

SCOMM

108:7

Alaska State Legislature

House of Representatives

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Official Business



Session Address:

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FAX# (907)-465-3258
State Capitol
Juneau, AK. 99801-1182

Representative Al Vezey

Date: February 27, 1998

To: Representative Ramona Barnes, Chair
World Trade and State/Federal Relations

From: Representative Al Vezey

AV

Re: Draft CSHJR 54

Attached is a blank committee substitute for HJR 54 for your consideration.



Official Business

MEMBER
Natural Resources
Committee

Alaska State Legislature

**Chair, Legislative Council
Chair, World Trade
And
State/Federal Relations**

REPRESENTATIVE
RAMONA L. BARNES
District 22

Anchorage
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Anchorage, AK 99510
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MEMORANDUM

TO: Members of the House Committee on ~~World Trade &~~
State/Federal Relations

FROM: Ramona L. Barnes, Chair *Ramona L. Barnes*
World Trade & State/Federal Relations Committee

DATE: March 6, 1998

SUBJECT: Meeting Notice

The House Special Committee on World Trade & State/Federal Relations has scheduled a meeting for 5 p.m. on Wednesday, March 18th in the House Judiciary Committee Room.

The Committee will hear House Joint Resolution 52.

For additional information, please call Mark at 6585.



Official Business
MEMBER
Natural Resources
Committee

Alaska State Legislature

**Chair, Legislative Council
Chair, World Trade
And
State/Federal Relations**

REPRESENTATIVE
RAMONA L. BARNES
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MEMORANDUM

TO: Members of the House Committee on World Trade & State/Federal Relations

FROM: Representative Ramona Barnes, Chair
House Committee on World Trade & State/Federal Relations

DATE: March 10, 1998

SUBJECT: MEETING NOTICE

I have scheduled a meeting for 5 p.m. on Wednesday, March 18, 1998 in the House Judiciary Room to hear the following legislation:

House Joint Resolution 54 (Vezey)
Senate Joint Resolution 38 (Mackie)

For additional information, please call Mark #6585.

Alaska State Legislature

House of Representatives

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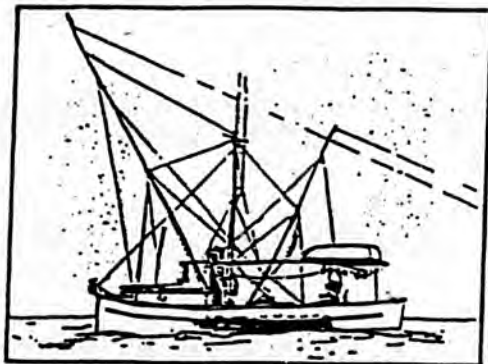
Representative Al Vezey

HJR 54 **SPONSOR STATEMENT**

The purpose of HJR 54 is to encourage the federal government to begin a dialog with Canada over the disputed maritime boundaries between Canada and Alaska.

The federal government established a maritime boundary with Canada between Maine and Nova Scotia fourteen years ago. The only solution to the ongoing disputes over fishing rights, mineral rights, transportation rights and other rights of Alaskans, Canadians, and the federal government is the establishment of a maritime boundary.

HJR 54 also clarifies that the sovereignty, territory, jurisdiction, and property rights of Alaska must be protected. It resolves that any negotiations on a maritime boundary with Canada must include participation of representatives of State of Alaska.



Alaska Trollers Association

130 Seward St., No. 505
Juneau, Alaska 99801
(907) 586-9400
(907) 586-4473 Fax

December 2, 1997

Secretary Madeline Albright
U.S. State Department
2201 C Street, NW
Washington, D.C. 20520

Dear Secretary Albright:

I am writing to inform you about the concerns of commercial fishermen operating in the disputed waters between Alaska and Canada. Our association has requested relief on this issue since the late 1970s. Since that time, the U.S. and Canada have come no closer to resolving the maritime boundary dispute. The Alaska troll fleet has essentially been forced out of U.S. waters in Dixon Entrance, due to harassment by Canadian fishermen and enforcement officials. The Alaska Trollers Association (ATA) remains deeply concerned about the safety of Alaska fishermen who operate in Dixon Entrance and requests your assistance to ensure our boats can freely conduct their business.

This summer, at least one sport and four commercial fishermen were harassed by Canada's Department of Fisheries and Oceans Enforcement (DFO) while fishing legally in the disputed area of Dixon Entrance. DFO's conduct underscores the failure of reciprocal flag state enforcement, as agreed to by the U.S. and Canada in the 1978 Exchange of Diplomatic Notes.

Since signing the Reciprocal Fisheries Agreement with Canada in 1977, the U.S. has allowed Canadian vessels to operate within its EEZ at Dixon Entrance, in contravention of Section 307(2) of the Stevens-Magnuson Fishery Conservation and Management Act. This agreement and the subsequent exchange of diplomatic notes on June 2, 1978, provided for reciprocal flag state enforcement at Dixon Entrance. Simply put, Canada is to enforce fisheries regulations only on its fishing vessels and the United States is to enforce only on U.S. vessels fishing in the disputed area. However, by both its stated policy and enforcement conduct, Canada has clearly demonstrated its disregard for flag state enforcement in the disputed area.

DFO claims the Alaska troll fishery is not a "traditional" fishery subject to flag state enforcement. This is absurd. Our 120 year old troll fishery is neither new, nor should its "traditional" status be a matter of debate in this case, as is clearly pointed out in former Secretary Alexander Haig's July 13, 1981 memo to the U.S. Coast Guard. While the 1977 Reciprocal Fisheries Agreement included a provision on "traditional" fisheries, the more recent set of diplomatic notes includes only one element of that agreement, Article IX Reciprocal Flag State Enforcement.

ATA believes the U.S. must reaffirm its commitment to reciprocal flag state enforcement, by stating its expectation that Canada return to reciprocal procedures by January 1, 1998. In addition, the U.S. should insist that Canada recognize all U.S. fisheries presently operating in the disputed area. If Canada refuses to recognize the Alaska troll fleet, the U.S. should, in turn, consider the Canadian troll fleet to be illegally operating in Dixon Entrance and take appropriate enforcement action.

