Definitions.
300.172 Vessel list.
300.173 Vessel identification.
300.174 Logbook reports.
300.175 Hail-in and hail-out reports.
300.176 Prohibitions.

Authority: Sec. 401, Pub. L. 108-219, 118 Stat. 616 (16 U.S.C. 1821 note).

Subpart L—Pacific Albacore Tuna Fisheries

§ 300.170 Purpose and scope.

The regulations in this subpart govern fishing by U.S. vessels in waters under the fisheries jurisdiction of Canada pursuant to the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002. Regulations governing fishing by Canadian vessels in waters under the fisheries jurisdiction of the United States pursuant to this Treaty as amended in 2002 are found at § 600.530 of chapter VI of this title.

§ 300.171 Definitions.

In addition to the definitions in the Magnuson-Stevens Fishery Conservation and Management Act and § 600.10 of Chapter VI of this title, the terms used in this subpart have the following meanings:

Fishing under the Treaty as amended in 2002 means to engage in fishing for albacore tuna in waters under the fisheries jurisdiction of Canada seaward of 12 nautical miles from the baseline from which the territorial sea is measured.

Regional Administrator means the Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213, or a designee.

Reporting Office means the office designated by the Regional Administrator to take hail-in and hail-out reports from U.S. and Canadian vessel operators.

Treaty means the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002.

§ 300.172 Vessel list.

The "vessel list" is the list of U.S. vessels that are authorized to fish under the Treaty as amended in 2002. Only a vessel on the list for at least 7 days may engage in fishing in Canadian waters under the Treaty as amended in 2002. At least 7 (seven) days prior to the first day on which any fishing in Canadian waters may begin, the owner of any U.S. vessel that wishes to be eligible to fish for albacore tuna under the Treaty as amended in 2002 must provide the Regional Administrator or his designee with the vessel name, the owner's name and address, phone number where the owner can be reached, the U.S. Coast Guard documentation number (or state registration number if not documented), and vessel operator (if different from the owner) and his or her address and phone number. NMFS will then place the vessel on the vessel list.

§ 300.173 Vessel identification.

A U.S. vessel fishing under the Treaty as amended in 2002 must be marked with its name and vessel identification prominently displayed where they will be clearly visible both from the air and from a surface vessel. Vessel identification means the U.S. Coast Guard Documentation number (or if not documented, the state registration number) followed by the letter U in the same height and size as the numerals. Numerals and the letter U must meet thesize requirements of § 660.704 of chapter VI of this title.

§ 300.174 Logbook reports.

The owner of any U.S. vessel that fishes for albacore tuna in Canadian waters under the Treaty as amended in 2002 must maintain and submit to the Regional Administrator a logbook of catch and effort of such fishing. The logbook form will be provided to the vessel owner as soon as practicable after the request to be placed on the list of vessels. The logbook must be submitted to the Regional Administrator within 15 days of the end of a trip, regardless of whether the trip ends by reentry to U.S. waters or entry to Canada's territorial sea, other Canadian waters in which fishing is not permitted, or a Canadian port. If the departure is due to exit to the high seas, the vessel operator must submit the logbook within 7 days of its next landing.

§ 300.175 Hail-in and hail-out reports.

(a) The operator of any U.S. vessel that wishes to engage in fishing in waters under the fisheries jurisdiction of Canada must file a hail-in report to the Reporting Office at least 24 hours prior to engaging in fishing in such waters.

(b) The operator of a U.S. vessel that has been fishing under the Treaty as amended in 2002 must file a hail-out report to the Reporting Office within 24 hours of departing waters under the fisheries jurisdiction of Canada.

§ 300.176 Prohibitions.

It is prohibited for the owner or operator of a U.S. fishing vessel to:

(a) Engage in fishing in waters under the fisheries jurisdiction of Canada if:

(1) The vessel has not been on the list of fisheries pursuant to § 300.172 for at least 7 days;

(2) The vessel is not clearly marked as required under § 300.173;

(3) The vessel operator has not filed a hail-in report with the Reporting Office as required under § 300.175(a); or

(4) The Regional Administrator has announced that the U.S. limit on fishing under the Treaty as amended in 2002 has been reached.

(b) Fail to maintain and submit logbook records of catch and effort statistics as required under § 300.174;

(c) Fail to report an exit from waters under the fisheries jurisdiction of Canada as required by § 300.175(b).

■ For the reasons set out in the preamble, 50 CFR part 600 subpart F is amended as follows:

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

■ 2. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C 561 and 16 U.S.C. 1801 *et seq.*

■ 3. A new § 600.525 is added to subpart F to read as follows:

§ 600.525 Applicability of Subpart F to Canadian Albacore Fishing Vessels off the West Coast.

Fishing by vessels of Canada under the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges is regulated only under this section and § 600.530 of this subpart F, and is exempt from any other requirements of this subpart F. Regulations governing fishing by U.S. vessels in waters under the fisheries jurisdiction of the Canada more than 12 nautical miles from the baseline from which the territorial sea is measured are found at §§ 300.170–300.176 of chapter II of this title.

■ 4. A new § 600.530 is added to subpart F to read as follows:

§ 600.530 Pacific albacore fishery.

(a) *Purpose and scope.* This section regulates fishing by Canadian vessels

under the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002. Notwithstanding any other provision of this subpart F, fishing vessels of Canada may be authorized to fish in waters under the fisheries jurisdiction of the United States more than 12 nautical miles from the baseline from which the territorial sea is measured in accordance with the Treaty and this section, pursuant to Public Law 108–219 (118 Stat. 616; 16 U.S.C. 1821 note).

(b) *Definitions.* In addition to the definitions in the Magnuson-Stevens Fishery Conservation and Management Act and § 600.10, the terms used in this subpart have the following meanings:

Fishing under the Treaty as amended in 2002 means to engage in fishing for albacore tuna in waters under the fisheries jurisdiction of the United States seaward of 12 nautical miles from the baseline from which the territorial sea is measured.

Regional Administrator means the Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213, or a designee.

Reporting Office means the office designated by the Regional Administrator to take hail-in and hail-out reports from U.S. and Canadian vessel operators.

Treaty means the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002.

(c) *Vessel list.* A Canadian vessel is not eligible to fish for albacore in U.S. waters under the Treaty as amended in 2002 unless the vessel is on the list provided to NMFS by the Government of Canada of vessels authorized by Canada to fish under the Treaty as amended in 2002.

(d) *Vessel identification.* A Canadian vessel fishing under the Treaty as amended in 2002 must clearly display its Canadian vessel registration number followed by the letter C in the same height and size as the numerals, consistent with Canadian vessel marking requirements.

(e) *Hail-in reports.* The operator of a Canadian Vessel eligible to fish for albacore in U.S. waters under the Treaty as amended in 2002 must file a hail-in report with the Reporting Office at least 24 hours prior to beginning any such fishing.

(f) *Hail-out Reports.* The operator of a Canadian vessel that has been fishing in U.S. waters under the Treaty as amended in 2002 must file a hail-out report with the Reporting Office at least 24 hours prior to exiting from U.S. waters.

(g) *Prohibitions.* It is prohibited for the operator of a Canadian vessel to engage in fishing in U.S. waters if the vessel:

(1) Is not on the vessel list in paragraph (c) of this section;

(2) Has not filed a hail-in report to advise of an intent to fish under the Treaty as amended in 2002 prior to engaging in such fishing; or

(3) Is not clearly marked in accordance with paragraph (d) of this section.

