

Reproductions:

Canadian Embassy



Ambassade du Canada

Washington, December 4, 2002

Note No.0098

Excellency,

I have the honour to refer to the negotiations that have been underway since 1971 concerning the conclusion of a long term agreement for the conservation of salmon stocks originating in the Yukon River in Canada and to propose an Agreement between our two Governments comprising the following elements:

1. Pursuant to Article XIII of the Pacific Salmon Treaty, done at Ottawa on 28 January 1985 (hereinafter "the Treaty"), Annex I of the Treaty shall be amended as set out in Attachment A and Annex IV shall be amended by the addition of a new Chapter 8, as set out in Attachment B.
2. The following Articles of the Treaty shall not apply in relation to Annex IV, Chapter 8: (a) Article II, paragraphs 7, 8, 18, 19, and 20; (b) Article IV; (c) Article V; (d) Article VII; and (e) Article XIII, paragraph 2.
3. Further, with regard to Article XII of the Treaty, for matters related to the Yukon River, the Yukon River Panel shall substitute for the Commission.
4. A Yukon River Salmon Restoration and Enhancement Fund ("the Fund") shall be established in accordance with the terms and conditions set out in Attachment C.
5. The obligations under this Agreement shall be subject to the obtaining of specific legislative authority from the United States Congress for the Fund. Such Congressional action (i.e., authorization and appropriation) lies within the discretion of the U.S. Congress.
6. If in any year the United States does not make an annual contribution as required in Attachment C, until the United States makes such contribution for that year the Parties' obligations under this Agreement shall be suspended.
7. Each Government shall take the necessary steps to implement the obligations under this Agreement consistent with its national laws.

8. If the Treaty is terminated in accordance with Article XV (2) thereof:

(a) this Agreement shall be suspended and enter into force under the name "Yukon River Salmon Treaty" upon an exchange of diplomatic notes indicating that the necessary internal procedures of the Parties for the entry into force of the Yukon River Salmon Treaty have been completed;

(b) the functions of the Yukon River Panel shall be assumed by a new commission, the "Yukon River Salmon Commission", and the Yukon River Panel shall thereupon cease to exist;

(c) other provisions of the Treaty, to the extent they apply to the Yukon River, shall remain in effect as part of the Yukon River Salmon Treaty, mutatis mutandis; and

d) our two Governments shall seek to agree on other measures necessary for the continuation and application of the Yukon River Salmon Treaty.

9. At the end of the third year following its entry into force, and at any time thereafter, either Government may give notice of its intention to terminate this Agreement. The Agreement shall terminate one year following such notification.

If the above proposal is acceptable to the Government of the United States of America, I have the honour to propose that this Note, with its attachments, which shall be equally authentic in English and French, and your Excellency's affirmative Note in reply shall constitute an Agreement between our two Governments which shall enter into force on the date of your Note in reply.

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

Robert G. Thibault

Minister of Fisheries and Oceans



The Honourable Colin L. Powell

Secretary of State

U.S. Department of State Washington, D.C.

DEPARTMENT OF STATE WASHINGTON

December 4, 2002

Excellency:

I have the honor to acknowledge the receipt of your Note No. 0098, dated December 4, 2002, with attachments, which reads as follows:

Excellency,

I have the honour to refer to the negotiations that have been underway since 1971 concerning the conclusion of a long term agreement for the conservation of Salmon stocks originating in the Yukon River in Canada and to propose an Agreement between our two Governments comprising the following elements:

1. Pursuant to Article XIII of the Pacific Salmon Treaty, done at Ottawa on 28 January 1985 (hereinafter "the Treaty"), Annex I of the Treaty shall be amended as set out in Attachment A and Annex IV shall be amended by the addition of a new Chapter 8, as set out in Attachment B.
2. The following Articles of the Treaty shall not apply in relation to Annex IV, Chapter 8:

His Excellency

Michael F. Kergin,

Ambassador of Canada.

DIPLOMATIC NOTE

- (a) Article II, paragraphs 7, 8, 18, 19, and 20;
- (b) Article IV;
- (c) Article V;
- (d) Article VII; and
- (e) Article XIII, paragraph 2.

3. Further, with regard to Article XII of the Treaty, for matters related to the Yukon River, the Yukon River Panel shall substitute for the Commission.

4. A Yukon River Salmon Restoration and Enhancement Fund (“the Fund”) shall be established in accordance with the terms and conditions set out in Attachment C.

5. The obligations under this Agreement shall be subject to the obtaining of specific legislative authority from the United States Congress for the Fund. Such Congressional action (i.e., authorization and appropriation) lies within the discretion of the U.S. Congress.

6. If in any year the United States does not make an annual contribution as required in Attachment C, until the United States makes such contribution for that year the Parties’ obligations under this Agreement shall be suspended.

7. Each Government shall take the necessary steps to implement the obligations under this Agreement consistent with its national laws.

8. If the Treaty is terminated in accordance with Article XV (2) thereof:

(a) this Agreement shall be suspended and enter into force under the name Yukon River Salmon Treaty” upon an exchange of diplomatic notes indicating that the necessary internal procedures of the Parties for the entry into force of the Yukon River Salmon Treaty have been completed;

(b) the functions of the Yukon River Panel shall be assumed by a new commission, the “Yukon River Salmon Commission”, and the Yukon River Panel shall thereupon cease to exist;

(c) other provisions of the Treaty, to the extent they apply to the Yukon River, shall remain in effect as part of the Yukon River Salmon Treaty, mutatis mutandis; and

(d) our two Governments shall seek to agree on other measures necessary for the continuation and application of the Yukon River Salmon Treaty.

9. At the end of the third year following its entry into force, and at any time thereafter, either Government may give notice of its intention to terminate this Agreement. The Agreement shall terminate one year following such notification.

If the above proposal is acceptable to the Government of the United States of America, I have the honour to propose that this Note, with its attachments, which shall be equally authentic in English and French, and your Excellency’s affirmative Note in reply shall constitute an Agreement between our two Governments which shall enter into force on the date of your Note in reply.

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

I have the further honor to inform you that the Government of the United States of America accepts the proposal contained in Your Excellency’s Note and to confirm that

your Note, with its attachments, and this Note in reply shall constitute an Agreement between our two Governments, which shall enter into force on the date of this Note.

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

For the Secretary of State:



Attachments are simplified for this publication:

Attachment A

(Amendment to Annex I of the Pacific Salmon Treaty)

The parties agree to add a new paragraph (e) as follows:

The following panels shall be established pursuant to Article II, paragraph 18:

- a. a Southern Panel for salmon originating in rivers with mouths situate south of Cape Caution, except as specified in sub-paragraph (b);
- b. a Fraser River Panel for Fraser River sockeye and pink salmon harvested in the area specified in Annex II; and
- c. a Northern Panel for salmon originating in rivers with mouths situate between Cape Caution and Cape Suckling.
- d. a Transboundary Panel for salmon originating in the Alsek, Stikine and Taku River systems.

"e. a Yukon River Panel for salmon originating in the Yukon River."

Attachment B

(Amendment to Annex IV of the Pacific Salmon Treaty)

The parties agree to add a new Chapter 8. Annex IV, Chapter 8 Yukon River Salmon Agreement

Attachment C

Restoration & Enhancement Fund