

CLASSIFIED

File No. Dossier 25-5-7-2-SALMON-I
Volume 14 From-De 82-05-01 To-À 82-06-30

8740

CLASSIFIÉ

File No. _____
Storage Accession No. _____
Storage Location _____
Box Number 58
Box Series 2003-5A-25

N.A.R.C.

SEMI ACTIVE

LOSED
ERAM

TITLE—TITRE:

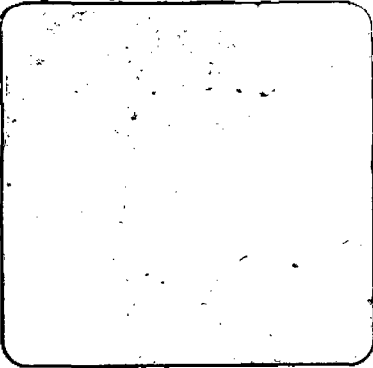
Boundaries-Water-High Seas
Frontières-Eaux-Hautes Mers
International Pacific Salmon
Fisheries Commission(CDA-USA)
Commissiïssion internationaux des
peches du saumon duPacifique
(Canada-Etats-Unis)

Retention period-Période de retention:

30Y/5A-25D/J

DEPARTMENT
OF
EXTERNAL AFFAIRS

MINISTÈRE
DES
AFFAIRES ÉTRANGÈRES



2012



Government
of Canada

Gouvernement
du Canada

CLOSED VOLUME VOLUME COMPLET

DATED FROM
À COMPTER DU

82-08-01

TO
JUSQU'AU

82-06-30

AFFIX TO TOP OF FILE - À METTRE SUR LE DOSSIER

DO NOT ADD ANY MORE PAPERS - NE PAS AJOUTER DE DOCUMENTS

FOR SUBSEQUENT CORRESPONDENCE SEE - POUR CORRESPONDANCE ULTÉRIEURE VOIR

FILE NO. - DOSSIER N°

25-5-7-2 - SALMON - 1

VOLUME

15

michael shepard and associates limited

4009 White Rock Street, Victoria, B.C. Canada. V8N 4M4. (604) 477-0715

June 23, 1982

The Honourable Mark MacGuigan,
Secretary of State for
External Affairs,
Department of External
Affairs,
House of Commons,
Room 209 CB,
Ottawa, Ontario.
K1A 0G2

ACC	REF
FILE	25-5-7-2-SALMON+1

Dear Sir,

Pursuant to the recommendation contained in our joint memorandum of June 19, 1981, the undersigned is pleased to submit a partial draft of an Agreement between Canada and the United States of America for the Management of Pacific Salmon. The draft has been developed over the past year in full consultation with private sector Advisory Groups on both sides.

Whereas the draft is not yet complete and certain bracketed portions have not yet been fully agreed upon, we believe the draft satisfactorily addresses almost all of the critical issues that have divided the two sides in negotiations over the past decade. With one exception, the gaps and bracketed portions do not indicate substantive differences between the two sides but represent instead problems of interpretation and detail which we are confident can be resolved through further technical consultations over the next few months.

The most difficult remaining problem is the treatment of the salmon stocks and salmon fisheries of the Yukon River within the context of the Article dealing with Transboundary Rivers. It is the Canadian view that the principles for cooperative management and for entitlements that apply to other Transboundary Rivers should also apply to the Yukon. The Canadian side further holds that the Yukon River issue must be

.../2...

001680

- 2 -

resolved before the Agreement can be finalized. On the other hand, inasmuch as the potential consequences of the proposed treaty as it would apply to the Yukon have not been discussed in any detail with United States native peoples living and depending on the Yukon, the United States side has been reluctant to adopt language which could prematurely commit these groups to arrangements developed from principles applicable to geographic and fishery histories substantially different from these of the Yukon region. Consultations within the United States on these issues are continuing and it is hoped that sufficient progress can be made over the next few months to permit finalization of an overall Agreement before the end of 1982.

The draft Agreement in its present format provides a framework for cooperation between the two sides in the conduct of their fisheries and of their enhancement programs. Based on principles outlined in the draft Agreement, it is envisaged that the two Parties would carry out consultations within a new Commission leading to development of fishing regimes and enhancement activities on an annual basis. The negotiators believe that the workability of the proposed arrangements must be tested before Governments give final consideration to the text of the Agreement. To this end, the negotiators recommend:

Officials of the two Governments immediately initiate consultations aimed at developing agreed proposals for fisheries regimes, consistent with the provisions of the Draft Agreement, to apply during the 1983 and 1984 seasons. Although the initial stages of the consultation should be conducted at the level of officials, the final development of the proposals should involve the full participation of the private sector Advisory Groups of the two sides. The proposals should be completed by November 30, 1982.

Implementation of the proposed Agreement will require transfer of responsibilities for management of Fraser sockeye and pinks from the existing International Pacific Salmon Fisheries Commission to the new Commission and to Canada. Detailed planning will be required in order to ensure an orderly transition. The negotiators therefore recommend:

By November 30, 1982, a Working Group composed of officials of the two Parties prepare a proposed plan for the transfer of responsibilities of the IPSFC to the new Commission and to Canada. Such plan to include, inter alia:

- 3 -

- (a) timetable for assumption of responsibilities by Canada for provision of information regarding Fraser sockeye and pinks pursuant to paragraph 3 of Article IV of the Draft Agreement and by the Fraser Panel for the functions outlined in paragraph 2-6 of Article VI of the Draft Agreement;
- (b) definition of the activities to be undertaken by staff reporting to the Fraser Panel and to the respective agencies of the two parties as a basis for development of Annex IV of the Agreement;
- (c) timetable for the timely phasing of activities referred to in the preceding subparagraph, taking into account the need to make fullest use of the skills of the existing IPSFC staff and to ensure effective management of the fisheries;
- (d) determination of future requirements for staff and financial resources for the Fraser Panel;
- (e) taking into account the determination made in the previous subparagraph, proposals for assimilation of the present IPSFC staff;
- (f) arrangements for transfers of existing IPSFC physical assets.

In carrying out its duties, the Working Group should consult closely with the Director of IPSFC.

There are a number of gaps in the present Draft Agreement associated with the timing of consultative procedures. The Rules of Procedure of the proposed new Commission have not been discussed nor has the administrative support structure of the Commission (numbers and qualifications of staff, etc.). The negotiators believe that it would be useful for the Working Group established to develop proposals for Fraser sockeye and pinks also to develop proposals with respect to administrative and procedural aspects of the Agreement other than those associated with the Fraser Panel. The negotiators therefore recommend:

.../4..

- 4 -

The Working Group examining arrangements for Fraser sockeye and pinks also develop proposals for:

- (a) timing of consultative procedures specified in Articles IV and V;
- (b) the size, composition and anticipated duties of the Secretariat of the new Commission, including estimates of annual budgets to operate the Commission.

The negotiators continue to believe that the Agreement will only be workable if better knowledge is gained of the extent of interceptions of salmon in certain key areas, particularly in the vicinity of Northern British Columbia and Southeast Alaska. Since there are considerable annual variations in migration paths and in the proportional contributions of the stocks to the fisheries, it is necessary to carry out such research over a number of years in order to provide an adequate data base. This conclusion was reached at an early stage in the negotiations. For example, the Lynwood formulation contemplated a four year initial study period. The negotiators note with satisfaction that, as part of interim understandings reached in 1981, an ambitious and well planned tagging program will be carried out in the Northern British Columbia - Southeast Alaska area in 1982. The negotiators believe that a program of this type must be carried on for at least three more years in order to resolve outstanding differences in the assessment of the two sides regarding the composition of the stocks in the fisheries. Obtaining better knowledge would not only facilitate implementation of the Agreement but would also provide valuable information for improving domestic management and for planning of enhancement programs in both countries. The negotiators therefore recommend that:

In plans to implement the Agreement, the Governments of the two countries make budgetary provisions to continue the program of cooperative research on the migratory patterns of salmon in the Northern British Columbia - Southeast Alaska area (including the approaches to the panhandle transboundary rivers) for at least three more years.