[FR Doc. 04–12517 Filed 5–28–04; 4:20 pm]

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ANNEX A

1.

a. Each Party agrees to provide annually to the other Party a list of its fishing vessels which propose to fish albacore tuna off the coast of the other Party. The list will include (1) vessel name, (2) home port, (3) radio call sign or vessel identification marking that identifies the flag state of the vessel ("Vessel Identification Marking"), (4) fishing vessel registration number, (5) captain or operator's name, if known, and (6) vessel length. For Canada, the list of vessels will be transmitted to the United States as of June 1. For the United States, a provisional list shall be provided by July 1 and may be revised during the fishing season.

b. With regard to the list of Canadian vessels, the list shall remain fixed for the entirety of the fishing season as defined in paragraph 2 of Annex C. No vessels may be added to or replaced on the list during the fishing season unless pursuant to paragraph 1(c) below.

c. Notwithstanding paragraph 1(b) above, in the event of *force majeur* or other cause for an exceptional request by a Party for replacement of a vessel within a season, an ad hoc review panel will be convened by the Government of Canada to review the request and determine whether the request warrants an exemption to the terms of paragraph 1(b) of this annex. If the finding is positive, the basis for the finding and the information regarding the replacement vessel per paragraph 1(a) above shall be transmitted to the Government of the United States prior to the vessel entering U.S. waters. Any replacement vessel shall not exceed the length overall of the original vessel it is replacing by more than 10 feet. Any subsequent replacements of that first replacement vessel must be of the same size or shorter than the vessel being replaced.

d. As soon as possible after receipt of the list of proposed fishing vessels, and subject to paragraph 1(e) below, the receiving Party shall satisfy itself that the list received meets the criteria of paragraph 1(a) and shall so inform the other Party in order to enable the albacore fishery to proceed pursuant to this Treaty.

e. Should one Party object to the inclusion of a particular vessel on the list of the other Party, the two Parties shall consult. Such objection may be made on the basis that the vessel in question has been involved in serious or repeated fisheries violations or offenses. In the event of consultations, actions pursuant to paragraph 1(d), with regard to other vessels shall not be delayed. Following consultations, each Party shall notify its respective vessels that both Parties agree shall not be included on the list referred to in paragraph 1(d).

2. If required by either Party, each vessel shall, prior to entering and leaving the fishing zone of such Party, so inform the appropriate authorities and provide the vessel name, radio call sign or Vessel Identification Marking, captain or operator's name and the purpose for being in such Party's fishing zone.

3. When in the fishing zone of the other Party, each vessel shall have its name and radio call sign or Vessel Identification Marking prominently displayed where they will be clearly visible both from the air and from a surface vessel.

4. Vessels of both Parties shall maintain accurate and complete records of catch, effort and other data on report forms provided by their respective governments while fishing pursuant to this Treaty. The Parties shall develop a real-time data reporting protocol to address the objective of achieving reporting of catches by vessels of one Party fishing in the waters of the other. Any logbooks and related databases maintained by the respective governments shall be made available to the other government regularly for verification purposes, subject to the Parties' respective rules on data confidentiality.

5. In order that better information on the stocks of albacore tuna which migrate off the west coasts of the United States and Canada may be obtained, each vessel engaged in fishing pursuant to this Treaty shall provide to its government statistics and other scientific information on its operations in the fishing zone of the other Party. Each Party shall provide to the other Party such information and in particular the amount (weight) and a sampling of biological data of albacore tuna caught by its vessels in waters under the fisheries jurisdiction of the other Party. Such information shall be provided on an annual basis and at least 30 days prior to the annual consultations referred to in paragraph 6 of this Annex. Other specific information to be provided, as well as the forms and procedures for providing such information, shall be agreed upon by the two Parties.

6. The Parties shall consult annually, *inter alia,* to:

   a. discuss data and information on albacore tuna fisheries exchanged under paragraph 5 of this Annex; and

   b. exchange information on their respective conservation and management measures for albacore tuna and on implementation of internationally agreed conservation and management measures applicable to the Parties related to fisheries covered under this Treaty.

   The Parties shall also notify one another of the conservation and management laws and regulations applicable to vessels fishing in each other's waters pursuant to Article 1(b) of this Treaty.

ANNEX C

1. The Parties agree to limit fishing by each Party's respective vessels engaged in fishing for albacore tuna in the waters under the fisheries jurisdiction of the other Party in accordance with the limitation regime (the "Regime") below, beginning on the first June 15st occurring after the date of entry into force of this Annex and expiring at the end of the fishing season in the third year of the Regime as set out in paragraph 3 below.

2. a. 12 months prior to the conclusion of the third year of the Regime, the Parties shall consult with a view to negotiating an extension and/or revision of the Regime, as appropriate, for a period of one or more years.

   b. The Parties shall conduct the consultations and negotiations referred to in 2(a) in good faith, including with sufficient time and resources, with an objective to conclude a new reciprocal fishing regime, if in the national interests of both Parties, within the one year period provided in 2(a). Criteria of national interest shall include, inter alia:

      i. the health of the stock,

      ii. the extent of landings of fish in the ports of each Party pursuant to the Regime, and

      iii. the economic benefits realized by the economies of both Parties as a result of the Regime.

   c. The Parties further agree that they may further extend the period of the Regime for an additional fishing season, by their mutual concurrence in writing, if that would improve the likelihood of concluding a new agreement extending and/or amending the existing Regime.

3. During the term of the Regime specified in paragraph 1 above, a fishing season shall be defined as a period of fishing commencing on June 15 and ending on the following October 31.

4. In each fishing season of the Regime, the Government of Canada shall limit fishing for albacore tuna by its vessels in waters under the fisheries jurisdiction of the United States to 110 troll vessels. The Government of the United States shall limit fishing for albacore tuna by its vessels in waters under the fisheries jurisdiction of Canada to a level reflective of historical levels.

5. If at any point during the term of this regime a Party receives a request for resolution of a matter related to the implementation of this Treaty with specific regard to the Regime, and notwithstanding the consultations contemplated in paragraphs one and two of Article VI, the Parties may establish through an

exchange of letters setting out a mutually held understanding on the terms of reference for an ad hoc consultative group consisting of an equal number of experts knowledgeable about the Pacific albacore tuna fishing industry who will serve in their personal capacity for the purpose of examining questions of implementation referred by the Parties. The Parties will set out any question or matter of difference between them involving the rights, obligations or interests of either in relation to the other or to the inhabitants of the other. Each Party will be responsible for determining the manner in which the travel and other costs associated with the operations of the consultative group for the members of the group that they nominate will be provided, and for the respective shares. Each Party will be responsible for determining the manner in which any jointly incurred expenses associated with the operations of the consultative group are funded. Any report submitted by the group should represent a consensus of the members appointed, but in the absence of a consensus, two reports, one by a majority of the members and the other by a minority of the members, or a report each should the views of the group be equally divided, may be submitted to the Parties for their further consideration.

6. A Party may terminate the Regime pursuant to the same conditions provided for termination in Article VIII of the Treaty, by providing written notice to the other Party that:

   (a) an international fisheries management organization with competence over highly migratory species such as the Inter-American Tropical Tuna Commission has adopted a fisheries conservation and management measure for North Pacific Albacore that requires one or both Parties to adopt a domestic management regime, structure or measure that may not be consistent with or may undermine the implementation of the Regime, or

   (b) one of the Parties, as a result of domestic fisheries management requirements, regulation or laws, must put in place measures for managing fisheries on albacore or associated species that may not be consistent with or may undermine the implementation of the Regime.