Furthermore, Canada should be reminded that the parties agreed to flag state enforcement only as an interim measure, *pending the resolution of questions pertaining to the delimitation of areas subject to the respective fisheries jurisdiction of each party*. In its own 1978 diplomatic note Canada stated it, *"reaffirms its commitment to pursue negotiations on maritime boundaries"*. It was on the basis of this commitment that the U.S. agreed in its responding diplomatic note to continue reciprocal flag state enforcement. Accordingly, in October 1985, Secretary Schultz suggested to Canadian Foreign Minister Joe Clark that the two countries attempt to resolve the boundary dispute. Late in 1986, Minister Clark informed the Secretary that it was not an opportune time for Canada to negotiate. To date, Canada has consistently refused to begin negotiations with the U.S. and remains unwilling to submit the matter to the World Court for resolution. Unless Canada honors its commitments to flag state enforcement and negotiation of the maritime boundary, the U.S. should not hesitate to enforce its EEZ in Dixon Entrance, as it deems appropriate.

The importance of this issue to U.S. fishermen should not be under-estimated. What effectively forced the U.S. fleet out of Dixon Entrance is not just the sporadic harassment of a few fishermen by DFO, but daily harassment by the Canadian fishing fleet. Canada's troll fleet did not have a large presence in the area until after the U.S. claimed its 200 mile limit. Since that time, the Canadian fleet has grown to the detriment of U.S. fishermen. The majority of the Canadian boats are large, efficient processor/trollers operations, fishing six lines of gear (U.S. trollers are limited to only 2 or 4 lines, depending on permit type). They target U.S. origin salmon to, redress "equity imbalances", as stated by Canada in Pacific Salmon Treaty negotiations. Apparently, some Canadian fishermen have come to believe that these waters are sovereign Canadian waters, and that U.S. vessels are fishing there illegally. The Canadian fishermen are not at all shy about taking matters into their own hands when it comes to driving out U.S. boats. We cannot expect the U.S. Coast Guard to referee chronic right of way skirmishes, nor can we expect U.S. trollers to subject themselves to intimidation in order to fish U.S. waters.

Management of the coastwide salmon resource has been confounded by Canada's unwillingness to provide timely and meaningful harvest and coded wire tag data from its boundary area fleet. This is particularly galling to U.S. fisherman, who must often release chinook salmon to rebuild runs, while the Canadian fisherman fishing next to him continues to catch chinook all summer long. Also disturbing is when U.S. fishermen are stopped from fishing to conserve weak coho salmon runs in both countries, as they were in 1997, and Canada continues to fish our waters for the same fish. In contrast, Alaska closed

part of its troll fishery this year to protect coho stocks, and voluntarily managed both the seine and gillnet fisheries to assist in the conservation of salmon stocks bound for the Nass River in Canada.

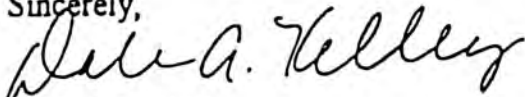
Not only does the presence of the Canadian fleet in Dixon Entrance violate the Stevens-Magnuson Act, it also poses an enforcement dilemma for the State of Alaska. By catching and transporting unprocessed fish within state waters, and by failing to report information about any processed catch aboard, Canadian fishermen operate in violation of Alaska's statutes and regulations. Furthermore, a U.S. Customs policy permits these vessels to bypass clearance at a port of entry and routinely anchor in U.S. harbors. This creates a safety threat for U.S. fishermen who must compete for scarce anchorages, particularly during foul weather. In addition, Canadians use our harbors as staging areas for their fishing operations, which is illegal under both federal and state law.

Finally, tension over this issue contributes to our inability to effectively engage Canada in discussions in important fisheries management forums, such as the Pacific Salmon Commission.

It is the hope of our members that you will assist us by finally bringing resolution to this long-standing disagreement. Our hope is that timely resolution will assist in securing long-term goodwill between the two countries.

Thank you in advance for considering the perspective of ATA. If I can provide additional information on this or other issues of concern to our industry, please don't hesitate to contact me.

Sincerely,



Dale A. Kelley
Executive Director

The Avalon Project at the Yale Law School

Treaty With Russia

Art 1	Art 2	Art 3	Art 4	Art 5	Art 6	Art 7
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March 30, 1867

Treaty concerning the Cession of the Russian Possessions in North America by his Majesty the Emperor of all the Russias to the United States of America; Concluded March 30, 1867; Ratified by the United States May 28, 1867; Exchanged June 20, 1867; Proclaimed by the United States June 20, 1867.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION.

Whereas a treaty between the United States of America and his Majesty the Emperor of all the Russias was concluded and signed by their respective plenipotentiaries at the city of Washington, on the thirtieth day of March, last, which treaty, being in English and French languages, is, word for word as follows:

(the French version is omitted for brevity)

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Councillor Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

ARTICLE I.

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28 - 16, 1825, and described in Articles III and IV of said convention, in the following terms:

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and the 133d degree of west longitude, (meridian of Greenwich,) the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of

demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude, (of the same meridian;) and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean. "IV. With reference to the line of demarcation laid down in the preceding article, it is understood -

"1st. That the island called Prince of Wales Island shall belong wholly to Russia," (now, by this cession, to the United States.)

"2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a south-westerly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group in the North Pacific ocean, to the meridian of one hundred and ninety- three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian.

ARTICLE II.

In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any government archives, papers, and documents relative to the territory and dominion aforesaid, which may be now existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian government, or to such Russian officers or subjects as they may apply for.

ARTICLE III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.

ARTICLE IV.

His Majesty the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

ARTICLE V.

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

ARTICLE VI.

In consideration of the cession aforesaid, the United States agree to pay at the treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unencumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property holders; and the cession hereby made, conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ARTICLE VII.

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by his Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

[L. S.] WILLIAM H. SEWARD.
[L. S.] EDOUARD DE STOECKL.

And whereas the said Treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington on this twentieth day of June, by William H. Seward, Secretary of State of the United States, and the Privy Counsellor Edward de Stoeckl, the Envoy Extraordinary of His Majesty the Emperor of all the Russias, on the part of their respective governments, Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twentieth day of June in the year of our Lord one thousand eight hundred and sixty-seven, and of the Independence of the United States the ninety-first.