In addition, there may be other areas where critical information gaps could prevent both Parties from achieving maximum benefits from an Agreement and where further cost-effective research could return substantial dividends. To assist the Governments in assessing research needs, the negotiators recommend:

- 5 -

With appropriate technical support the Working Group develop proposals for future research needed to ensure effective implementation of the Agreement, including estimates of cost and the priorities of the proposed programs.

The negotiators believe that if the various activities recommended in the foregoing paragraphs are carried out successfully (and assuming that accommodation is reached on the Yukon River issue), it should be possible to conclude a full Draft Agreement for submission to Governments by November 30, 1982.

Assuming that the negotiators' recommendations for interim action outlined in the foregoing paragraphs are accepted and that the Draft Agreement has been completed by the target date, the negotiators suggest that the Governments subject the Draft Agreement to their respective internal review processes along with subsidiary understandings (including proposed fishing regimes for 1983-84, the phasing in of new arrangements for Fraser sockeye and pinks, the budgetary and administrative arrangements associated with establishment of the Commission and required research) with a view to bringing the Agreement into force during 1983.

An identical letter has been sent by Dr. Alverson to the U.S. Department of State and Department of Commerce. I have also sent an identical letter to your colleague, the Minister of Fisheries and Oceans.

Yours sincerely,



M.P. Shepard
Negotiator

PACIFIC SALMON AGREEMENT

ACC

Joint Report of the Negotiators

Background

On June 19, 1981, the Governments of Canada and the United States announced their intention to implement recommendations made by the negotiators with respect to the conduct of intercepting fisheries in 1981 and 1982, and agreed that the negotiators should attempt to conclude the negotiation of a comprehensive Pacific salmon agreement by May 31, 1982.

Framework Agreement

Since June 1981, the negotiators and officials of both countries have met on a number of occasions, together with state, provincial, tribal and fishing industry representatives, and have developed the text of a Framework Agreement, attached as an Annex to this report.

The negotiators believe that the text of the Framework Agreement represents significant progress towards final resolution of the issues. The Framework Agreement contains, inter alia, the following provisions:

1. An obligation on the part of both countries to manage their fisheries and enhancement programs to;
 - (a) prevent overfishing and provide for optimum production; and
 - (b) provide for each country receiving benefits equivalent to its total salmon production.
2. Establishment of a Pacific Salmon Commission as the forum within which the fishery managers of the two countries would consult on the conduct of their fisheries and enhancement programs.
3. A requirement for the development of annual agreed fisheries regimes, involving setting the levels or extent of intercepting fisheries of both countries.
4. A requirement for the two parties to consult and cooperate in their enhancement and research programs.

- 2 -

5. A requirement for joint setting of escapement goals on transboundary rivers.
6. Arrangements for the provision of benefits to Canada from salmon produced in Canadian sections of transboundary rivers.
7. An annual entitlement of Fraser River sockeye and pink salmon to the United States for a period of years yet to be determined.
8. Termination of the present Fraser River Salmon Convention.

The Agreement should contain provisions for cooperative management and sharing of production of salmon originating in the Yukon River. These provisions have yet to be negotiated.

Proposals for Implementation

The negotiators believe that, before evaluating the Framework Agreement, the two Governments should give thorough consideration to questions of implementation. In particular, the negotiators recommended that, prior to November 30, 1982, the parties develop:

- (a) Agreed fisheries regimes applicable to intercepting fisheries of both countries during 1983 and 1984 (to be incorporated as an Annex to the Agreement). Such fishery regimes should contain specific commitments with respect to the management of intercepting fisheries, based on the obligations outlined in the Framework Agreement. They should also contain recommendations with respect to coordination of enhancement plans, the setting of escapement levels on transboundary rivers, and other aspects of salmon management outlined in the Framework Agreement.

The negotiators consider that in developing the fishery regimes, officials should employ the consultative procedures for conduct of fisheries and enhancement planning contained in the Framework Agreement.

.../3..

- 3 -

- (b) Arrangements for the transfer of the management, technical and administrative responsibilities for Fraser River sockeye and pink salmon from the IPSFC to Canada and to the new Pacific Salmon Commission. The transfer of responsibilities should take place as early as possible but should be phased in a manner that ensures the effective conservation of the stocks and the utilization of the skills and experience of the staff of the existing Commission.
- (c) Proposals for research most urgently required in order to ensure that both countries receive the greatest benefits in the short term. The proposals should include arrangements for funding.
- (d) Proposals for administrative, financial and personnel arrangements for the establishment of the new Commission.

The negotiators recommend that, immediately after November 30, the Governments subject the draft Framework Agreement (including the fishing plans and understandings regarding other implementation arrangements) to their internal processes with a view to early ratification so that the new Commission can begin operation in 1983.

The negotiators note that although the procedures outlined in the Framework Agreement concentrate on the year by year consideration of fishery regimes and enhancement programs, full benefits from the Agreement are unlikely to be achieved unless such activities are developed within the context of a carefully phased long-term plan. In this regard, the negotiators believe that, on adoption of the Agreement and supplementary understandings, the two Parties should work together within the new Commission to develop long-term plans for cooperation in management, enhancement and fisheries adjustments aimed at increasing salmon production and at facilitating the orderly development of the fisheries of both sides in the future. If such long-term plans were developed, they would provide firm guidelines and direction for annual consideration of fishing regimes and enhancement programs within the Commission.

Arrangements for 1982

The negotiators note that although there were understandable "start-up" difficulties, the interim arrangements for 1981 fishing season worked to the general satisfaction of both sides. As background for completion of the Framework Agreement and the development of fishery regimes for 1983 and 1984, the negotiators believe that it is essential, in 1982, to maintain the atmosphere of cooperation and progress that existed in 1981.

- 4 -

The negotiators urge that the fisheries administrations in the two countries place the highest priority on conducting their fisheries in 1982 in conformity with the mutual understandings regarding interim arrangements worked out over the past year.

Conclusion

The negotiators firmly believe that the Framework Agreement, together with the successful conclusion and implementation of the other steps set out in this report, will greatly improve the management of the Pacific salmon resources of Canada and the USA. They believe that the agreement will provide a real opportunity and incentive to rebuild and enhance depleted stocks, to conduct essential research and thereby provide greater benefits to the fishing industries that rely on salmon.

June 22, 1982



Government
of Canada

Gouvernement
du Canada

MEMORANDUM

NOTE DE SERVICE

TO
A

Mike Hunter
International Directorate

FROM
DE

A/Director
Fishing Services Branch

25-5-7-2 SALMON

SECURITY - CLASSIFICATION - DE SÉCURITÉ	
OUR FILE / NOTRE RÉFÉRENCE	
1439-U6-7-1	HDS/11
YOUR FILE / VOTRE RÉFÉRENCE	
DATE June 30, 1982	

SUBJECT
OBJET

U.S./Canada Salmon Agreement

I will be on annual leave through July. If any developments deserve special attention, I can be contacted through the Vancouver office.

for H.D. Smith

c.c. H. Strauss ✓

SECRET

C O N F I D E N T I A L

JUN 30 15 36 '82

FM EXTOTT LAO-877 30JUN82

~~BFAX~~

TO SEATTLE DE OTT

FAN00011/

INFO CAMPBELL/HUNTER/STANFIELD/KOWAL

DISTR GNG TWR

REF YOURTEL UAGR5435 19MAY

---SALMON

ACC	REF DATE	820705
FILE	25-5-7-2-Salmon-1	DOSSIER

REGARDING INFO REQUEST ON QUOTE AFFECTS OF NON-SALMON SET NET
FISHERIES ON NON-TARGETED SPECIES UNQUOTE OR RELATED FIELDS, INITIAL
SEARCH UNFRUITFUL. CONTINUING SEARCH, INCL RESEARCH FROM ATLANTIC
FISHERIES.

[Signature]
M. STANFIELD/SG

INTERNATIONAL
DIRECTORATE

5-2191

[Signature]

001690

MESSAGE

PLACE LIEU	DEPARTMENT MINISTÈRE	ORIG. NO. NO D'ORIG.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
SEATL	UAGR	5572	24JUN82	Fisheries	UNCLAS

FM/DE

SEATL

UAGR

5572

24JUN82

Fisheries

UNCLAS

TO/A

EXTOTT - LAO

SEA 007/24

PRECEDENCE

INFO

FANDOOT/HUNTER/STANFIELD FANDOVCR/ZYBLUT

DONE BY POST

DATE	820701	REF
ACC	212450	
FILE	25-57-2	SALMON-1
BY HAND		PAK PORTEUR
ATTN:	LAO	

DISTR.