   Upon notification, the Parties shall consult, taking into account the provisions of paragraph 2, to consider re-establishment of a reciprocal fishing regime.

Proposed Operative Language regarding future allocations to be included in the exchange of notes concluding the Annex amendments:

In the event that an international fisheries management organization such as the Inter-American Tropical Tuna Commission adopts measures for international management of North Pacific albacore using a national catch allocation system, the Parties agree that the portion of any national allocation received by Canada and the United States attributable to the catch taken in the waters of the other country shall be reallocated by each country to the country in whose waters that catch was taken, or shall otherwise implement the national allocations in a manner that ensures respective future fishing opportunities under international management reflect total catches in each country's waters.

The Parties agree and commit that this provision in respect of future allocations shall be implemented in a cooperative and constructive manner, in good faith, and the potential outcomes of the activities to be undertaken in implementing this provision should not serve as the basis for termination of a reciprocal fishing regime or the Treaty. The Parties further commit to work together with a view toward coordinating positions and objectives within international regional fisheries management organizations such as the IATTC in the development of conservation and management measures for N. Pac. Albacore, in particular any such measures related to international or national allocations and the manner and method of calculating such allocations.

similar document that accurately states the information required by paragraph (a)(1)(ii) of this section.

(3) In the case of subcontainers or packages within a larger packing container, only the outermost container must be marked in accordance with this section, provided, that for live fish or wildlife that are packed in subcontainers within a larger packing container, if the subcontainers are numbered or labeled, the packing list, invoice, bill of lading, or other similar document, must reflect that number or label.

(4) A conveyance (truck, plane, boat, etc.) is not considered a container for purposes of requiring specific marking of the conveyance itself, provided that:

(i) The fish or wildlife within the conveyance is carried loosely or is readily identifiable, and is accompanied by the document required by paragraph (a)(1)(ii) of this section; or

(ii) The fish or wildlife is otherwise packaged and marked in accordance with this subpart.

(b) The requirements of § 300.160 of chapter III of this title do not apply to containers or packages containing—

(1) Fox, nutria, rabbit, mink, chinchilla, marten, fisher, muskrat, and karakul that have been bred and born in captivity, or their products, if a signed statement certifying that the animals were bred and born in captivity accompanies the shipping documents;

(2) Fish or shellfish contained in retail consumer packages labeled pursuant to the Food, Drug and Cosmetic Act, 21 U.S.C. 301 *et seq.*; or

(3) Fish or shellfish that are landed by, and offloaded from, a fishing vessel (whether or not the catch has been carried by the fishing vessel interstate), as long as the fish or shellfish remain at the place where first offloaded.

Subpart L—Pacific Albacore Tuna Fisheries

AUTHORITY: Sec. 401, Pub. L. 108-219, 118 Stat. 616 (16 U.S.C. 1821 note).

SOURCE: 69 FR 31535, June 4, 2004, unless otherwise noted.

§ 300.170 Purpose and scope.

The regulations in this subpart govern fishing by U.S. vessels in waters under the fisheries jurisdiction of Canada pursuant to the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002. Regulations governing fishing by Canadian vessels in waters under the fisheries jurisdiction of the United States pursuant to this Treaty as amended in 2002 are found at § 600.530 of chapter VI of this title.

§ 300.171 Definitions.

In addition to the definitions in the Magnuson-Stevens Fishery Conservation and Management Act and § 600.10 of Chapter VI of this title, the terms used in this subpart have the following meanings:

Fishing under the Treaty as amended in 2002 means to engage in fishing for albacore tuna in waters under the fisheries jurisdiction of Canada seaward of 12 nautical miles from the baseline from which the territorial sea is measured.

Regional Administrator means the Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213, or a designee.

Reporting Office means the office designated by the Regional Administrator to take hail-in and hail-out reports from U.S. and Canadian vessel operators.

Treaty means the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002.

§ 300.172 Vessel list.

The "vessel list" is the list of U.S. vessels that are authorized to fish under the Treaty as amended in 2002. Only a vessel on the list for at least 7 days may engage in fishing in Canadian waters under the Treaty as amended in 2002. At least 7 (seven) days prior to the first day on which any fishing in Canadian waters may begin, the owner of any U.S. vessel that wishes to be eligible to fish for albacore tuna under the

Treaty as amended in 2002 must provide the Regional Administrator or his designee with the vessel name, the owner's name and address, phone number where the owner can be reached, the U.S. Coast Guard documentation number (or state registration number if not documented), and vessel operator (if different from the owner) and his or her address and phone number. NMFS will then place the vessel on the vessel list.

§ 300.173 Vessel identification.

A U.S. vessel fishing under the Treaty as amended in 2002 must be marked with its name and vessel identification prominently displayed where they will be clearly visible both from the air and from a surface vessel. Vessel identification means the U.S. Coast Guard Documentation number (or if not documented, the state registration number) followed by the letter U in the same height and size as the numerals. Numerals and the letter U must meet the size requirements of § 660.704 of chapter VI of this title.

§ 300.174 Logbook reports.

The owner of any U.S. vessel that fishes for albacore tuna in Canadian waters under the Treaty as amended in 2002 must maintain and submit to the Regional Administrator a logbook of catch and effort of such fishing. The logbook form will be provided to the vessel owner as soon as practicable after the request to be placed on the list of vessels. The logbook must be submitted to the Regional Administrator within 15 days of the end of a trip, regardless of whether the trip ends by reentry to U.S. waters or entry to Canada's territorial sea, other Canadian waters in which fishing is not permitted, or a Canadian port. If the departure is due to exit to the high seas, the vessel operator must submit the logbook within 7 days of its next landing.

§ 300.175 Hail-in and hail-out reports.

(a) The operator of any U.S. vessel that wishes to engage in fishing in waters under the fisheries jurisdiction of Canada must file a hail-in report to the Reporting Office at least 24 hours prior to engaging in fishing in such waters.

(b) The operator of a U.S. vessel that has been fishing under the Treaty as amended in 2002 must file a hail-out report to the Reporting Office within 24 hours of departing waters under the fisheries jurisdiction of Canada.

§ 300.176 Prohibitions.

It is prohibited for the owner or operator of a U.S. fishing vessel to:

(a) Engage in fishing in waters under the fisheries jurisdiction of Canada if:

(1) The vessel has not been on the list of fisheries pursuant to § 300.172 for at least 7 days;

(2) The vessel is not clearly marked as required under § 300.173;

(3) The vessel operator has not filed a hail-in report with the Reporting Office as required under § 300.175(a); or

(4) The Regional Administrator has announced that the U.S. limit on fishing under the Treaty as amended in 2002 has been reached.

(b) Fail to maintain and submit logbook records of catch and effort statistics as required under § 300.174;

(c) Fail to report an exit from waters under the fisheries jurisdiction of Canada as required by § 300.175(b).

Subpart M—International Trade Documentation and Tracking Programs for Highly Migratory Species

AUTHORITY: 16 U.S.C. 951–961 and 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

SOURCE: 69 FR 67277, Nov. 17, 2004, unless otherwise noted.

§ 300.180 Purpose and scope.