[L.S.] ANDREW JOHNSON
By the President:
William H Seward, Secretary of State

[Return to the 19th Century Page](#)

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WATCH

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14 1998

February 25, 1998

To: Rynniva Moss

From: Carl Olson *Carl*

Re: Maritime Boundary with Canada

Here's the picture on the setting of the partial maritime boundary on the east coast of the U.S. with Canada. It started in the form of a treaty signed in 1979 (entered into force in 1981) to submit the issue to the International Court of Justice. The court issued its decision in 1984.

There is a list of references on this dispute on page 410 of the attached.

Nothing's been done on the west coast in the vicinity of Alaska or Washington.

Let me know what you come up with.

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Canada-United States (Gulf of Maine)

Report Number 1-3

Treaty between the Government of Canada and the Government of the United States of America to Submit to Binding Dispute Settlement the Delimitation of the Maritime Boundary in the Gulf of Maine Area

Signed: 29 March 1979

Entered into force: 20 November 1981

Published at: 1984 ICJ Reports 246
23 ILM 1197 (1984)
II Conforti & Francalanci 135 (1987)

I SUMMARY

In 1981 the United States and Canada requested a Chamber of the International Court of Justice to determine the location of 'the single maritime boundary that divides the continental shelf and fisheries zones of Canada and the United States' in the Gulf of Maine area. The Chamber of the Court rendered its judgment on 12 October 1984 delimiting the area from the inshore starting point agreed upon by the US and Canada to a point 200 nautical miles (n.m.) from the US coast. The boundary begins approximately 30 n.m. south of the international boundary in the northern corner of the Gulf of Maine, crosses the rich fishing grounds of Georges Bank, and ends in the deeper waters of the Atlantic Ocean on the continental shelf.

The parties submitted the boundary to binding dispute settlement after more than five years of intensive high-level negotiations which failed to reach an agreed result. They presented a plethora of arguments to the Chamber in support of their cases, invoking coastal configuration, geology and geomorphology, historical fishing, the practice of the parties in the area (including arguments of acquiescence and estoppel), marine ecology, social and economic considerations, coastal proportionality, state practice, and methods such as equidistance and perpendiculars. The thrust of the arguments by the United

States was that it was entitled to all of Georges Bank. Canada's arguments sought to demonstrate that, through the application of the equidistance method, it was entitled to a large portion of the Bank.

The Chamber addressed the problem before it as follows. It determined that the fundamental rule of maritime boundary delimitation, in essence, was that the 'delimitation is to be effected by the application of equitable criteria and by the use of practical methods of ensuring, with regard to the geographic configuration of the area and other relevant circumstances, an equitable result' (para. 112). As for criteria, the Chamber said, 'a delimitation which has to apply at one and the same time to the continental shelf and to the superjacent water column can only be carried out by the application of criterion, or combination of criteria, which does not give preferential treatment to one of these two objects, and at the same time is such as to be equally suitable to the division of either of them' (para. 194). On this basis the Chamber found that criteria derived from geographical considerations were especially applicable, particularly, 'an equal division of areas where the maritime projections of the coasts . . . converge and overlap' (para. 195). At the same time, it found that the 'auxiliary criteria' to avoid the cutting off of one coastline ' . . . from its appropriate projection' (para. 196) also was relevant. As for methods, it found that only 'geometrical methods will serve' (para. 199). As for relevant circumstances to check that the result produced by the application of criteria and method was equitable, the Chamber chose only to examine the 'human and economic geography' of the area (para. 232). On this basis, the Chamber decided that the boundary should pass across Georges Bank 'the main focus of the dispute' (para. 38). This resulted in a boundary approximately half-way between the claims advanced by the two sides.

II CONSIDERATIONS

1 Political, Strategic, and Historical Considerations

The waters of the Gulf of Maine and Georges Bank are one of the world's great fishing grounds. With the extension of fisheries jurisdiction to 200 n.m. by Canada and the United States in 1977, these two countries achieved the common objective of obtaining control over third party fishing in these waters. They found it less easy to agree on the division of their respective jurisdictions. From 1977 until the boundary was determined by the Chamber in 1984, the parties respected a *modus vivendi* which allowed the fishermen of both countries to continue to fish in the disputed area without being subjected to the enforcement actions of the other country. The principles were laid down first in a 1977 fishing agreement.

Article IX

measures of mutual restraint pending the resolution of questions pertaining to the delimitation of areas subject to the respective fishery jurisdiction of each party:

1. As between the parties, enforcement shall be conducted by the flag state.
2. Neither party shall authorize fishing by vessels of third parties in the boundary regions.
3. Either party may enforce against third parties in the boundary regions.

The parties, also, prior to the submission of the dispute to the Chamber, individually undertook a variety of oil and gas activities relating to the disputed area designed to bolster their national positions while falling short of creating a serious political problem with the other government. These included authorizing seismic survey permits, preparation of environmental studies, and publication of procedural notices. Indeed, some actions taken by Canada and dating back to 1964 gave rise to Canadian arguments that the failure of the United States to protest until 1969 meant that the US had acquiesced in Canada's position. However, the Chamber found that the 'United States' attitude . . . was unclear and perhaps ambiguous, but not to the point of entitling Canada to invoke the doctrine of estoppel' (para. 141).

Beginning in 1976, in anticipation of the extension of fisheries jurisdiction, the two governments began an intensive series of negotiations. An agreement was reached to allow reciprocal fishing (i.e., fishing by the nationals of one country off the coast of the other) to continue through 1977 under existing conditions while negotiations continued (28 U.S.T. 5571, T.I.A.S. No. 8648). The interim agreement was renewed for 1978, but it never entered into force. By mid-1978 reciprocal fishing was terminated, bringing to an end more than two centuries of fishing custom. By agreement, however, the *modus vivendi* in the disputed area continued while negotiations proceeded.

In 1979, the parties reached agreement on two treaties which were linked by their terms. One agreement would establish a coordinated fisheries management structure and fisheries allocations between the US and Canada for fisheries from North Carolina to Newfoundland. The other treaty provided the legal terms under which the parties would submit the maritime boundary to binding dispute settlement.

The treaties failed to win the necessary approval in the United States Congress due to concerns over the terms of the fisheries agreement. Thus, in early 1981 the US proposed that the treaties be delinked and that the treaty to submit to binding dispute settlement be acted upon alone. Canada accepted this outcome later in the year and the dispute settlement process began.