GNG

REF

STANFIELD/SHARPE TELECON 11JUN82

SUB/SUJ

SALMON AND STEELHEAD ADVISORY COMMISSION

AT FANDOOTREQUEST, SHARPE (IN MARTENS ABSENCE) ATTENDED FIRST ORGANIZATIONAL MEETING (AGENDA ATTACHED) OF COMMISSION UNDER CONVENORSHIP OF LARKINS REGIONAL DIRECTOR, NMFS. 12 COMMISSION MEMBERS OR ALTERNATES WERE PRESENT AND THERE WERE SOME 25 TO 30 IN THE AUDIENCE FROM FEDERAL AND STATE AGENCIES, INDUSTRY AND NATIVE GROUPS.

2. UNDER STATUTE CREATING COMMISSION ITS LIFE RUNS FIFTEEN MONTHS AT WHICH TIME IT IS TO REPORT TO SECRETARY OF COMMERCE. IT WAS DETERMINED THAT COMMISSION WAS ESTABLISHED ON DAY OF ITS FIRST MEETING AND LARKINS WAS ELECTED CHAIRMAN.

3. AS BACKGROUND COMMISSION WAS TO HAVE BEEN ESTABLISHED NINETY DAYS AFTER ENACTMENT OF LEGISLATION. PRESIDENT DID NOT INCLUDE LEGISLATED DLLRS 3 MILLION IN 1980 OR 81 BUDGET. FOR 1982 CONGRESS APPROPRIATED DLLRS 1 MILLION. SUBSEQUENTLY SECRETARY OF COMMERCE DELAYED ON NOMINATIONS/APP- OINTMENTS OF COMMISSIONERS. COMMISSIONERS WILL NOT BE ABLE TO EMBARK ON A SIGNIFICANT PROGRAMME GIVEN BUDGET CONSTRAINTS. THEY ARE CHARGED ESSENTIALLY WITH PREPARING PROPOSALS TO IMPLEMENT OBJECTIVES FOR ENHANCE- MENT CONTAINED IN ACT, INCLUDING MANAGEMENT STRUCTURE, INSTITUTIONAL ARRANGEMENTS, CO-ORDINATION OF RESEARCH, ENFORCEMENT AND A DISPUTE RESOLUTION PROCEDURE FOR THE SALMON AND STEELHEAD RESOURCES OF THE COLUMBIA RIVER AND WASH CONSERVATION AREAS.

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

SG.....JRS/b

SG.....
JOHN R. SHARPE

2.

4. A STEERING COMMITTEE HAD BEEN SET UP TO PREPARE FOR COMMISSION'S WORK BUT IN ABSENCE OF FUNDING HAD NOT PROCEEDED VERY FAR.

5. AFTER A GOOD DEAL OF DISCUSSION ON WHAT REALISTIC OBJECTIVES COULD BE AGREED, IT WAS GENERALLY DECIDED THAT RATHER THAN PROPOSING NEW SALMON AND STEELHEAD MANAGEMENT ARRANGEMENTS EFFORTS SHOULD BE DIRECTED AT DEVELOPING IDEAS ON CO-ORDINATION OF EXISTING ARRANGEMENTS. ESSENTIALLY COMMISSION SHOULD SEEK TO FIND ARRANGEMENTS THAT WOULD BE A SUBSTITUTE FOR FEDERAL COURTS -- THAT IS PROVIDE A BLUEPRINT FOR DISPUTE SETTLEMENT MECHANISM AMONG EXISTING BODIES CONCERNED WITH THE RESOURCE.

6. IT WAS RECOGNIZED THAT THE ALASKAN AND CANADIAN DIMENSIONS WERE NOT COVERED AND THIS ISSUE WOULD HAVE TO BE ADDRESSED. THE FAILURE OF THE COLUMBIA RIVER BASIN SALMON AND STEELHEAD STUDY OF MARCH '82 TO ADDRESS THE TOTAL PICTURE WAS CITED AS AN EXAMPLE OF WHICH COMMISSION WOULD HAVE TO BE CONSCIOUS.

7. THE COMMISSION WAS AWARE THAT FUNDS UNDER THE ACT AVAILABLE FOR ENHANCEMENT (DLRS 84 MILLION) WOULD NOT BE FORTHCOMING WITHOUT THE PLAN COMMISSION WAS CREATED TO DEVELOP. UNFORTUNATELY, AS THE CHAIRMAN POINTED OUT QUOTE THE ENHANCEMENT FUNDING CARROT MAY NOT BE ON THE END OF THE STICK ANYMORE UNQUOTE.

8. IN LIGHT OF THIS SKEPTICISM ABOUT ADEQUATE ENHANCEMENT FUNDING, IT WAS GENERALLY CONCEDED THAT COMMISSION'S WORK WOULD BE NO MORE THAN A SET OF GUIDELINES THAT ALL THE EXISTING ENTITIES COULD QUOTE SIGN OFF ON UNQUOTE IN RELATION TO REACHING AGREEMENT ON NINE PRINCIPLES SET OUT IN THE ACT.

9. COMMISSION AGREED TO RECRUIT A CO-ORDINATOR TO UNDERTAKE SUPERVISION OF PREPARATION OF STUDY.

10. TIMETABLE FOR REPORT -- DUE SEPTEMBER 1/83. FINAL DRAFT AVAILABLE FOR PUBLIC COMMENT JULY 1/83.

11. ENHANCEMENT PLANNING EFFORT - WITH LITTLE PROSPECT OF FUNDING, SOME COMMISSIONERS QUESTIONED WHETHER THERE WAS MUCH POINT IN SPENDING TOO MUCH TIME ON IT, ALTHOUGH IT WAS RECOGNIZED A COMPREHENSIVE PLAN WAS REQUIRED BY THE ACT. AGAIN IT WAS CONCLUDED THAT PERHAPS COMMISSION SHOULD LIMIT ITSELF TO DEVELOPING PRINCIPLES RATHER THAN UNDERTAKING RESEARCH AND MAKING RECOMMENDATIONS THAT WERE SITE SPECIFIC OR STOCKS SPECIFIC. IT WAS DECIDED TO DEFER DECISION ON THIS AGENDA ITEM UNTIL COMMISSION WAS FURTHER ALONG IN ITS WORK.

3.

IT WAS RECOGNIZED THERE WERE OTHER SOURCES OF ENHANCEMENT FUNDS E.G. NORTH-WEST REGIONAL POWER COUNCIL.

12. PROPOSALS AND CONTRACTS -- AGENCIES HAVE SUBMITTED PROPOSALS FOR 15 MONTH STUDY PERIOD TOTALLING DLLRS 1.5 MILLION. THERE WAS A CONCENTRATED EFFORT TO DEVELOP REDUCED INTERIM PROPOSALS FOR THE COMMISSION -- THESE THEN TOTALLED DLLRS 384,869. THE COMMISSION APPROVED ALL BUT ONE (ENFORCEMENT) OF THE PROPOSALS WITH THE REQUEST THAT THE STEERING COMMITTEE PRIORITIZE THESE PROJECTS WHICH WOULD BE FUNDED BY PLANNING GRANTS TO THE ENTITIES.