The regulations in this subpart are issued under the authority of the Atlantic Tunas Convention Act of 1975 (ATCA), Tuna Conventions Act of 1950, and Magnuson-Stevens Act. The regulations implement the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) for the conservation and management of tuna and tuna-like species in the Atlantic Ocean and of the Inter-American Tropical Tuna Commission (IATTC) for the conservation and management of highly migratory fish resources in the Eastern Tropical Pacific Ocean, so far as they affect vessels and

§600.525 Applicability of Subpart F to Canadian Albacore Fishing Vessels off the West Coast.

Fishing by vessels of Canada under the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges is regulated only under this section and §600.530 of this subpart F, and is exempt from any other requirements of this subpart F. Regulations governing fishing by U.S. vessels in waters under the fisheries jurisdiction of the Canada more than 12 nautical miles from the baseline from which the territorial sea is measured are found at §§300.170–300.176 of chapter II of this title.

[69 FR 31535, June 4, 2004]

§600.530 Pacific albacore fishery.

(a) *Purpose and scope.* This section regulates fishing by Canadian vessels under the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002. Notwithstanding any other provision of this subpart F, fishing vessels of Canada may be authorized to fish in waters under the fisheries jurisdiction of the United States more than 12 nautical miles from the baseline from which the territorial sea is measured in accordance with the Treaty and this section, pursuant to Public Law 108–219 (118 Stat. 616; 16 U.S.C. 1821 note).

(b) *Definitions.* In addition to the definitions in the Magnuson-Stevens Fishery Conservation and Management Act and §600.10, the terms used in this subpart have the following meanings:

Fishing under the Treaty as amended in 2002 means to engage in fishing for albacore tuna in waters under the fisheries jurisdiction of the United States seaward of 12 nautical miles from the baseline from which the territorial sea is measured.

Regional Administrator means the Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213, or a designee.

Reporting Office means the office designated by the Regional Administrator to take hail-in and hail-out reports from U.S. and Canadian vessel operators.

Treaty means the 1981 Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges as amended in 2002.

(c) *Vessel list.* A Canadian vessel is not eligible to fish for albacore in U.S. waters under the Treaty as amended in 2002 unless the vessel is on the list provided to NMFS by the Government of Canada of vessels authorized by Canada to fish under the Treaty as amended in 2002.

(d) *Vessel identification.* A Canadian vessel fishing under the Treaty as amended in 2002 must clearly display its Canadian vessel registration number followed by the letter C in the same height and size as the numerals, consistent with Canadian vessel marking requirements.

(e) *Hail-in reports.* The operator of a Canadian Vessel eligible to fish for albacore in U.S. waters under the Treaty as amended in 2002 must file a hail-in report with the Reporting Office at least 24 hours prior to beginning any such fishing.

(f) *Hail-out Reports.* The operator of a Canadian vessel that has been fishing in U.S. waters under the Treaty as amended in 2002 must file a hail-out report with the Reporting Office at least 24 hours prior to exiting from U.S. waters.

(g) *Prohibitions.* It is prohibited for the operator of a Canadian vessel to engage in fishing in U.S. waters if the vessel:

(1) Is not on the vessel list in paragraph (c) of this section;

(2) Has not filed a hail-in report to advise of an intent to fish under the Treaty as amended in 2002 prior to engaging in such fishing; or

(3) Is not clearly marked in accordance with paragraph (d) of this section.

[69 FR 31535, June 4, 2004]

Title 50: Wildlife and Fisheries

PART 660—FISHERIES OFF WEST COAST STATES

Subpart K—Highly Migratory Fisheries

§ 660.704 Vessel identification.

(a) *General* . This section only applies to commercial fishing vessels that fish for HMS off or land HMS in the States of California, Oregon, and Washington. This section does not apply to recreational charter vessels that fish for HMS off or land HMS in the States of California, Oregon, and Washington.

(b) *Official number* . Each fishing vessel subject to this section must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from enforcement vessels and aircraft.

(c) *Numerals* . The official number must be affixed to each vessel subject to this section in block Arabic numerals at least 10 inches (25.40 cm) in height for vessels more than 25 ft (7.62 m) but equal to or less than 65 ft (19.81 m) in length; and 18 inches (45.72 cm)in height for vessels longer than 65 ft (19.81 m) in length. Markings must be legible and of a color that contrasts with the background.

[72 FR 43564, Aug. 6, 2007]

SEC. 202. INTERNATIONAL FISHERY AGREEMENTS 16 U.S.C. 1822

(a) NEGOTIATIONS.—The Secretary of State—

(1) shall renegotiate treaties as provided for in subsection (b);

(2) shall negotiate governing international fishery agreements described in section 201(c);

(3) may negotiate boundary agreements as provided for in subsection (d);

(4) shall, upon the request of and in cooperation with the Secretary, initiate and conduct negotiations for the purpose of entering into international fishery agreements--

(A) which allow fishing vessels of the United States equitable access to fish over which foreign nations assert exclusive fishery management authority, and

(B) which provide for the conservation and management of anadromous species and highly migratory species; and

(5) may enter into such other negotiations, not prohibited by subsection (c), as may be necessary and appropriate to further the purposes, policy, and provisions of this Act.

99-659, 102-251

(b) TREATY RENEGOTIATION.—The Secretary of State, in cooperation with the Secretary, shall initiate, promptly after the date of enactment of this Act, the renegotiation of any treaty which pertains to fishing within the exclusive economic zone (or within the area that will constitute such zone after February 28, 1977) [or special areas]*, or for anadromous species or Continental Shelf fishery resources beyond such zone or area[s]*, and which is in any manner inconsistent with the purposes, policy, or provisions of this Act, in order to conform such treaty to such purposes, policy, and provisions. It is the sense of Congress that the United States shall withdraw from any such treaty, in accordance with its provisions, if such treaty is not so renegotiated within a reasonable period of time after such date of enactment.

99-659, 102-251, 104-297

(c) INTERNATIONAL FISHERY AGREEMENTS.—No international fishery agreement (other than a treaty) which pertains to foreign fishing within the exclusive economic zone (or within the area that will constitute such zone after February 28, 1977) [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone or area[s]*—

(1) which is in effect on June 1, 1976, may thereafter be renewed, extended, or amended; or

(2) may be entered into after May 31, 1976;

by the United States unless it is in accordance with the provisions of section 201(c) or section 204(e).

99-659

(d) BOUNDARY NEGOTIATIONS.—The Secretary of State, in cooperation with the Secretary, may initiate and conduct negotiations with any adjacent or opposite foreign nation to establish the boundaries of the exclusive economic zone of the United States in relation to any such nation.

108TH CONGRESS
1st Session

SENATE

TREATY DOC.
108–1

AGREEMENT AMENDING TREATY WITH CANADA CONCERNING PACIFIC COAST ALBACORE TUNA VESSELS AND PORT PRIVILEGES

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

AGREEMENT AMENDING THE TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA ON PACIFIC COAST ALBACORE TUNA VESSELS AND PORT PRIVILEGES DONE AT WASHINGTON MAY 26, 1981 (THE "TREATY"), EFFECTED BY AN EXCHANGE OF DIPLOMATIC NOTES AT WASHINGTON ON JULY 17, 2002, AND AUGUST 13, 2002 (THE "AGREEMENT"). ENCLOSED IS THE REPORT OF THE SECRETARY OF STATE ON THE AGREEMENT AND A RELATED AGREEMENT, EFFECTED BY AN EXCHANGE OF NOTES AT WASHINGTON ON AUGUST 21, 2002, AND SEPTEMBER 10, 2002, AMENDING THE ANNEXES TO THE TREATY

JANUARY 9, 2003.—Agreement was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

U.S. GOVERNMENT PRINTING OFFICE
19–118 WASHINGTON : 2003

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *January 9, 2003.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Agreement Amending the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges done at Washington May 26, 1981 (the "Treaty"), effected by an exchange of diplomatic notes at Washington on July 17, 2002, and August 13, 2002 (the "Agreement"). I am also enclosing, for the information of the Senate, the report of the Secretary of State on the Agreement and a related agreement, effected by an exchange of notes at Washington on August 21, 2002, and September 10, 2002, amending the Annexes to the Treaty; this related agreement was concluded pursuant to Article VII of the Treaty.