2 Legal Regime Considerations

The Special Agreement by which the parties submitted the dispute to the Court provides in Article III: 'South and west of the maritime boundary to be determined by the Chamber . . . Canada shall not, and north and east of

exercise sovereign rights or jurisdiction for any purpose over the waters or seabed and subsoil.' Thus, the boundary serves as the boundary for all purposes in international law. The fact that the United States declared an exclusive economic zone in 1983 during the case was, thus, not a factor in the parties' arguments or in the Chamber's decision.

While the parties have experienced no difficulty in implementing the line established by the Chamber, the boundary remains incomplete in at least three ways. First, inshore there is a gap between the terminus of their territorial sea boundary and the beginning of the Chamber's line, due to a sovereignty dispute over Machias Seal Island and North Rock which the Chamber was not asked to resolve. Second, the boundary terminates at a point 200 n.m. from the US coast, but only approximately 175 n.m. from Canada's coast. Thus, there is an area seaward of the terminal point, called the gray area, which remains unresolved between the parties. And, third, beyond the gray area there is the question of further delimitation of the parties' continental shelves. The Special Agreement establishes a procedure for addressing these questions.

Article, VII

1. Following the decision of the Chamber, either Party may request negotiations directed toward reaching agreement on extension of the maritime boundary as far seaward as the Parties may consider desirable.
2. If the Parties have not reached agreement on the extension of the maritime boundary within one year of the date of such a request, either Party may notify the other of its intention to submit the question of the seaward extension of the maritime boundary for decision by a binding third party settlement procedure.
3. If the Parties are unable to agree on the terms of such a submission within three months of such a notification, either Party may submit the question of the seaward extension of the maritime boundary to the Chamber of five judges constituted in accordance with this Special Agreement.

The parties have not to date activated this provision.

3 Economic and Environmental Considerations

The valuable and historic fisheries on Georges Bank, energetically pursued by fishermen of both countries, made it very important politically to find a boundary solution. At the same time the active fishing in the disputed area made it difficult for either government to take positions of less than maximum advantage in negotiations.

In its pleadings, Canada sought to demonstrate the economic dependence of fishing communities in Nova Scotia on the Georges Bank fishery. The United States contested Canada's assertions of such dependence and the legal relevance of Canada's economic arguments. On the other hand, the United

States sought to demonstrate the ecological unity of Georges Bank, its environmental connection to areas off the US coast, and its environmental differences with areas off Canada's coast. It asserted that the Northeast Channel separating Browns Bank from Georges Bank served as a natural boundary. Canada contested the US factual assertions in this regard and the legal relevance of these US arguments.

The United States' argument, based upon a natural boundary at the Northeast Channel, was given short shrift by the Chamber. As for the facts, the Chamber said in regard to the US presentation: 'the result was not such as to clear away all doubt, at least as regards certain of the technical aspects debated' (para. 53). The Chamber went on to say 'that a delimitation . . . is a legal-political operation, and that it is not the case that where a natural boundary is discernible, the political delimitation necessarily has to follow the same line' (para. 56).

This treatment of the US marine environmental argument stands in contrast to the Chamber's treatment of Canada's socio-economic argument. The Chamber found that all factual elements, except for geographical factors, were ineligible for consideration as criteria to be applied in the delimitation process itself. The environmental and economic arguments were treated similarly. However, the Chamber found that the only factual considerations relevant to the assessment of the equitable character of the delimitation that was first established on the basis of geography were economic considerations (para. 232).

The Chamber found the following standard to be applicable:

What the Chamber would regard as a legitimate scruple lies rather in concern lest the overall result, even though achieved through the application of equitable criteria and the use of appropriate methods for giving them concrete effect, should unexpectedly be revealed as radically inequitable, that is to say, as likely to entail catastrophic repercussions for the livelihood and economic well-being of the population of the countries concerned (para. 237).

The Chamber went on to say that 'a decision which would have assigned the whole of Georges Bank to one of the Parties might possibly have entailed serious economic repercussions for the other' (para. 238). While the Chamber found its line based upon geographic criteria and geometric methods not to have such consequences, its announcement that one of the parties' positions could not have been sustained, even if compelled by the geography, because of economic circumstances, introduces a potentially powerful new element into the law of maritime boundaries.

4 Geographic Considerations

The geography of the Gulf of Maine area was the determining factor in this case. The Chamber described the geography as follows:

. . . the Gulf of Maine takes the form of a large, roughly rectangular

Indentation bordered on three sides by land . . . and on the fourth side open to the Atlantic Ocean. (para. 34).

. . . the two opposite terrestrial sides of the Gulf, in essence the shores of Massachusetts on the one hand and of Nova Scotia on the other, . . . presented as the short sides of the rectangle, and the similar terrestrial side formed by the shores of Maine, which connects the other two at the back of the Gulf, as the long side. (para. 35).

. . . [the land boundary's] terminal point . . . marks the angle between the long and short sides of the rectangle. . ." (para. 42).

The United States argued that since it had longer coastlines on the Gulf, it should be entitled to a proportional amount of the Gulf and of the seaward area. The United States put forward proportionality models to demonstrate this perspective. Canada, on the other hand, argued that the coastline of the United States (on the short side of the rectangle) was in fact made up of a long promontory (Cape Cod) and islands (Nantucket). Canada argued that these areas should be disregarded in the determination of an appropriate boundary.

See Technical Considerations for the Chamber's geographic analysis and application of its method.

5 Islands, Rocks, Reefs, and Low-Tide Elevations Considerations

Except for the question of the legal relevance of Nantucket Island to the delimitation, other questions concerning islands, rocks, and reefs played no significant role in either the negotiations or the arguments made by the parties in the case. The Chamber chose not to use an equidistance method, partly because of the presence of numerous rocks and islands off both coasts which would, in the Chamber's opinion, have created difficulties in apply the equidistance method. The Chamber, however, did make reference to Canada's Seal Island in its calculation of coastal fronts in determining the second segment of the line.

6 Baseline Considerations

Baseline considerations were not an issue in the bilateral negotiations, arguments, or the Chamber's decision.