13. NEXT MEETING OF COMMISSION WOULD BE HELD 13 JULY 1982 IN SEATTLE. POST WILL ATTEND AND REPORT.

14. DOCUMENTS OBTAINED AT MEETING WILL BE FORWARDED BY BAG TO FANDOOTT AND FANDOVCR.

AGENDA
SALMON AND STEELHEAD ADVISORY COMMISSION MEETING

HYATT HOTEL
Seattle, Washington
June 14, 1982

- I. Purpose of Meeting Larkins
- II. Introduction of Voting and Larkins
Non-voting Members
- III. Approval of Agenda Larkins
- IV. Operating Procedures --
 - A. Voting Procedures NMFS
 - B. Record Keeping NMFS
 - C. Expense Claims NMFS
 - D. Compliance with FACA NMFS
- V. Election of Chairman Commission
- VI. Responsibilities of the Commission --
 - A. Review of the Act WDF
 - B. Availability of Funds NMFS
 - C. Efforts to Date Morishima
(Reports of Committees)
 - D. Type of Product to be Produced . . . WDF & Morishima
 - E. Staffing and Assignments Commission
 - F. Timetable for Developing a Plan . . Steering Committee
and Submitting it to Secretary
of Commerce
 - G. Enhancement Planning Effort Commission
 - H. Development of Proposals and . . . NMFS
Awarding Contracts
- VII. Frequency of Meetings Commission
- VIII. Time and Place of Next Meeting Commission
- IX. Adjournment

ATTACHMENTS

1. Memorandum from Co-chairmen of the Steering Committee.
2. Agenda for June 14 meeting.
3. Federal Register Notice of Meeting.
4. Charter for the Salmon and Steelhead Advisory Commission.
5. Memorandum to Steering Committee from Ad-Hoc Work Teams.
6. Reports of ad-hoc work group.
 - a. Law Enforcement.
 - b. Management Principles.
 - c. Institutional Arrangements.
7. Copy of P.L. 96-561.
8. List of Commission Members.
9. Summary of budget estimates for the participating agencies.

M E M O R A N D U M

TO: SALMON & STEELHEAD ADVISORY COMMISSION MEMBERS

FR: Gary Morishima & Bill Wilkerson, Co-chairmen, Steering Committee

RE: Background Briefing

DATE: May 19, 1982

HISTORY:

- Salmon & Steelhead Conservation and Enhancement Act of 1980

On December 22, 1980, President Carter signed the Salmon & Steelhead Conservation and Enhancement Act (Title I of PL 96-561) - attachment I).

- Provides for the coordinated management and enhancement of the salmon & steelhead resources of Western Washington and the Columbia River drainage.
- Establishes a Salmon & Steelhead Advisory Commission consisting of six voting and six non-voting members. The voting members are to represent the following:
 - State of Washington
 - State of Oregon
 - Washington Tribal Coordinating Body
 - Columbia River Tribal Coordinating Body
 - Pacific Fishery Management Council
 - National Marine Fisheries Service

Non-voting members are to be qualified individuals (one of the non-voting members must be the regional director of the U.S. Fish & Wildlife Service or his designee). All members are to be appointed by the Secretary of Commerce.

Within 15 months, the Advisory Commission will prepare and submit a report recommending a management structure for the effective coordination of research, enhancement, management and enforcement. The report must be unanimously agreed upon by the voting members of the Commission and is subject to approval of the Secretary of Commerce in consultation with the Secretary of Interior. (see attachment II for the charter for the Commission).

- Provides for the preparation of two comprehensive enhancement plans; one concerning the Washington Conservation Area and the other concerning the Columbia River Conservation Area.

- Authorizes the appropriation of \$3 million for preparation of the management report and comprehensive enhancement plans.
- Upon approval and acceptance of the management report's recommendations and the comprehensive enhancement plans, authorizes appropriations for enhancement as follows:

- \$45 million Washington salmon
 - 25 million Columbia River salmon
 - 7 million Washington steelhead
 - 7 million Columbia River steelhead

- Authorizes appropriation of \$37.5 million for a commercial (including charter) fishing fleet reduction.

- Ad-Hoc Steering Committee

At a meeting held on January 21, 1981, representatives of the agencies and tribes concerned agreed to establish an Ad-Hoc Steering Committee to complete preliminary work for implementation of the Act. On February 25, 1981, Gary Morishima and Bill Wilkerson were selected to act as co-chairmen of the Ad-Hoc Steering Committee.

- Ad-Hoc Work Teams

On April 13, 1981, a meeting of prospective Commission members was convened and a consensus was reached to establish four inter-agency work teams to prepare information concerning specific areas:

- Institutional Arrangements (chairman: Ed Manary, Washington Department of Fisheries)
 - Management Principles (chairman: Gary Morishima, Washington Tribal Coordinating Body)
 - Coordinated Research & Development of a Common Data Base (chairman: Fred Olney, U.S. Fish & Wildlife Service)
 - Enforcement (chairman: Wayne Lewis, National Marine Fisheries Service)

All four work teams held initial meetings to scope out their responsibilities. Substantive work was not accomplished due to the uncertainty surrounding the availability of financial assistance for implementation of the Act. Reports of the four work teams are attached for reference.

Financial Assistance for Preparation of Management Report and Comprehensive Enhancement Plans

Due to the absence of funds to support implementation efforts, activities of the Steering Committee and work teams proceeded on a limited schedule throughout the summer and fall months. However, all participating agencies recognized the importance of the planning efforts and indicated that they would continue to the best of their ability given budgetary constraints.

In the spring of 1982, notice was received that a total of \$1 million from the FY 82 Commerce Department appropriation was to be made available for planning activities under PL96-561. A meeting of the Steering Committee was convened on March 2, 1982 to discuss implementation plans and commitments were made to prepare preliminary budget estimates for agency participation. On April 13th, these preliminary budget estimates were reviewed and a consensus was reached that the most effective way to proceed would be to engage in an intensive short-term, intensive planning effort to define the contents of the management report and enhancement plans. Each agency is to prepare a planning budget to cover an approximate three-month period for consideration by the Commission.

Concern over the lack of consistent representation at the Steering Committee meetings was expressed and the need for continuity was emphasized.

ACTION ITEMS:

- Review implementation approach recommended by the Steering Committee and planning budgets submitted by participating entities. Approve/disapprove proposals.
- Define the roles of the Commission and the Steering Committee.
- Define responsibilities of work teams or subcommittees.
- Establish time schedule for completion of activities.

2.

AGENDA
SALMON AND STEELHEAD ADVISORY COMMISSION MEETING

HYATT HOTEL
Seattle, Washington
June 14, 1982

- I. Purpose of Meeting Larkins
- II. Introduction of Voting and Larkins
Non-voting Members
- III. Approval of Agenda Larkins
- IV. Operating Procedures --
 - A. Voting Procedures NMFS
 - B. Record Keeping NMFS
 - C. Expense Claims NMFS
 - D. Compliance with FACA NMFS
- V. Election of Chairman Commission
- VI. Responsibilities of the Commission --
 - A. Review of the Act WDF
 - B. Availability of Funds NMFS
 - C. Efforts to Date Morishima
(Reports of Committees)
 - D. Type of Product to be Produced . . . WDF & Morishima
 - E. Staffing and Assignments Commission
 - F. Timetable for Developing a Plan . . Steering Committee
and Submitting it to Secretary
of Commerce
 - G. Enhancement Planning Effort . . . Commission
 - H. Development of Proposals and . . . NMFS
Awarding Contracts
- VII. Frequency of Meetings Commission
- VIII. Time and Place of Next Meeting Commission
- IX. Adjournment

U.S. Department of Commerce
Charter of the
Salmon and Steelhead Advisory Commission

Establishment:

The Salmon and Steelhead Advisory Commission ("the Commission" hereinafter) is established under the authority of, and as directed by Section 110 of the Salmon and Steelhead Conservation and Enhancement Act of 1980 (the "Act"), Public Law 96-561. In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), the Commission is hereby chartered.

Explanation of Terms:

The terms used in this charter shall have the same meanings as are prescribed in the Act.

Objectives and Duties:

1. The Commission shall prepare and send to the Secretary and Congress, in accordance with Section 110(c) of the Act, a comprehensive report containing conclusions, comments, and recommendations for the development of a management structure (including effective procedures, mechanisms, and institutional arrangements) for the effective coordination of research, enhancement, management and enforcement policies for the salmon and steelhead resources of the Columbia River and Washington conservation areas, and for the resolution of disputes between management entities that are concerned with stocks of common interest. The principal objectives of, and the standards for, the management structure shall include, but not be limited to:
 - (a) the development of common principles to govern and coordinate effectively management and enhancement activities;
 - (b) the prevention of overfishing;
 - (c) the use of the best scientific information available;
 - (d) the consideration of, and allowance for, variations among, and contingencies in, fisheries and catches;
 - (e) the promotion of harvest strategies and regulations which will encourage continued and increased investment by the salmon and steelhead producing jurisdictions;
 - (f) the optimization of the use of resources for enforcement;
 - (g) the consideration of harvest activities as they relate to existing and future international commitments;

- (h) the minimization of costs and the avoidance of unnecessary duplication; and
- (i) the harvest of fish by treaty tribes, in accordance with treaty rights, unless agreed otherwise by the affected treaty tribes.