The Treaty currently permits unlimited fishing for albacore tuna by vessels of each Party in waters under the jurisdiction of the other Party. The Agreement amends the Treaty to allow for a limitation on such fishing necessitated by changing circumstances.

The U.S. fishing and processing industries strongly support the amendment to the Treaty. The amendment not only allows the Parties to redress the imbalance of benefits received by U.S. fishers that has developed in the operation of the Treaty, but also preserves U.S. interests under the Treaty, including the interest of U.S. fishers to fish in Canadian waters at times when the albacore stock moves northward, the interest of U.S. processors to continue to receive Canadian catches for processing, and the U.S. interest in being able to conserve and manage the stock.

The recommended legislation necessary to implement the Agreement will be submitted separately to the Congress.

I recommend that the Senate give favorable consideration to this Agreement and give its advice and consent to ratification at an early date.

GEORGE W. BUSH.

LETTER OF SUBMITTAL

October 9, 2002.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to its transmission to the Senate for advice and consent to ratification, the Agreement Amending the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges done at Washington May 26, 1981 (the "Treaty"), effected by an exchange of diplomatic notes at Washington on July 17, 2002 and August 13, 2002 (the "Agreement"). I also enclose, for the information of the Senate, a related agreement, effected by an exchange of notes at Washington on August 21, 2002 and September 10, 2002 amending the Annexes to the Treaty.

The Treaty currently permits unlimited fishing for albacore tuna by vessels of each Party in waters under the jurisdiction of the other Party. The Agreement amends Article 1(b) of the Treaty to allow for a limitation on such fishing necessitated by changing circumstances. The details of such limitation are set forth in a new Annex C to the Treaty. The new Annex C and a few additional amendments to Annex A are contained in the related agreement that is being submitted for the information of the Senate. Like an October 9, 1997, exchange of notes that amended Annex B, this related agreement has been concluded pursuant to Article VII of the Treaty.

The original Treaty, concluded in 1981, was negotiated to allow unlimited fishing by U.S. and Canadian fishers in one another's waters at a time when Canada asserted jurisdiction over tuna out to 200 miles, but the United States did not recognize or assert such claims. (This U.S. position changed in the early 1990's.) In the years since 1981, however, albacore tuna have been found more frequently in U.S. waters than in Canadian waters. As a result, Canadian fishers have fished regularly in U.S. waters, while U.S. fishers have fished significantly in Canadian waters only in approximately three out of the last twenty years. Since 1998, Canada has more than doubled its albacore tuna fishery in U.S. waters.

This change in fishing patterns resulted in complaints by U.S. fishers that the increased number of Canadian vessels was causing overcrowding on U.S. fishing grounds and that Canadian fishers were receiving disproportionate benefits under the Treaty. Many U.S. fishers called for termination of the Treaty if limitations were not placed on Canadian vessels in U.S. waters.

In response to U.S. industry complaints, and after consultations with the National Marine Fisheries Service and the U.S. fishing

and seafood processing industries, the Department of State initiated technical discussions with Canada in November 2000 to develop data on the albacore tuna fishery and to share our concerns. In early 2001, the United States entered into negotiations with Canada to amend the Treaty to provide a mechanism for setting a limitation on the fishery in each other's waters under the Treaty.

The U.S. goal in the negotiations was not only to reduce Canadian fishing effort in U.S. waters to tolerable and more equitable levels, but also to create a fishery limitation mechanism for both Parties that could respond to future needs to conserve and manage the stock. The United States expects to implement a management plan for the albacore fishery in U.S. waters with respect to U.S. vessels in the near future. It would be difficult to implement such a management plan if unlimited fishing by Canadian vessels were still to be permitted under the Treaty.

On April 24, 2002, U.S. and Canadian negotiators reached agreement on an amendment to Article 1(b) of the Treaty that changes the Treaty's purpose from allowing unlimited fishing to one that allows the United States and Canada to establish a mutually agreed fisheries limitation regime applicable to each Party's vessels fishing for albacore in waters subject to the fisheries jurisdiction of the other Party. They also agreed in the related agreement amending the Treaty's Annexes to an initial three-year fisheries limitation regime, set out in Annex C, that reduces the fishing effort each year until a level is reached in the third year that is slightly above the pre-1998 average level of fishing.

Annex C also provides for a further reduced level of fishing after the three-year period if the Parties are not able to reach agreement on a subsequent regime. The structure of the regime and its placement in Annex C provide the mechanism for readjustment of the fishing limitation to respond to changing conservation and fishery management needs in a timely manner through agreements to amend the Annexes pursuant to Article VII of the Treaty.

The U.S. Department of Commerce and the U.S. fishing industry strongly support the amendment of the Treaty to allow the Parties to set fishing limitations. The Agreement not only allows the Parties to redress the imbalance of benefits that has developed in the operation of the Treaty, but also preserves U.S. interests under the Treaty, including the interests of U.S. fishers to fish in Canadian waters at times when the albacore stock moves northward, the interest of U.S. processors in continuing to receive Canadian catches for processing, and the U.S. interest in being able to conserve and manage the stock.

The recommended legislation necessary to implement the Agreement will be submitted separately to the Congress.

I therefore recommend that you submit the Agreement to the Senate for its advice and consent to ratification at the earliest possible date.

Respectfully submitted.

COLIN L. POWELL.

Enclosures: As stated.

DEPARTMENT OF STATE
WASHINGTON
August 21, 2002

Sir:

I have the honor to refer to recent discussions between our two Governments regarding the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges, with annexes, signed at Washington May 26, 1981, as amended by the Exchange of Notes of October 9, 1997 (the "Treaty"). I also have the honor to refer to the Diplomatic Note of July 17, 2002, and your Note number 84 of August 13, 2002, in reply, which contained an agreement on a proposed amendment to Article 1(b) of the Treaty.

The Honorable
Bertin Côté,
Chargé d'Affaires ad interim
of Canada.

DIPLOMATIC NOTE

I have the further honor to propose certain amendments to the Treaty as follows:

1. Annex A is amended so that it reads in its entirety as follows:

ANNEX A

1.

a. Each Party agrees to provide annually to the other Party a list of its fishing vessels which propose to fish albacore tuna off the coast of the other Party. The list will include (1) vessel name, (2) home port, (3) radio call sign or vessel identification marking that identifies the flag state of the vessel ("Vessel Identification Marking"), (4) fishing vessel registration number, and (5) captain or operator's name, if known.

b. Each Party may provide the other Party with additions or deletions to its list at any time.

c. As soon as possible after receipt, and subject to paragraph 1(d) below, the receiving Party shall satisfy itself that the list received meets the criteria of paragraph 1(a) and shall so inform the other Party in order to enable the albacore fishery to proceed pursuant to this Treaty.

d. Should, due to serious or repeated fisheries violations or offenses, one Party object to the inclusion of a particular vessel on the list of the other Party, the two Parties shall consult. In this event, actions pursuant to paragraph 1(c), with regard to other vessels shall not be delayed. Following consultations, each Party shall notify its vessels which both Parties agree shall not be included on the list referred to in paragraph 1(c).