7 Geological and Geomorphological Considerations

In the early stages of the negotiating process the United States based much of its position on 'natural prolongation' in the geomorphological and geological sense. This drew support from the 1969 decision by the International Court of Justice in the *North Sea Continental Shelf* cases which emphasized

natural prolongation. Perhaps in anticipation of such arguments, Canada had issued a declaration upon its ratification in 1970 of the 1958 Continental Shelf Convention designed to deemphasize the importance of geomorphological features (see Related Law in Force below). The United States protested Canada's action, and, in 1976, advanced a boundary line that followed the depth of deepest water out through the Gulf of Maine, leaving all of Georges Bank on the US side of that line. By the time the case was argued, however, the International Court of Justice had made clear in the *Libya/Tunisia* case (and later confirmed in the *Libya/Malta* case) that geological and geomorphological factors were not likely to play a significant role in its decisions.

In the instant case, the parties made arguments based on geology and geomorphology, but did not make them the core of their positions. As for geology, the Chamber noted 'both Parties recognize that the geological structure of the strata underlying the whole of the continental shelf of North America . . . is essentially continuous . . . [and they] are in fact in agreement that geological factors are not significant in the present case' (para. 44).

The United States, however, did try to demonstrate that a convergence of scientific factors, including geomorphological facts, all supported its position that the boundary should fall in the Northeast Channel dividing Browns Bank from Georges Bank. As for geomorphology, the Chamber also made clear that it did not find it determinant. After proclaiming the shelves, banks, basins, and channels of the areas as 'a somewhat insignificant body of rugosities' (para. 45), the Chamber said: '[E]ven the most accentuated of these features, namely the Northeast Channel, does not have the characteristics of a real trough marking the dividing line between two geomorphologically distinct units' (para. 46).

8 Method of Delimitation Considerations

Canada argued that the boundary should be determined by application of the equidistance method, giving no effect to features on the US coast - Cape Cod and Nantucket Island - which it believed unduly influenced the course of the line.

The United States argued that the boundary ought to be a perpendicular to the general direction of the coast, drawn from the land boundary terminus adjusted so as not to cross fishing banks.

The Chamber determined that the boundary should be constructed using the following method. The Chamber considered that the coastal configuration of the Gulf of Maine, together with the location of the land boundary terminus in a corner of the Gulf, required a three-segmented line, one to go from the starting point into the Gulf, a second to lead to the closing line of the Gulf, and a third in the area seaward of the Gulf of Maine.

In the innermost part of the Gulf, from Point A (the starting point determined by the parties) to Point B (the pivot point in the Gulf), the Chamber found it to be an area of lateral adjacency and 'the most appropriate location

for affecting as far as possible – since there is no special circumstance standing in the way – an equal division of the area of overlapping created by the lateral superimposition of the maritime projections of the coasts of the two states' (para. 209). However, the Chamber rejected the use of equidistance in the area because of the numerous isolated rocks along the coast that would either have to be used or discounted (para. 210) and because of the complicating factor of disputed Machias Seal Island (para. 211). Instead, the Chamber chose to adopt a line running at an azimuth of 139° from Point A. This azimuth was determined to be the bisector of an angle determined by perpendiculars to the general directions of the coast within the Gulf: Cape Elizabeth (US) to the international boundary terminus and Cape Sable (Canada) to the same terminus.

In the second segment from the pivot point within the Gulf (B) to the closing line (C), which the Chamber called 'the central and most decisive segment for the whole delimitation line' (para. 214), the Chamber considered the situation to be one influenced by the opposite facing coasts of southwest Nova Scotia and Massachusetts. The Chamber indicated that a median line between these coasts might be appropriate were it not for the fact that the 'back of the Gulf is entirely occupied by the continuous coast of Maine' (para. 218). Given the difference in lengths of respective coastlines fronting the Gulf, the Chamber determined that the median line required adjustment to take the difference into account. It determined that the ratio of US to Canada coastal fronts stood at 1.38 : 1 and adjusted it to 1.32 : 1 because of the location of Canada's Seal Island. Accordingly, the Chamber established coastal fronts along the Massachusetts and southwest Nova Scotia coasts and determined the direction of a notional median line (which would reflect a 1 : 1 US-Canada ratio). A line of the same bearing was determined reflecting the 1.32 : 1 ratio. This line intersected the first segment, thereby identifying Point B, and the closing line of the Gulf, thereby identifying Point C. It then remained only to determine the azimuth of the line from C to D. The Chamber chose to use a perpendicular to the closing line of the Gulf, ending it at Point D on the outer limit of the US 200-mile zone.

9 Technical Considerations

The Special Agreement by which the dispute was submitted to the International Court of Justice required the parties 'to request the Chamber to appoint a technical expert . . . to assist it in respect of technical matters.' The parties requested, and the Chamber appointed, Commander Peter Beazley (ret.) of the United Kingdom to fill this role.

Article IV of the Special Agreement established certain technical criteria for the Chamber to use, including: provisions on horizontal and vertical datum; the nature of the lines connecting points; charts; and symbols on charts. This provision was added to the Special Agreement by the parties after learning

of the difficulties encountered by the United Kingdom and France in that continental shelf arbitration.

The boundary established by the Chamber meets the technical criteria called for by the Special Agreement. Commander Beazley's technical report is appended to the Chamber's Judgment, 1984 I.C.J. Reports, 347.

10 Other Considerations

None.

III CONCLUSION

The Gulf of Maine decision by a Chamber of the International Court of Justice is the first decision by an international court or tribunal which deals with the delimitation of not only the continental shelf but the water column resources as well. Notwithstanding the additional issues and complexities associated with the greater task, the Chamber determined to limit the relevance of factors other than geographical circumstances. By highlighting geography, the Chamber brought focus to both the law and the politics associated with maritime boundary making.

IV RELATED LAW IN FORCE

A Law of the Sea Conventions

Canada: Party to the 1958 Geneva Convention on the Continental Shelf; at the time of the deposit of its instrument of ratification on 4 March 1970, Canada issued a declaration concerning Article 1: 'In the view of the Canadian government the presence of an accidental feature such as a depression or a channel in a submerged area should not be regarded as constituting an interruption in the natural prolongation of the land territory of the coastal state into and under the sea.' See *Multilateral Treaties Deposited with the Secretary General*; Status as at 31 December 1981, U.N. Doc. ST/LEG/SER.E/1 at 604; for the US response of 13 August 1970, see *ibid.* at 607.