2. The Commission shall function solely as an advisory body, and will comply fully with the provisions of the Federal Advisory Committee Act.

Members and Chairperson:

1. The Commission shall consist of 12 members (6 voting and 6 nonvoting). Voting members shall be one from each of the following: (a) the State of Washington; (b) the State of Oregon; (c) the Washington tribal coordinating body; (d) the Columbia River tribal coordinating body; (e) the Pacific Fishery Management Council; and (f) the National Marine Fisheries Service.
2. The voting members shall be appointed by the Secretary from a list of qualified individuals submitted by the Governor of each applicable State, by each appropriate tribal coordinating body, and by the Pacific Fishery Management Council, based on the individual's knowledge with regard to the management, conservation, or harvesting of the salmon and steelhead resources of the conservation areas. The member from the National Marine Fisheries Service (NMFS) shall be the NMFS Northwest Regional Director or his designee. Successors to these original members shall be appointed in the same manner.
3. The nonvoting members shall also be appointed by the Secretary. In accordance with the Act, 5 of the nonvoting members shall be knowledgeable with regard to the management, conservation, or harvesting of the salmon and steelhead resources of the conservation areas. The sixth nonvoting member shall be the Northwest Regional Director of the U.S. Fish and Wildlife Service or his designee.
4. Subject to the continued existence of the Commission, the members will be appointed for a two-year term and will serve at the discretion of the Secretary. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy.
5. The Chairperson of the Commission shall be selected from among the voting members by majority vote of the voting members present and voting.

Administrative Provisions:

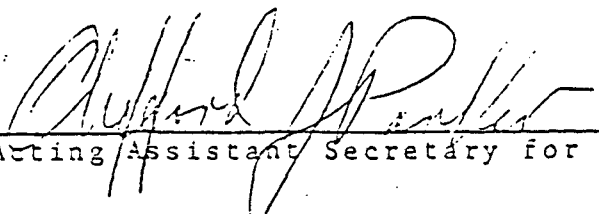
1. The Commission shall report to the Secretary of Commerce through the Administrator, National Oceanic and Atmospheric Administration (NOAA).
2. The Commission shall meet as often as necessary to perform its functions and at the call of the Chairperson. A majority of the voting members shall constitute a quorum.
3. The Commission shall submit no report, or revision thereto, to the Secretary for approval unless the report or revision is approved by all of the voting members of the Commission.
4. Commission decisions, except for approval of final report, shall be determined by majority vote.
5. The National Marine Fisheries Service shall provide such clerical and technical support as may be necessary to enable the Commission to carry out its functions.
6. Members of the Commission (other than those who are full-time employees of Federal or State government), while away from their homes or regular places of business for purposes of carrying out their duties as members, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons intermittently employed in Federal government service.
7. The annual cost of operating the Commission is estimated at \$120,000. This includes 3 person-years of staff support.
8. The Commission may establish such subcommittees or working groups of its members as may be necessary, subject to the provisions of the Department of Commerce Committee Management Handbook (Part II, Chapter 1, Section E) and the approval of the Administrator, NOAA.

Duration:

1. The Act provides that unless otherwise agreed to by the voting members of the Commission and approved by the Secretary, the Commission shall terminate upon the Secretary's approval of the Commission's report.
2. Unless the Commission has earlier so terminated, this charter shall expire on December 22, 1982, as provided by Section 14(b)(2) of the Federal Advisory Committee Act.

APR 23 1981

DATE


Acting Assistant Secretary for Administration

Pursuant to subsection 9(c) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), this charter was filed with the Assistant Secretary for Administration on April 23, 1981. On the same date, copies were filed with the following committees of Congress, and a copy was furnished the Library of Congress:

- Senate Committee on Commerce, Science and Transportation
- House Committee on Merchant Marine and Fisheries
- Senate Committee on Environment and Public Works
- House Committee on Interior and Insular Affairs
- Senate Committee on Appropriations
- House Committee on Appropriations
- House Committee on Energy and Commerce

4/27/81

Date

Marilyn S. McLennan
Marilyn S. McLennan, Chief
Information Policy Division
Office of Organization and
Management Systems

M E M O R A N D U M

TO: Steering Committee

FR: Chairmen, Ad-Hoc Work Teams For PL96-561 Implementation

DATE: April 12, 1982

We have recently learned that the Congress has made one million dollars available to provide financial support for the completion of the coordinated management report and the comprehensive enhancement plans for the Columbia River and Washington Conservation Areas as required by the Salmon and Steelhead Conservation and Enhancement Act of 1980 (SSCEA). Because the salmon and steelhead resources of the Pacific Northwest pass through many different political jurisdictions during their migratory journeys, they have long suffered from the notable absence of a common and consistent management rationale.

Given the present fiscal climate, it is extremely important that the necessary planning under the SSCEA be completed so that the limited funds available for management can be most productively utilized. While the \$1 million presently available is clearly insufficient to develop acceptable solutions to all the difficult problems which have confronted management entities for decades, it is vital that these funds be prudently and efficiently employed to address the most troublesome areas of concern.

Our past experience has proven that certain key individuals who are already over-burdened with other pressing responsibilities are commonly assigned to serve on short-term, interagency teams such as those created for implementation of the SSCEA. Consequently, there has been a marked tendency for planning and coordination efforts to be given a lower priority than other duties. Unfortunately, the ultimate result is that business continues as usual.

If the necessary measures to effectively coordinate the efforts of the many management entities are ever to be developed, we cannot afford to allow this pattern to be repeated. The Steering Committee should give very serious consideration to finding a way to provide sufficient financial resources to support the activities of certain individuals who would be assigned primary staff-type responsibilities for implementation of the SSCEA.

It is our understanding that individual agencies and work teams are presently in the process of preparing preliminary budget estimates for their participation. While such efforts are both necessary and valuable, the budgets prepared from the narrow perspective of a single agency or work team must somehow be carefully integrated into a unified and comprehensive approach. We urge the Steering Committee not to get caught in the trap of allocating funds solely on the basis of the amount each participating entity believes to be its fair entitlement and instead take the responsibility to carefully evaluate needs in light of the end products that must be produced.

We share a common sense of a need for the Steering Committee to provide greater direction and establish priorities for the responsibilities for each of our work teams, especially given the rather bleak prospects for obtaining additional funds for long-overdue planning efforts. We would be pleased to discuss these important matters with you at your earliest convenience.

Gary S. Morishima
Management Principles

Fred Olney
Coordinated
Research

Ed Manary
Institutional
Arrangements

COLUMBIA RIVER FISHERIES COUNCIL
LAW ENFORCEMENT COMMITTEE

(206) 527-6133
FTS: 446-6133



OREGON
STATE
POLICE

MAY 21 1982



WASHINGTON
DEPARTMENT
OF FISHERIES

To : Gary Morishima and Bill Wilkerson
Steering Committee Co-Chairman (SSAC)

From: Wayne C. Lewis



WASHINGTON
DEPARTMENT
OF GAME

Subj: Enforcement Group Activities

The initial meeting of the Ad-Hoc Enforcement Working Group was held on October 29, 1981. At that time it was agreed that with the addition of Dave Wilbur (NWIFC), the Group work within the framework of the already existing Columbia River Law Enforcement Committee. Since that time, necessary business of the Group has been conducted at all monthly meetings. This has consisted of keeping members up to date on the progress of implementation and the development of a proposal for enforcement funding. In that regard the first submission was not accepted and a revised proposal is presently being drafted for resubmission.



IDAHO
DEPARTMENT
OF FISH & GAME



NATIONAL
MARINE
FISHERIES
SERVICE



U.S. FISH
& WILDLIFE
SERVICE


Wayne C. Lewis



COLUMBIA RIVER
INTER-TRIBAL
FISH COMMISSION

66.