2. If required by either Party, each vessel shall, prior to entering and leaving the fishing zone of such Party, so inform the appropriate authorities and provide the vessel name, radio call sign or Vessel Identification Marking,

captain or operator's name and the purpose for being in such Party's fishing zone.

3. When in the fishing zone of the other Party, each vessel shall have its name and radio call sign or Vessel Identification Marking prominently displayed where they will be clearly visible both from the air and from a surface vessel.

4. Vessels of both Parties shall keep accurate log records while fishing pursuant to this Treaty.

5. In order that better information on the stocks of albacore tuna which migrate off the west coasts of the United States and Canada may be obtained, each vessel engaged in fishing pursuant to this Treaty shall provide to its government statistics and other scientific information on its operations in the fishing zone of the other Party. Each Party shall provide to the other Party such information and in particular the amount (weight) of albacore tuna caught by its vessels in waters under the fisheries jurisdiction of the other Party. Such information shall be provided on an annual basis and at least 30 days prior to the annual consultations referred to in paragraph 6 of this Annex. Other specific information to be provided, as well as the forms and procedures for providing such information, shall be agreed upon by the two Parties.

6. The Parties shall consult annually, *inter alia*, to:

   a. discuss data and information on albacore tuna fisheries exchanged under paragraph 5 of this Annex; and

   b. exchange information on their respective conservation and management measures for albacore tuna and on implementation of internationally agreed conservation and management measures applicable to the Parties related to fisheries covered under this Treaty.

The Parties shall also notify one another of the conservation and management laws and regulations applicable to vessels fishing in each other's waters pursuant to Article 1(b) of this Treaty.

2. A new "Annex C" shall be added and it shall read in its entirety as follows:

ANNEX C

1. The Parties agree to limit fishing by each Party's vessels engaged in fishing for albacore tuna in the waters under the fisheries jurisdiction of the other Party in accordance with the limitation regime (the "Regime") below, beginning on the first June 1st occurring after the date of entry into force of this Annex and expiring at the end of the third year of the Regime as set out in paragraph 5 below.

2. For purposes of this Annex, a "vessel fishing month" as it applies to a vessel of a Party shall mean any calendar month or part thereof in which that vessel is in the waters subject to the fisheries jurisdiction of the other Party for the purpose of fishing for albacore tuna in those waters.

3. During the first year of the Regime, which shall commence on the first June 1st occurring after the date of entry into force of this Annex and end on the following March 31st, each Party shall limit fishing for albacore tuna by its vessels in waters under the fisheries jurisdiction of the other Party to:

   (a) 680 vessel fishing months; or
   (b) 170 vessels with a limit of four calendar months fishing for each vessel.

4. During the second year of the Regime, which shall commence on the April 1st immediately following the end of the first year of the Regime and end on the following March 31st, each Party shall limit fishing for albacore tuna by its vessels in waters under the fisheries jurisdiction of the other Party to:

   (a) 560 vessel fishing months; or
   (b) 140 vessels with a limit of four calendar months fishing for each vessel.

5. During the third year of the Regime, which shall commence on the April 1st immediately following the end of the second year of the Regime and end on the following March 31st, each Party shall limit fishing for albacore tuna by its

vessels in waters under the fisheries jurisdiction of the other Party to:

(a) 500 vessel fishing months; or
(b) 125 vessels with a limit of four calendar months fishing for each vessel.

6. In the event that in the first or second year of the Regime, fishing effort of vessels of a Party in waters under the fisheries jurisdiction of the other Party is less than the annual limit set out for that year in paragraph 3 or 4 above, the unused portion of that year's limit may be carried forward and added to the limit for any subsequent year of the Regime, provided that the resulting level of fishing effort in that year of the Regime shall not exceed the limit applicable during the preceding year of the Regime, excluding any carry over of unused fishing effort from any previous year of the Regime.

7. Twelve months prior to the expiration of this Regime, the Parties shall consult to consider a new limitation regime or extension of this Regime for one or more years.

8. If no agreement is reached and implemented by the Parties by the expiration of the Regime, then vessels of each Party may continue to fish for albacore tuna in waters subject to the fisheries jurisdiction of the other Party at a level no more than 75% of the limit applicable during the last year of the Regime, excluding any carry over of unused fishing effort from any previous year of the Regime, until a new agreement is reached and implemented.

If the above understandings are acceptable to your Government, I have the further honor to propose that this Note together with your Note in reply shall constitute an Agreement between our two Governments, which shall enter into force on the same date as the amendment to Article 1(b) of the Treaty enters into force in accordance with the terms of the agreement between our two Governments constituted by the exchange of Notes of July 17, 2002, and August 13, 2002.

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

For the Secretary of State:

Anthony F. Lake

Canadian Embassy Ambassade du Canada

Washington, September 10, 2002

Note No.0086

Excellency:

I have the honour to acknowledge receipt of your Note of 21 August, 2002, which reads as follows:

> I have the honor to refer to recent discussions between our two Governments regarding the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges, with annexes, signed at Washington May 26, 1981, as amended by the Exchange of Notes of October 9, 1997 (the "Treaty"). I also have the honor to refer to the Diplomatic Note of July 17, 2002 and your Note number 84 of August 13, 2002, in reply, which contained an agreement on a proposed amendment to Article 1(b) of the Treaty.
>
> I have the further honor to propose certain amendments to the Treaty as follows:

1. Annex A is amended so that it reads in its entirety as follows:

ANNEX A

a. Each Party agrees to provide annually to the other Party a list of its fishing vessels which propose to fish albacore tuna off the coast of the other Party. The list will include (1) vessel name, (2) home port, (3) radio call sign or vessel identification marking that identifies the flag state of the vessel ("Vessel Identification Marking"), (4) fishing vessel registration number, and (5) captain or operator's name, if known.

b. Each Party may provide the other Party with additions or deletions to its list at any time.

c. As soon as possible after receipt, and subject to paragraph 1(d) below, the receiving Party shall satisfy itself that the list received meets the criteria of paragraph 1(a) and shall so inform the other

Party in order to enable the albacore fishery to proceed pursuant to this Treaty.

d. Should, due to serious or repeated fisheries violations or offenses, one Party object to the inclusion of a particular vessel on the list of the other Party, the two Parties shall consult. In this event, actions pursuant to paragraph 1(c), with regard to other vessels shall not be delayed. Following consultations, each Party shall notify its vessels which both Parties agree shall not be included on the list referred to in paragraph 1(c).

2. If required by either Party, each vessel shall, prior to entering and leaving the fishing zone of such Party, so inform the appropriate authorities and provide the vessel name, radio call sign or Vessel Identification Marking, captain or operator's name and the purpose for being in such Party's fishing zone.

3. When in the fishing zone of the other Party, each vessel shall have its name and radio call sign or Vessel Identification Marking prominently

displayed where they will be clearly visible both from the air and from a surface vessel.