United States: Party to all four 1958 Geneva Conventions

B Maritime Jurisdiction Claimed at the Time of Signature

Canada: 12-mile territorial sea (1970), 200-mile fishing zone (1977)

United States: 3-mile territorial sea (1793), 200-mile fishing zone (1977)

C Maritime Jurisdiction Claimed Subsequent to Signature

Canada: No change

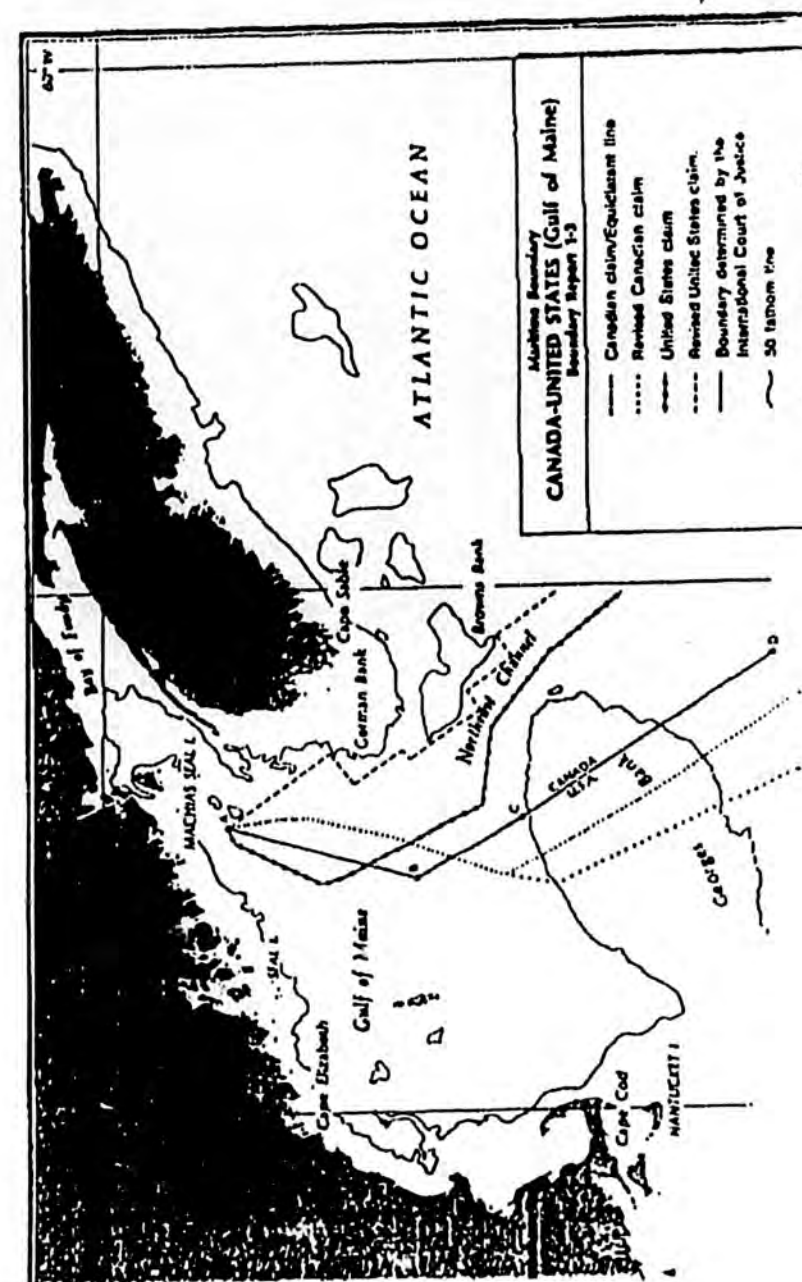
United States: 12-mile territorial sea (1988), 200-mile exclusive economic zone (1983)

V REFERENCES AND ADDITIONAL READING

For background on the dispute see:

- 1976 DIGEST OF U.S. PRACTICE IN INTERNATIONAL LAW 358-59
 1977 DIGEST OF U.S. PRACTICE IN INTERNATIONAL LAW 562-63
 1978 DIGEST OF U.S. PRACTICE IN INTERNATIONAL LAW 980-90
 1979 DIGEST OF U.S. PRACTICE IN INTERNATIONAL LAW 999-1010
 The Gulf of Maine case has been reviewed extensively in the legal literature. See:
 Breuer, *International Conflict Resolution: The ICJ Chambers and the Gulf of Maine Dispute*,
 23 VIRGINIA JOURNAL OF INTERNATIONAL LAW 463 (1983)
 Clain, *Gulf of Maine - A Disappointing First in the Delimitation of a Single Maritime Boundary*,
 25 VIRGINIA JOURNAL OF INTERNATIONAL LAW 521 (1985)
 Collois and Togoff, *The Gulf of Maine Case and the Future of Ocean Boundary Delimitation*,
 38 MARINE LAW REVIEW 1 (1986)
 Comand, *Maritime Delimitation and the Gulf of Maine Case: A Guide for the Future or Merely "Slicing the Pie"?*, 12 SOUTHERN ILLINOIS UNIVERSITY LAW JOURNAL 399 (1988)
 Cooper, *Delimitation of the Maritime Boundary in the Gulf of Maine Area*, 16 OCEAN
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 DeVorsey and DeVorsey, *The World Court Decision in the Canada-United States Gulf of Maine
 Seaward Boundary Dispute*, 18 CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW
 415 (1986)
 Legault and Hankey, *From Sea to Seabed: The Single Maritime Boundary in the Gulf of Maine
 Case*, 79 CANADIAN YEARBOOK OF INTERNATIONAL LAW 267 (1984)
 McRae, *The Gulf of Maine Case: The Written Proceedings*, 21 CANADIAN YEARBOOK OF
 INTERNATIONAL LAW 266 (1983)
 Note, *Maritime Boundary Dispute Settlement: The Nonemergence of Guiding Principles*, 15
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 AMERICAN JOURNAL OF INTERNATIONAL LAW 578 (1985)
 Schneider, *The Gulf of Maine Case: The Nature of an Equitable Result*, 79 AMERICAN JOURNAL OF
 INTERNATIONAL LAW 539 (1985)
 Willis, *From Precedent to Precedent: The Triumph of Pragmatism in the Law of Maritime Boundaries*,
 24 CANADIAN YEARBOOK OF INTERNATIONAL LAW 3 (1986)

Prepared by David A. Colson



**Case Concerning Delimitation Of The Maritime Boundary In The Gulf
Of Maine Area (Canada/United States of America)
International Court of Justice 12 October 1984**

THE CHAMBER,

By four votes to one,

Decides

That the course of the single maritime boundary that divides the continental shelf and the exclusive fisheries zones of Canada and the United States of America in the area referred to in the Special Agreement concluded by those two States on 29 March 1979 shall be defined by geodetic lines connecting the points with the following co-ordinates:

	<i>Latitude North</i>	<i>Longitude West</i>
A	44° 11' 12"	67° 16' 46"
B	42° 53' 14"	67° 44' 35"
C	42° 31' 08"	67° 28' 05"
D	40° 27' 05"	65° 41' 59"

IN FAVOUR: President Ago; Judges Mosler, Schwebel; Judge ad hoc Cohen;
AGAINST: Judge Gros.