M E M O R A N D U M

TO: SALMON & STEELHEAD ADVISORY COMMISSION

FR: Gary Morishima, Chairman, Management Principles Work Team

RE: Status Report

DATE: May 19, 1982

Work Team Members: Gary Morishima, Washington Tribal Coordinating Body
Pete Bergman, Washington Department of Fisheries
Bob Gunsolus, Oregon Department of Fish & Wildlife
John Coon, Idaho Department of Fish & Game
Paul Handy, U.S. Fish & Wildlife Service
Bob Ayers, National Marine Fisheries Service
Jean Edwards/Phil Roger, Columbia River Tribal Coordinating Body
Jim Johnston, Washington Department of Game
Lorry Nakatsu, Pacific Fishery Management Council

Task Definition:

The purpose of the Management Principles Work Team is to identify alternative sets of management principles which could be applied within the territorial jurisdiction of each participating management entity to assure coordinated management of the resource. Each set of management principles must meet the following standards:

1. The prevention of overfishing;
2. The use of the best scientific information available;
3. The consideration of, and allowances for, variations among, and contingencies in fisheries and catches;
4. The promotion of harvest strategies that will encourage continued and increased investment by the salmon and steelhead producing jurisdictions;
5. The consideration of harvest activities as they relate to existing and future international commitments;
6. The harvest of fish by treaty tribes, in accordance with treaty rights, unless otherwise agreed by the affected treaty tribes; and
7. Not diminish Federal, State or Tribal jurisdiction in the fields of resource enhancement or management.

Organization:

Two meetings of the work team were held during the fall. Chronic management problems were identified from the perspectives of the participating entities. These problems can be classified in three major areas:

1. Resource Production. Balancing production of hatchery and wild runs. The relationships of enhancement activities to harvest management. Interagency coordination, production controls and financing.
2. Freshwater and Marine Habitat Problems. Coordination of efforts of many agencies; water use conflicts; dam passage.

3. Harvest Management. Fragmented jurisdictions, overlapping responsibilities, regulatory/planning processes, catch reporting systems, fishing mortalities, enforcement, risk assessment, and uncertainty in resource distribution and fishing patterns.

A variety of information sources were reviewed in connection with the work team's efforts, including reports prepared by the Scientific and Statistical Committee and the Salmon Plan Development Team of the PFMC, the Lokken Committee report, and others.

No attempt was made to develop sets of management principles. Potential overlaps with the responsibilities of other work teams are apparent. Work team efforts were hindered by the lack of consistent representation at the two sessions. Personnel changes will necessitate reconsideration of work team members.



STATE OF WASHINGTON
DEPARTMENT OF FISHERIES

115 General Administration Building • Olympia, Washington 98504 • (206) 753-666

May 25, 1982

M E M O R A N D U M

TO: Dr. Gene Kruse

FROM: Edward P. Manary (E)

SUBJECT: Institutional Arrangements Working Group/Salmon-Steelhead Conservation and Enhancement Act of 1980 (PL 96-561)

The Institutional Arrangements Sub-Committee has had one meeting since its creation. The meeting took place in Olympia, Washington.

Basically, the meeting was for the purpose of trying to get organized so that identification of problem areas could be addressed.

During the course of the meeting, agreement was reached that none of the management agencies which presently exist should be asked to relinquish any of this authority.

The chairman, Ed Manary, requested each of the members present to submit a listing of those problem areas which need to be addressed by the Committee.

To date, only limited input has been received and basically, the Committee is on hold, awaiting direction from the steering committees.

EPM:ag

8.

SALMON AND STEELHEAD ADVISORY COMMISSION

MEMBERSHIP LIST

Voting Members

Representing

Jerry Conley	Pacific Fishery Management Council
Jack Donaldson	Oregon Department Fish and Wildlife
H. A. Larkins	National Marine Fisheries Service
Gary Morishima	Washington Tribal Coordinating Body
Rolland Schmitten	Washington Department of Fisheries
Bill Yallup	Columbia River Inter-Tribal Coordinating Body

Non-Voting Members

B. M. Bakke	---
Joe Blum	(Designated Representative-U.S. Fish and Wildlife Service)
John Harville	---
Frank Lockard	---
Gary Peterson	---
Richard Whitney	---

9.

INITIAL BUDGET ESTIMATES FROM AGENCIES

Columbia River Inter-Tribal Fish Commission	\$ 413,000
Washington Department of Fisheries	47,000
National Marine Fisheries Service	79,000
Columbia River Law Enforcement	150,000
Washington Tribal Coordinating Body	653,000
Oregon Department of Fish and Wildlife	<u>103,000</u>
	\$1,445,000

COMCENTRE/FILE/DIARY/CIRC/DIV

MESSAGE

FILE DOSSIER

SECURITY SECURITÉ

UNCLASSIFIED

ORIG. NO.

DEPT MIN. PLACE LIEU No D'ORIG.
FM EXTOTT LA00846 24JUN82

DATE

PRECEDENCE

JUN 25 14 35 '82

From

To

Info

Distr

Ref

Subj

TO WSHDC SEATL LNGLS SFRAN

INFO ~~EXT~~ FANDOOTT/CAMPBELL/HUNTER/H.SMI

DISTR GNG

---PACIFIC SALMON-NEGOTIATORS REPORT

JOINT REPORT OF NEGOTIATORS FINALIZED 22JUN AND BEING SENT UNDER

COVER OF PRIVATE LETTERS TO SSEA AND MIN FANDO.TEXT OF REPORT AND

LETTER BEING BAGGED TO ALL ADDRESSEES.REPORT AND ANNEX(TEXT OF AGREEMENT)ARE PUBLIC DOCUMENTS.LETTER IS FOR OFFICIAL USE ONLY.

2.FOR WSHDC GRATEFUL YOU PASS COPY OF SHEPARD LETTER TO DAWSON

(STATE OES)AND REIFSNYDER(NMFS).PLEASE ALSO INFORM DAWSON AND

REIFSNYDER THAT WE INTEND TO PROPOSE TO MINISTERS THAT PRESS RELEASE

ALONG FOLLOWING LINES BE ISSUED:

QUOTE THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS AND THE MINISTER

OF FISHERIES AND OCEANS ANNOUNCED TODAY THAT THEY HAD REVIEWED

AND ACCEPTED THE JOINT RECOMMENDATIONS OF THE CANADIAN AND U.S.

NEGOTIATORS WHO HAVE BEEN WORKING TO DEVELOP AN AGREEMENT ON PACIFIC

SALMON SINCE THEIR LAST REPORT IN JUNE,1981.(PARA)BOTH MINISTERS

HAVE EXPRESSED PLEASURE WITH THE PROGRESS THAT HAS BEEN ACHIEVED

AS REPRESENTED BY THE TEXT OF A DRAFT FRAMEWORK AGREEMENT.MR.

LEBLANC EXPRESSED THE VIEW THAT AN AGREEMENT ALONG THE LINES

PROPOSED BY THE NEGOTIATORS WOULD BE AN IMPORTANT TOOL IN RESTORING

DEPLETED SALMON STOCKS IN BOTH COUNTRIES AND IN ENSURING THAT THE

...2

M.HUNTER/es

INTERNATIONAL

5-2186

001712

ACC	212203	DATE	820708
FILE	25-5-7-2	DOSSIER	Salmon

PAGE NO.

ORIG. NO. N° D'ORIG.