4. Vessels of both Parties shall keep accurate log records while fishing pursuant to this Treaty.

5. In order that better information on the stocks of albacore tuna which migrate off the west coasts of the United States and Canada may be obtained, each vessel engaged in fishing pursuant to this Treaty shall provide to its government statistics and other scientific information on its operations in the fishing zone of the other Party. Each Party shall provide to the other Party such information and in particular the amount (weight) of albacore tuna caught by its vessels in waters under the fisheries jurisdiction of the other Party. Such information shall be provided on an annual basis and at least 30 days prior to the annual consultations referred to in paragraph 6 of this Annex. Other specific information to be provided, as well as the forms and procedures for providing such information, shall be agreed upon by the two Parties.

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6. The Parties shall consult annually, *inter alia*, to:

a. discuss data and information on albacore tuna fisheries exchanged under paragraph 5 of this Annex; and

b. exchange information on their respective conservation and management measures for albacore tuna and on implementation of internationally agreed conservation and management measures applicable to the Parties related to fisheries covered under this Treaty.

The Parties shall also notify one another of the conservation and management laws and regulations applicable to vessels fishing in each other's waters pursuant to Article 1(b) of this Treaty.

2. A new "Annex C" shall be added and it shall read in its entirety as follows:

ANNEX C

1. The Parties agree to limit fishing by each Party's vessels engaged in fishing for albacore tuna in the waters under the fisheries jurisdiction of the other Party in accordance with the limitation regime (the "Regime") below, beginning on the first June 1st occurring after the date of entry into force of this Annex and expiring at the end of the third year of the Regime as set out in paragraph 5 below.

2. For purposes of this Annex, a "vessel fishing month" as it applies to a vessel of a Party shall mean any calendar month or part thereof in which that vessel is in the waters subject to the fisheries jurisdiction of the other Party for the purpose of fishing for albacore tuna in those waters.

3. During the first year of the Regime, which shall commence on the first June 1st occurring after the date of entry into force of this Annex and end on the following March 31st, each Party shall limit fishing for albacore tuna by its vessels in waters under the fisheries jurisdiction of the other Party to:

a. 680 vessel fishing months; or

b. 170 vessels with a limit of four calendar months fishing for each vessel.

4. During the second year of the Regime, which shall commence on the April 1st immediately following the end of the first year of the Regime and end on the following March 31st, each Party shall limit fishing for albacore tuna by its vessels in waters under the fisheries jurisdiction of the other Party to:

a. 560 vessel fishing months; or

b. 140 vessels with a limit of four calendar months fishing for each vessel.

5. During the third year of the Regime, which shall commence on the April 1st immediately following the end of the second year of the Regime and end on the following March 31st, each Party shall limit fishing for albacore tuna by its vessels in waters under the fisheries jurisdiction of the other Party to:

a. 500 vessel fishing months; or

b. 125 vessels with a limit of four calendar months fishing for each vessel.

6. In the event that in the first or second year of the Regime, fishing effort of vessels of a Party in waters under the fisheries jurisdiction of the other Party is less than the annual limit set out for that year in paragraph 3 or 4 above, the unused portion of that year's limit may be carried forward and added to the limit for any subsequent year of the Regime, provided that the resulting level of fishing effort in that year of the Regime shall not exceed the limit applicable during the preceding year of the Regime, excluding any carry over of unused fishing effort from any previous year of the Regime.

7. Twelve months prior to the expiration of this Regime, the Parties shall consult to consider a new limitation regime or extension of this Regime for one or more years.

8. If no agreement is reached and implemented by the Parties by the

expiration of the Regime, then vessels of each Party may continue to fish for albacore tuna in waters subject to the fisheries jurisdiction of the other Party at a level no more than 75% of the limit applicable during the last year of the Regime, excluding any carry over of unused fishing effort from any previous year of the Regime, until a new agreement is reached and implemented.

If the above understandings are acceptable to your Government, I have the further honor to propose that this Note together with your Note in reply shall constitute an Agreement between our two Governments, which shall enter into force on the same date as the amendment to Article 1(b) of the Treaty enters into force in accordance with the terms of the agreement between our two Governments constituted by the exchange of Notes of July 17, 2002 and August 13, 2002.

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

I have the further honour to inform you that the Government of Canada accepts the proposal contained in Your Excellency's Note and to confirm that your Note and this Note in reply shall constitute an Agreement between our two Governments, which shall enter into force on the date of the second Note of a subsequent exchange of Notes confirming the completion of

all necessary internal procedures of each Party.

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

Michael Kergin

Ambassador of Canada to the United States of America

The Honourable Colin L. Powell

Secretary of State

Washington, D.C.

DEPARTMENT OF STATE

WASHINGTON

July 17, 2002

Excellency:

I have the honor to refer to recent discussions between our two Governments regarding the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges, with annexes, signed at Washington May 26, 1981, as amended by the Exchange of Notes of October 9, 1997 (the "Treaty") and to propose one amendment to the Treaty as follows:

Article 1(b) is amended so that it reads in its entirety as follows:

> (b) permit fishing vessels of the other Party to fish for albacore tuna in waters under its fisheries jurisdiction beyond twelve nautical miles of the baselines from which the territorial sea is measured, in accordance with and subject to the limitations and conditions in Annex "A" and Annex "C" to this Treaty and subject to other applicable laws and regulations.

His Excellency

Michael Frederick Kergin,

Ambassador of Canada.

DIPLOMATIC NOTE

If the above understanding is acceptable to your Government, I have the further honor to propose that this Note together with your Note in reply shall constitute an Agreement between our two Governments, which shall enter into force on the date of the second Note of a subsequent exchange of Notes confirming the completion of all necessary internal procedures of each Party.

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

For the Secretary of State:

David Dobrinsky

Canadian Embassy Ambassade du Canada

Washington, August 13, 2002

Note No.0084

Excellency:

I have the honour to acknowledge receipt of your note of 17 July, 2002, which reads as follows:

I have the honor to refer to recent discussions between our two Governments regarding the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges, with annexes, signed at Washington May 26, 1981, as amended by the Exchange of Notes of October 9, 1997, (the "Treaty") and to propose one amendment to the Treaty as follows :

Article 1(b) is amended so that it reads in its entirety as follows:

(b) permit fishing vessels of the other Party to fish for albacore tuna in waters under its fisheries jurisdiction beyond twelve nautical miles of the baselines from which the territorial sea is measured, in accordance with and subject to the limitations and conditions in Annex "A" and Annex "C" to this Treaty and subject to other applicable laws and regulations.

If the above understanding is acceptable to your Government, I have the further honor to propose that this Note together with your Note in reply shall constitute an Agreement between our two Governments, which shall enter into force on the date of the second Note of a subsequent exchange of Notes confirming the completion of all necessary internal procedures of each Party.

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

I have the further honour to inform you that the Government of Canada accepts the proposal contained in your excellency's note and to confirm that your note and this note in reply

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shall constitute an Agreement between our two Governments, which shall enter into force on the date of the second Note of a subsequent exchange of Notes confirming the completion of all necessary internal procedures of each Party.

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

Bertin Côté

Minister and Deputy Head of Mission

The Honourable Colin L. Powell

Secretary of State

Washington, D.C.

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describing the requirements are at 50 CFR 679.24.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Mandatory.

