

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA ON PACIFIC HAKE/WHITING (TREATY DOC. 108-24)

NOVEMBER 8, 2005.—Ordered to be printed

Mr. LUGAR, from the Committee on Foreign Relations,  
submitted the following

# REPORT

[To accompany Treaty Doc. 108-24]

The Committee on Foreign Relations, to which was referred the Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting (Treaty Doc. 108-24) (hereafter the “Agreement”), done at Seattle, Washington, on November 21, 2003, having considered the same, reports favorably thereon and recommends that the Senate give its advice and consent to ratification thereof, as set forth in this report and accompanying resolution of advice and consent.

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## I. PURPOSE

The Agreement establishes, for the first time, formal allocation of the transboundary stock of Pacific whiting (also known as Pacific hake) between the United States and Canada. The primary objectives of the Agreement are to: (1) alleviate overfishing and the associated decline in abundance of this transboundary fish stock; (2) provide long-term stability for harvesters and processors; and (3) establish a structure for ongoing scientific collaboration.

## II. BACKGROUND

Over the last quarter century, United States and Canadian scientists have generally reached informal agreements on annual overall total allowable catch (TAC) for this transboundary fish stock. However, the two countries had not reached agreement on how to divide the TAC between U.S. and Canadian fisheries. Generally, the United States had claimed 80 percent of the TAC for its fisheries and Canada had claimed 30 percent, leading to overfishing and a decline in the stock. The most recent negotiations began in 2002. Both parties agreed to the text in principle in April 2003, and the Agreement was signed in Seattle, Washington, on November 21, 2003. Under the Agreement, the United States would be assigned 73.88 percent of the agreed TAC and Canada would be assigned 26.12 percent. This formula would apply for the first nine years following entry into force of the Agreement, and remain in place thereafter unless the Parties agree to a modification. Fishery managers and harvesters of both nations generally support the Agreement, as do environmental groups. The landed value of the U.S. Pacific whiting harvest in 2003 was about \$17 million.

## III. SUMMARY OF KEY PROVISIONS OF THE AGREEMENT

The core obligations of the Agreement are contained in Articles II and III. Article II establishes four joint U.S.-Canadian entities to implement the Agreement: (1) a Joint Technical Committee (JTC); (2) a Scientific Review Group (SRG); (3) a Joint Management Committee (JMC); and (4) an Advisory Panel on Pacific Hake/Whiting. Under the terms of the Agreement, each year the JTC would conduct a stock assessment, which would then be subject to a peer review by the SRG. Based on advice from the JTC and SRG, as well as input from the Advisory Panel, the JMC would recommend for approval by the parties the total allowable catch (TAC). This article also provides for adjustments in annual TAC to deduct annual overharvests from the next year's allocation or, after any shortfall in harvest, to increase the next year's allocation.

Article III of the Agreement mandates a default harvest rate but allows the JMC to recommend to the Parties a different rate if scientific evidence demonstrates that a different rate is necessary to sustain the resource. It sets the current TAC shares at 73.88% for the United States, and 26.12% for Canada for a nine-year period, which would remain in place thereafter unless the Parties agree to a modification.

The executive branch has confirmed that while the United States catch level of Pacific whiting would be established according to the standards and procedures set out in the Agreement and implementing legislation, other aspects of domestic management of this fish stock (including domestic allocations of the catch to U.S. fishers) would continue to be subject to the Magnuson-Stevens Fishery Conservation and Management Act and the management authorities of the Pacific Fishery Management Council and the Department of Commerce thereunder.

#### IV. IMPLEMENTING LEGISLATION

Legislation will be needed to implement this Agreement. Such legislation is expected to provide general authority for the executive branch to carry out the Agreement, including the authority to appoint members to the various joint bodies created under the Agreement.

#### V. COMMITTEE ACTION

The Committee on Foreign Relations held a public hearing on the Agreement on September 29, 2005, at which it heard testimony from a representative of the Department of State. (A hearing print of this session will be forthcoming.) On October 25, 2005, the committee considered the Agreement and ordered it favorably reported by voice vote, with the recommendation that the Senate give its advice and consent to its ratification.

#### VI. COMMITTEE RECOMMENDATION AND COMMENTS

The Committee on Foreign Relations believes that the proposed Agreement is in the interest of the United States and urges the Senate to act promptly to give advice and consent to its ratification. The committee believes the Agreement will provide a useful means to alleviate overfishing and the associated decline in Pacific whiting, as well as provide long-term stability for harvesters and processors both in Canada and the United States.

#### VII. TEXT OF RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION

*Resolved (two-thirds of the Senators present concurring therein),*

The Senate advises and consents to the ratification of the Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting, done at Seattle, November 21, 2003 (Treaty Doc. 108–24).