Delimitation of the Maritime Boundary in the Gulf of Maine Area

TECHNICAL REPORT

PRESENTED TO THE CHAMBER OF THE COURT BY COMMANDER PETER BRYAN
DEAZLEY, O.B.E., F.R.I.C.S., R.N. (RETD.), THE TECHNICAL EXPERT APPOINTED,
PURSUANT TO ARTICLE II, PARAGRAPH 3, OF THE SPECIAL AGREEMENT, BY
THE ORDER OF THE CHAMBER DATED 30 MARCH 1984

1. To conform to Article II (2) and Article IV (b) of the Special Agreement, and to achieve consistency between the delimitation line and the method of its construction, all lines are taken to be geodetic lines.

2. For practical application of the methods described in the Judgment for determination of the first two segments of the line calculations have been made on the Universal Transverse Mercator grid using a Central Meridian of 68° West. The course of the closing line of the Gulf and the perpendicular to it have been determined using geodetic azimuths. Computations were based on the Clarke 1866 spheroid. The basepoints having been determined to a second of arc the final positions of the delimitation line have been defined in whole seconds of arc also.

3. Positions of the various coastal points were found to be as follows:

Name	Latitude N	Longitude W	Chart
SE tip of Nantucket Island	41° 15' 04"	69° 58' 01"	13241 US
LWL position for determining 200' limit	41° 15' 56"	69° 57' 37"	13241 US
Cape Cod elbow	41° 38' 35"	69° 57' 15"	13248 US
Position on Cape Cod nearest to Chebogue Point	42° 00' 31"	70° 01' 36"	13246 US
Cape Ann	42° 38' 12"	70° 34' 27"	13279 US
Cape Elizabeth	43° 33' 41"	70° 12' 02"	13290 US
International Boundary Terminus (TP15)	44° 46' 35".3	66° 54' 11".3	
North coast of Bay of Fundy	45° 16' 31"	65° 41' 01"	4010 Canadian
South coast of Bay of Fundy	44° 53' 49"	65° 22' 47"	4010 Canadian
Brier Island (Whipple Point)	44° 14' 11"	66° 23' 50"	4324 Canadian
Chebogue Point	43° 43' 57"	66° 07' 18"	4326 Canadian
Cape Sable	43° 23' 22"	65° 37' 23"	4216 Canadian
Seal Island (SW point)	43° 23' 33"	66° 01' 21"	4330 Canadian

4. All positions are on 1927 North American Datum. Corrections have been applied to positions from the Canadian charts as indicated in the Agent for Canada's letter to the Registrar dated 18 April 1984. The Annex lists the rectangular UTM co-ordinates of some of these positions.

5. The two positions in the Bay of Fundy were determined by plotting taking account of the fact that the most easterly point of a 12-mile limit (depending on the low-water lines of Quaco Ledge and the southern shore of the Bay) was found to be at 45° 04' 21" N, 65° 31' 11" W approximately.

6. For calculation of the ratio of coastal lengths the following true distances in nautical miles were determined:

Cape Cod Elbow to Cape Ann	65.7
Cape Ann to Cape Elizabeth	57.9
Cape Elizabeth to Boundary Terminus	160.0
TOTAL United States coastline	283.6 (284)
Boundary terminus to N coast of Bay of Fundy	59.9
N coast to S coast of Bay of Fundy	26.1
S coast of Bay of Fundy to Whipple Point	59.0
Whipple Point to Cape Sable	60.9
TOTAL Canadian coastline	205.9 (206)

Therefore the ratio of coastline lengths United States : Canada is

1.38:1

7. To determine the course of the bisector, forming the first segment of the line, UTM grid bearings were determined:

Boundary terminus to Cape Elizabeth	243° 16' 24"
Boundary terminus to Cape Sable	145° 09' 30"

Therefore the perpendiculars from A to these lines are, respectively,

333° 16' 24"
055° 09' 30"

and the course of the bisector lies along the grid bearing

194° 12' 57".

8. To determine the direction of the median line, which forms the basis of the second segment of the delimitation line, it is necessary to make allowance for a change of scale factor between the southeastern and northwestern end of the two controlling lines. The grid bearings of the controlling lines are:

Cape Cod Elbow to Cape Ann	336° 36' 32".5
Cape Sable to Whipple Point	325° 07' 14".9

9. A mid-point between Whipple Point and the Cape Ann to Cape Cod line will lie on a grid bearing from Whipple Point of

240° 51' 53".7

and will intersect the line at position

(1) $42^{\circ} 32' 29''.6$ N $70^{\circ} 30' 49''.8$ W.

The mid-point of this line after correcting for scale factor is

(2) $43^{\circ} 24' 27''.0$ N $68^{\circ} 29' 03''.0$ W.

10. Similarly a mid-point between Cape Cod Elbow and the Whipple Point to Cape Sable line lies on the reciprocal bearing which intersects at

(3) $43^{\circ} 24' 38''.4$ N $65^{\circ} 38' 31''.7$ W

and the corrected mid-point is

(4) $42^{\circ} 32' 50''.1$ N $67^{\circ} 49' 42''.9$ W

11. The grid bearing between these two corrected mid-points is the direction of the median line which is

$150^{\circ} 52' 34''.3$

12. To determine the location of the second segment of the line I understand my instructions from the Chamber to be to give half-effect to Seal Island when applying the ratio in which the line from Chebogue Point to the nearest point on Cape Cod (the location line) is to be divided. To effect this, Seal Island must be related to Chebogue Point and the location line rather than to the coast nearest to the island.