CLASSIFICATION

PAGE TWO LA00846 UNCLAS

BENEFITS FROM EACH COUNTRY'S TOTAL SALMON PRODUCTION ARE FAIRLY SHARED.(PARA)BOTH MINISTERS NOTED THE SIGNIFICANCE OF THE RECOMMENDATION TO ESTABLISH A PACIFIC SALMON COMMISSION, A FORUM WHERE U.S. AND CANADIAN FISHERY MANAGERS WOULD CONSULT ON ISSUES RELATED TO THE AGREEMENT,AND THE FORUM WITHIN WHICH THE ANNUAL NEGOTIATION OF FISHERY REGIMES REGULATING THE EXTENT OF INTERCEPTION BY BOTH COUNTRIES WOULD BE CONDUCTED.(PARA)THE MINISTERS ENDORSED THE NEGOTIATORS RECOMMENDATION THAT A WORKING GROUP BE ESTABLISHED TO UNDERTAKE A NUMBER OF TASKS WITH A VIEW TO PREPARING A COMPLETE DOCUMENT SETTING OUT ALL ASPECTS OF THE PROPOSED AGREEMENT FOR REVIEW BY THE CANADIAN AND U.S. GOVERNMENTS IN DECEMBER,1982 AND FOR IMPLEMENTATION PRIOR TO THE 1983 FISHING SEASON.THE FOLLOWING TASKS WERE IDENTIFIED AS BEING ESSENTIAL TO ALLOW FULL CONSIDERATION BY THE GOVERNMENTS:(1)DEVELOPMENT OF AGREED FISHERY MANAGEMENT PLANS FOR INTERCEPTING FISHERIES FOR 1983 AND 1984;(2)AGREEMENT ON ARRANGEMENTS FOR THE TRANSFER OF MANAGEMENT AUTHORITY FROM THE EXISTING INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION TO CANADA AND TO THE NEW PACIFIC SALMON COMMISSION;(3)PREPARATION OF PROPOSALS FOR INCREASED RESEARCH ON THE EXTENT OF SALMON INTERCEPTIONS;AND(4) DEVELOPMENT OF ARRANGEMENTS FOR THE YUKON RIVER.(PARA)FINALLY,THE MINISTERS EXPRESSED THEIR SATISFACTION WITH THE RESULTS OF THE INTERIM ARRANGEMENTS FOR THE 1981 FISHING SEASON AND THEIR SUPPORT FOR THE ARRANGEMENTS AGREED UPON FOR THE 1982 SEASON.THEY STRESSED ...3

PAGE NO.

ORIGIN OF TOPIC

DATE OF REVISION

PAGE THREE LA00846 UNCLAS

THAT THE 1982 ARRANGEMENTS, WHILE MORE EXTENSIVE AND DIFFICULT THAN
THOSE OF 1981, WILL BE OF PARTICULAR SIGNIFICANCE IN DETERMINING THE
SUCCESS OF THE NEGOTIATIONS AS THEY MOVE INTO THE FINAL STAGES.
UNQUOTE.

SECURITY DOCUMENT

UNCLASSIFIED

DELBY 090023

FROM EXTOTT/LAO 822 OF JUNE 22

TO WASHDC

INFO FANDOOT / HUNTER / STANFIELD

DISTR GNG, TWR

---SALMON TAGGING NORTH B.C.

ACC	212012	REF	DATE	800708
FILE	25-5-7-2-	ROSSIER	ALMON	

TO ALLOW NORTH COAST COOPERATIVE SALMON TAGGING PROJECT TO PROCEED AS PLANNED AND CONDUCT LIMITED TAGGING OPERATIONS IN SOUTHERN ALASKAN WATERS, WE ARE REQUIRED TO SEEK PERMISSION FROM U.S. AUTHORITIES. IN THIS REGARD PLEASE FORWARD FOLLOWING LETTER ASAP TO WILLIAM ERB, DEPT OF STATE RM 5801 QUOTE DEAR MR ERB AS YOU OUTLINED IN YOUR TELCON WITH MR STANFIELD OF THE DEPT OF FISHERIES AND OCEANS ON JUNE 22, A CERTAIN AMOUNT OF INFORMATION IS REQUIRED BY U.S. AUTHORITIES TO PERMIT ENTRY OF CDN VESSELS INTO ALASKAN WATERS FOR THE PURPOSE OF THE CDN AND U.S. SALMON TAGGING PROGRAM. THIS INFORMATION FOLLOWS.

WE ARE SEEKING PERMISSION FOR THE ENTRY OF CDN VESSELS INTO ALASKAN WATERS WITHIN THE CONTEXT OF THE NORTH COAST SALMON TAGGING PROJECT. THIS IS A LARGE SCALE SALMON TAGGING OPERATION CONDUCTED IN PARALLEL BY CDA AND THE U.S. IN NORTHERN B.C. AND SOUTH EASTERN ALASKA. ITS OBJECTIVE IS TO IMPROVE ESTIMATES OF

MAX STANFIELD FANDO/INTERNATL

5-2191

62643

001715

PAGE 2

THE NUMBERS OF SALMON OF U.S. AND CDN ORIGIN IN THE FISHERIES IN THE BOUNDARY AREA. TAGGING WILL TAKE PLACE IN ALASKAN STATISTICAL ZONES 101, 102 and 103. THE FOUR CDN VESSELS WHICH WILL BE INVOLVED IN THE TAGGING WILL COMMENCE OPERATIONS IN MID JULY AND CONTINUE OPERATIONS UNTIL THE END OF AUGUST; EACH VESSEL WILL MAKE THREE TRIPS INTO ALASKAN WATERS.

AS YOU WILL BE AWARE THE PROJECT IS BEING CONDUCTED IN CLOSE COOPERATION WITH FISHERY OFFICIALS IN ALASKA AS FORESEEN IN THE INTERIM ARRANGEMENTS ON SALMON INTERCEPTIONS OF JUNE 1981. THE FOLLOWING INDIVIDUAL IS OUR PRINCIPAL CONTACT IN ALASKA MEL SEIBEL, ALASKA DEPT OF FISH & GAME, 230 SOUTH FRANKLIN ST. SUITE 301 JUNEAU.

DETAILS ON THE FOUR CDN VESSELS ARE AS FOLLOWS:

1) OCEAN AGGRESSOR

OWNER AGGRESSIVE FISHERY CO. LTD. 4557 SAVOY ST. DELTA B.C.

CAPTAIN JOHN KROVITCH

CFV 20412 (CANADIAN FISHING VESSEL LICENCE NUMBER)

RADIO CALL SIGNAL (RCS) VZ 2475

B.C. TEL N 111 358

STANDBY CHANNEL (SBC) VHF 78-A

2) MISTY MORN

OWNER ROE OMICRON CO. LTD. 2230 GRAHAM AVE. PRINCE RUPERT
B.C.

PAGE 3 ORIGINAL FROM

CAPTAIN GEORGE WARNER

CFV 21679

(RCS) CY 5674

B.C. TEL N 116431

(SBC) VHF 6

3) LESLIE ELLEN

OWNER & CAPTAIN MEL HOLKESTAD 744 ALFRED ST. PRINCE RUPERT
B.C.

CFV 21487

(RCS) CZ 4107

B.C. TEL N 111185

(SBC) VHF 78-A

4) GOLDEN CHALICE

OWNER R.H. FISHING LTD. 2232 GRAHAM PRINCE RUPERT B.C.

CAPTAIN RICK HAUGEN

CFV 20428

(RCS) TZ4082

B.C. TEL N110980

(SBC) VHF 6 & 78-A

YOUR EARLY REPLY TO THIS REQUEST FOR ACCESS TO UNITED
STATES WATERS WOULD BE APPRECIATED.

YOURS SINCERELY END QUOTE

PLEASE PROVIDE COPY OF LETTER TO DAN RIEFSYNDER N.M.F.S.

LAO/H. Strauss/6-2643/mm

s.23

DMT (through LAP)