OMB Desk Officer: *OIRA_Submission@omb.eop.gov.*

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Dated: November 1, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–27874 Filed 11–3–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; U.S.-Canada Albacore Treaty Reporting System

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before January 3, 2011.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Chris Fanning, (562) 980–4198 or *Chris.Fanning@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS), Southwest Region (SWR), manages the United States (U.S.)-Canada Albacore Tuna Treaty of 1981 (Treaty). Owners of vessels that fish from U.S. West Coast ports for albacore tuna will be required to notify NMFS SWR of their desire to be on the list of vessels provided to Canada each year indicating vessels eligible to fish for albacore tuna in waters under the jurisdiction of Canada. Additionally, vessel operators are required to report in advance their intention to fish in Canadian waters prior to crossing the maritime border as well as to mark their fishing vessels to facilitate enforcement of the effort limits under the Treaty. Vessel operators are also required to maintain and submit a logbook of all catch and fishing effort. The regulations implementing the reporting and vessel marking requirements under the Treaty are at 50 CFR part 300.172–300.176.

II. Method of Collection

Requests to be placed on the vessel eligibility list may be made in writing via mail, fax, by e-mail, or by telephone. Communications to comply with 'hail in' and 'hail out' requirements are made via ship to shore radio or via telephone and are compiled in an electronic database by Canada Department of Fisheries and Oceans. Summaries of hail reports are provided to NMFS on a periodic basis. Vessel marking requirements entail painting the letter 'U' immediately after the U.S. Coast Guard documentation identification number already on the vessel. Logbooks are maintained in pre-printed paper format and submitted via mail.

III. Data

OMB Control Number: 0648–0492.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time per Response: 5 minutes to make the request to be placed on the eligible list per year; 10 minutes for each set of two hail reports for border crossings per year, 5 minutes to make the required vessel markings per year, and an estimated 2 and one half hours for logbook maintenance and submission.

Estimated Total Annual Burden Hours: 283.

Estimated Total Annual Cost to Public: $3,955.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 1, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–27859 Filed 11–3–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Marine Recreational Information Program (Marine Recreational Fisheries Statistics Survey)

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before January 3, 2011.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

units. The information collected is submitted to the Pacific Islands Forum Fisheries Agency (FFA) through the U.S. government, NOAA's National Marine Fisheries Service (NMFS). The license and registration application information is used by the FFA to determine the operational capability and financial responsibility of a vessel operator interested in participating in the Treaty fishery. Information obtained from vessel catch and unloading reports is used by the FFA to assess fishing effort and fishery resources in the region and to track the amount of fish caught within each Pacific island state's exclusive economic zone for fair disbursement of Treaty monies. Maintenance of VMS units is needed to ensure the continuous operation of the VMS units, which, as part of the VMS administered by the FFA, are used as an enforcement tool. If the information is not collected, the U.S. government will not meet its obligations under the Treaty, and the lack of fishing information will result in poor management of the fishery resources.

Affected Public: Business or other for-profit organizations.

Frequency: Annually and on occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: OIRA_Submission@omb.eop.gov.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Dated: January 10, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–00698 Filed 1–15–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Five-Year Records Retention Requirement for Export Transactions and Boycott Actions

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before March 17, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Larry Hall, BIS ICB Liaison, (202) 482–4895, *Lawrence.Hall@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

All parties involved in export transactions and the U.S. party involved in a boycott action are required to maintain records of these activities for a period of five years. These records can include memoranda, correspondence, contracts, invitations to bid, books of account, financial records, restrictive trade practice or boycott documents and reports. The five-year record retention period corresponds with the five-year statute of limitations for criminal actions brought under the Export Administration Act of 1979 and predecessor acts, and the five-year statute for administrative compliance proceedings. Without this authority, potential violators could discard records demonstrating violations of the Export Administration Regulations prior to the expiration of the five-year statute of limitations.

II. Method of Collection

No information is provided to BIS.

III. Data

OMB Control Number: 0694–0096.

Form Number(s): N/A.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 184,800,892.

Estimated Time per Response: 1 second to 1 minute.

Estimated Total Annual Burden Hours: 528.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 10, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–00707 Filed 1–15–14; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; U.S.-Canada Albacore Treaty Reporting System

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before March 17, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be

directed to Craig Dangelo, (562) 980–4024 or *Craig.Dangelo@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS), West Coast Region, manages the United States (U.S.)—Canada Albacore Tuna Treaty of 1981 (Treaty). Owners of vessels that fish from U.S. West Coast ports for albacore tuna will be required to notify the National Marine Fisheries Service (NMFS) West Coast Region of their desire to be on the list of vessels provided to Canada each year indicating vessels eligible to fish for albacore tuna in waters under the jurisdiction of Canada. Additionally, vessel operators are required to report in advance their intention to fish in Canadian waters prior to crossing the maritime border as well as to mark their fishing vessels to facilitate enforcement of the effort limits under the Treaty. Vessel operators are also required to maintain and submit a logbook of all catch and fishing effort. The regulations implementing the reporting and vessel marking requirements under the Treaty are at 50 CFR part 300.172–300.176.

The estimated burden below includes hours to complete the logbook requirement, although it is assumed that most if not all of the respondents already complete the required logbook under the mandatory West Coast Highly Migratory Species Fishery Management Plan (HMS FMP), OMB Control No. 0648–0223. Duplicate reporting under the Treaty and HMS FMP is not required. Most years, there will be much less fishing (and thus less reporting) under the Treaty than the level on which the estimate is based.

II. Method of Collection

Requests to be placed on the vessel eligibility list may be made in writing via mail, fax, by email, by telephone, or through online registration if available. Communications to comply with 'hail in' and 'hail out' requirements are made via ship to shore radio or via telephone and are compiled in an electronic database by Canada Department of Fisheries and Oceans. Summaries of hail reports are provided to NMFS on a periodic basis. Vessel marking requirements entail painting the letter 'U' immediately after the U.S. Coast Guard documentation identification number already on the vessel. Logbooks are maintained in pre-printed paper format and submitted via mail.

III. Data

OMB Control Number: 0648–0492.

Form Number: None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time per Response: 5 minutes for the request to be placed on the eligible list per year, for required vessel markings and for logbook entries; 10 minutes for each set of two hail reports for border crossings per year.

Estimated Total Annual Burden Hours: 283.

Estimated Total Annual Cost to Public: $3,955 (recordkeeping/reporting costs).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 10, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–00696 Filed 1–15–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Vessel Monitoring System Requirements in Western Pacific Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before March 17, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Walter Ikehara, (808) 944–2275 or *Walter.Ikehara@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

As part of fishery management plans developed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, owners of commercial fishing vessels in the Hawaii pelagic longline fishery, American Samoa pelagic longline fishery (only vessels longer than 50 feet), Northwestern Hawaiian Islands lobster fishery (currently inactive), and Northern Mariana Islands bottomfish fishery (only vessels longer than 40 feet) must allow the National Oceanic and Atmospheric Administration (NOAA) to install vessel monitoring system (VMS) units on their vessels when directed to do so by NOAA enforcement personnel. VMS units automatically send periodic reports on the position of the vessel. NOAA uses the reports to monitor the vessel's location and activities, primarily to enforce regulated fishing areas. NOAA pays for the units and messaging. There is no public burden for the automatic messaging; however, VMS installation and annual maintenance are considered public burden.

II. Method of Collection

Automatic electronic submission.

III. Data

OMB Control Number: 0648–0441.

Form Number: None.

Type of Review: Regular (revision of a currently approved information collection).

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 209.