13. The true (geodetic) length of the location line was found to be

372 088 metres

and the grid bearing from Chebogue Point is

$239^{\circ} 04' 36''.1$.

A line parallel to the line from Cape Sable to Whipple Point (representing the coastal front of Nova Scotia) drawn from the southwestern point of Seal Island intersects the location line at a true distance of 14 234 metres from Chebogue Point. A position 7,117 metres along the location line from Chebogue Point would then represent a notional half-effect position for the island. Applying the ratio of 1.38:1 on the location line between Cape Cod and the half-effect position of the island divides the line at a position 153 349 metres from the half effect position, or

160 466 metres (grid distance 160 418 metres)

from Chebogue Point. This represents a division of the whole location line in the ratio 1.319:1 (1.32:1). The co-ordinates of this point are

(5) $43^{\circ} 00' 19''.8$ N $67^{\circ} 49' 56''.7$ W.

14. A line of grid bearing $150^{\circ} 52' 34''.3$ from this point intersects the bisector from A at position

B $42^{\circ} 53' 14''$ N $67^{\circ} 44' 35''$ W

which is the first turning point on the line of delimitation. A line on the same grid bearing intercepts the geodetic line (geodesic) between Nantucket and Cape Sable at position.

C $42^{\circ} 31' 08''.(35)$ N $67^{\circ} 28' 05''.(33)$ W

which is the second turning point on the line of delimitation.

15. The azimuth of the geodetic line between Nantucket and Cape Sable at position C is

N E
 $56^{\circ} 39' 49''$
S W

so that the required perpendicular has an azimuth of

$S 33^{\circ} 20' 11''$ E.

The last place on the path of this perpendicular where the 200-mile zone claimed by the two Parties overlap is a point 200 nautical miles from the nearest point of the low-water line of the United States of America. This relevant point of the low-water line is given at paragraph 3 above, and the point of intersection between the perpendicular and a 200-nautical mile arc drawn from that point is position

D $40^{\circ} 27' 05''$ N $65^{\circ} 41' 59''$ W

which also lies within the area laid down in Article II of the Special Agreement.

16. The delimitation line is therefore defined by geodetic lines joining in succession the following positions the co-ordinates of which are given in 1927 North American Datum:

A $44^{\circ} 11' 12''$ N $67^{\circ} 16' 46''$ W
B $42^{\circ} 53' 14''$ N $67^{\circ} 44' 35''$ W
C $42^{\circ} 31' 08''$ N $67^{\circ} 28' 05''$ W
D $40^{\circ} 27' 05''$ N $65^{\circ} 41' 59''$ W.

This line crosses Georges Bank, as defined by the 100-fathom contour in Canadian chart 8005, at positions

$42^{\circ} 11'.8$ N $67^{\circ} 11'.0$ W
and $41^{\circ} 10'.1$ N $66^{\circ} 17'.9$ W

but these positions do not form part of the definition of the delimitation line.

Done in one copy, in English, at The Hague, 3 October 1984.

(Signed) P.B. Beazley

ANNEX TO THE TECHNICAL REPORT

List of UTM rectangular co-ordinates of certain positions mentioned in the Report. Central Meridian 68° W; Clarke's 1866 spheroid.

Position	Easting	Northing
Cape Cod Elbow	337 251.1	4 611 778.0
Position on Cape Cod nearest to Chebogue Point	332 170.6	4 632 505.7
Cape Ann	288 940.0	4 723 466.6
Cape Elizabeth	322 270.6	4 825 296.1
TP15	586 787.5	4 958 487.9
Whipple Point	627 994.2	4 899 161.2
Chebogue Point	651 274.2	4 843 661.5
Cape Sable	692 521.4	4 806 592.0
Seal Island	660 159.4	4 806 086.4
A	557 590.2	4 892 641.9
(1)	293 572.8	4 712 756.3
(2)	460 796.9	4 805 966.2
(3)	690 908.9	4 808 905.2
(4)	514 074.6	4 710 338.6
(5)	513 658.6	4 761 224.3
B	520 972.0	4 748 097.5
C	543 688.4	4 707 324.0

(position C is on the geodesic between Cape Sable and Nantucket about 7 metres from the grid line joining those points).

Cuba-United States

Report Number 1-4

Maritime Boundary Agreement Between The United States of America and the Republic of Cuba

Signed: 16 December 1977

Entered into force provisionally: 1 January 1978

Published at: US Senate Ex II 96-1, 96th Cong. 1st Sess. (1979)

Limits in the Seas No. 110 (1990)

17 ILM 110 (1978)

I Canadian Annex 465 (1983)

II Libyan Annex No. 53 (1983)

I Conforti & Francalanci 177 (1979)

VIII New Directions 66 (1975)

I SUMMARY

The 1977 negotiations establishing a maritime boundary between Cuba and the United States were one of the first formal and direct discussions the two countries had held for many years. After several technical issues were resolved, including a question pertaining to the use of straight baselines in the delimitation, the parties agreed to a boundary that was an equidistant line, in part, and a negotiated line, in part. The line is approximately 313 nautical miles (n.m.) in length and extends from the southern part of the Straits of Florida, at a tripoint with the Bahamas, northwest into the Gulf of Mexico. For the most part, the boundary runs in between the islands comprising the Florida Keys and the islands of Cuba. The two countries lie opposite each other at a distance of between 75 and 90 n.m.

The boundary treaty has not been ratified. However, the provisions of the treaty, including the establishment of the boundary, have been applied since 1978 through an exchange of notes every two years.

FISCAL NOTE

No: 1

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Version: HJR 54
(H) Publish Date: 2/27/98

Revision Date: _____
Title: Alaska Maritime Boundary with Canada

Dept. Affected none

BRU _____

Component _____

Sponsor: Rep. VezeyRequester: House Special Committee on Fisheries

Component Serial No. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGE IN REVENUES ()

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts						
1037 GF Mental Health						
1091 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: _____

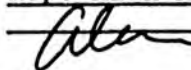
POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by
Division
Approved by
Agency

Rep. Alan Austerman, Chair
House Special Committee on Fisheries
Rep. Alan Austerman, Chair



Phone 465-4230
Date February 24, 1998
Date _____

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