CONFIDENTIAL

LAO

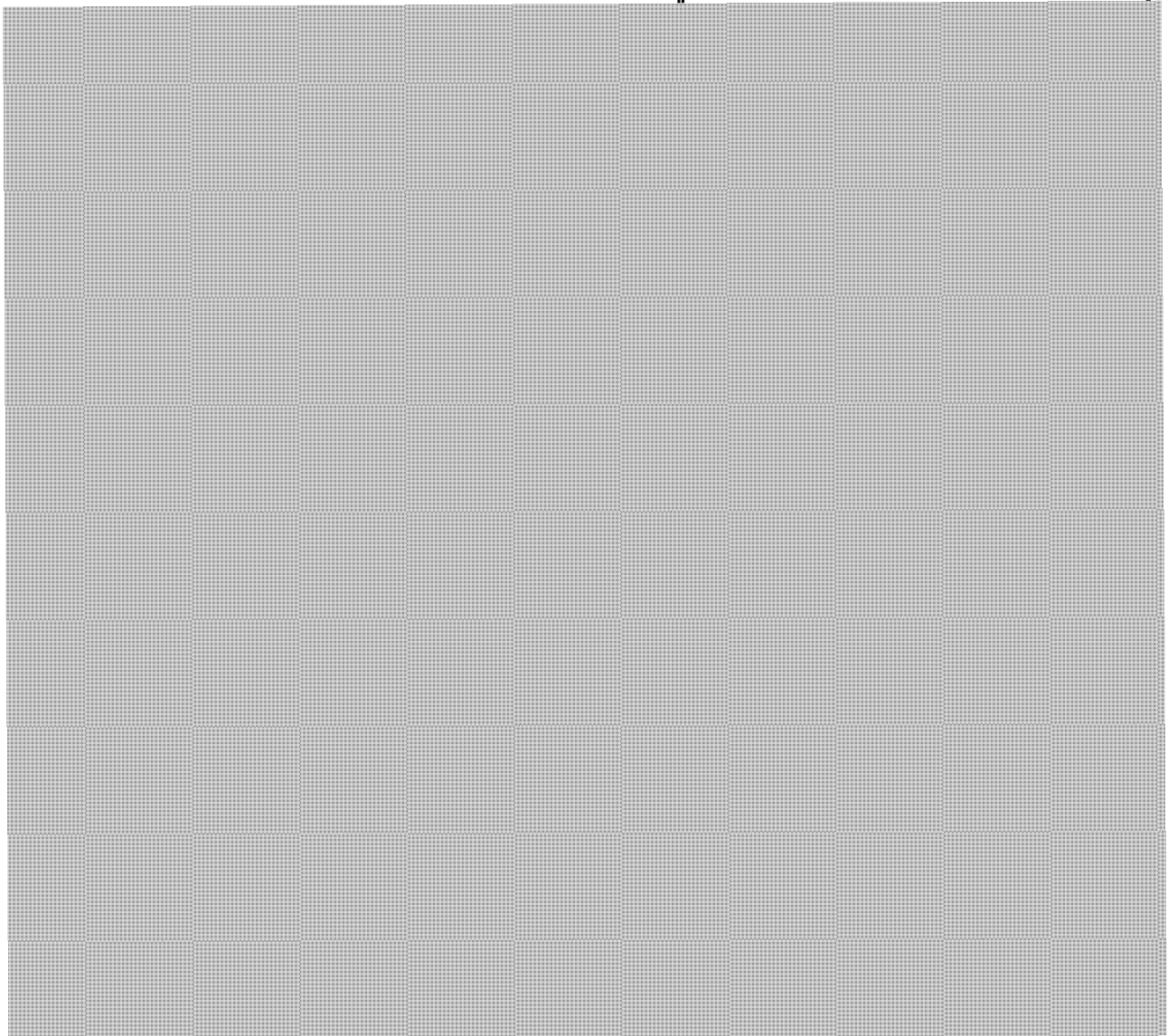
June 9, 1982

LAO-739

CANADA/USA PACIFIC SALMON ARRANGEMENT

208124
25-5-7-2 - SALMON-1

UAL
GNP
GNG
TWP
TWR
ETP
ETA
PTE



Original Signed by
L. S. CLARK
Original signé par
L. S. Clark
Director
Legal Operations Division

001718



Government
of Canada

Gouvernement
du Canada

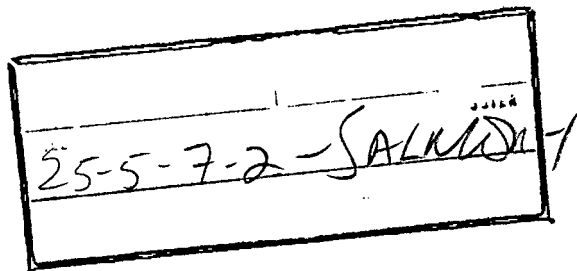
Industry, Trade
Commerce

Industrie
et Commerce

H. Stephens 1400

For your info.

J. Saint-Jarvis



Canada

001719

CFR Part 74

[Gen. Docket No. 81-272; RM-2667]

Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services; Amendment of the Commission's Rules To Make a Certain MHz Band Available for Television Pickup on a Secondary Basis to the Local Television Transmission Service; Correction

Released: June 1, 1982.

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule which appeared at page 955 in the Federal Register of Friday, January 8, 1982, (47 FR 953) which contained amendments to certain MHz bands available for television pickup on a secondary basis to the local TV transmission service. This action is necessary to reinstate two frequency bands which were inadvertently omitted from the list in § 74.602.

FOR FURTHER INFORMATION CONTACT: Maureen Cesaitis, Spectrum Utilization Branch, Spectrum Management Division, Office of Science and Technology, (202) 653-8164.

SUPPLEMENTARY INFORMATION: In the Matter of Amendment of Part 2 of the Commission's Rules governing Frequency Allocations, Part 21 of the Commission's Rules governing Domestic Public Fixed Radio Service, and Part 74 of the Commission's Rules governing Experimental, Auxiliary, and Special Broadcast Services to make the 6425-6526 MHz band available for Television Pickup on a secondary basis to the Local Television Transmission Service.

1. On January 8, 1982, the Commission released a Report and Order in the aforementioned proceeding. Two frequency bands were accidentally omitted from paragraph C of Appendix B.

2. Accordingly, the Federal Communications Commission is correcting 47 CFR 74.602(a) to read as follows:

§ 74.602 Frequency assignment.

(a) * * *

Band B	
MHz	
6425-6450 ³	6950-6975
6450-6475 ³	6975-7000
6475-6500 ³	7000-7025
6500-6525 ³	7025-7050
6875-6900	7050-7075
6900-6925	7075-7100
6925-6950	7100-7125

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-15641 Filed 6-7-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 371

Fraser River Sockeye and Pink Salmon Regulations

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

ACTION: Notice of final rule.

SUMMARY: NOAA issues this notice of final rule to reprint in the Federal Register the International Pacific Salmon Fisheries Commission's 1982 regulations, which implement the Convention for Protection, Preservation, and Extension of the Sockeye Salmon and Pink Salmon Fisheries of the Fraser River System between the United States and Canada (Convention). This notice and reprinting discharges a foreign affairs obligation of the United States. These regulations are necessary to achieve the objectives of the Convention in 1982. The intended effect of the regulations is to ensure adequate escapement of each spawning unit and the equitable division of catch between U.S. and Canadian fishermen. These rules do not apply to Treaty Indians exercising treaty-secured fishing rights at the tribes' usual and accustomed fishing places, who will be fishing under regulations promulgated by the Department of the Interior.

EFFECTIVE DATE: 12:01 a.m. on June 20, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. H. A. Larkins, Regional Director, 7600 Sand Point Way NE, BIN C15700, Seattle, Washington 98115; telephone: 206-527-6150.

SUPPLEMENTARY INFORMATION: On February 25, 1982, the International Pacific Salmon Fisheries Commission (the Commission) forwarded proposed regulations for the 1982 commercial fishing season for sockeye in Convention Waters to the Government of the United States for approval, as required by Article VI of the Convention for Protection, Preservation, and Extension of the Sockeye Salmon and Pink Salmon Fisheries of the Fraser River System (the Convention) between the United States and Canada. The United States has provisionally

approved those regulations, with the exception that the regulations would not apply to Treaty Indians exercising treaty-secured fishing rights at the tribes' usual and accustomed fishing places. Treaty Indian fisheries are regulated by 25 CFR Part 256, published by the Department of Interior.

Regulations for 1982 are similar to regulations adopted by the Commission in previous years to implement the Convention. The regulations for 1981 were published at 46 FR 32868 on June 25, 1981. The 1982 regulations amend the 1981 schedules of fishing by gillnets, purse seines and reef nets to 1982 calendar dates.

The 1982 regulations for sockeye salmon fishing provide for a 7-week season with one day of fishing per week for the all citizen, or non-Indian, fishery. This preseason schedule will undoubtedly be adjusted during the season by the Commission to meet the following paramount objectives of the Convention with Canada: (1) conservation, i.e., escapement through all fisheries of adequate numbers of the various races of salmon for spawning purposes, and (2) equal division of Convention Waters catches between fishermen of the two nations. Such changes in the fishing schedule often occur as the season progresses because preseason estimates of fish abundance (run size), catches, racial compositions of the salmon runs, migration routes, and projected timing of the runs may vary substantially from actual observations during the season.

These regulations for the all-citizen fisheries will be effective in High Seas Convention Waters and in Convention Waters inside the Bonilla Point-Tatoosh Island line. These regulations are necessary to achieve the objectives of the Convention and provide for a rational fishery by U.S. fishermen.

50 CFR Part 371 gives notice of the effectiveness and content of regulations adopted by an international commission and in force for the United States through the operation of the Convention. Reprinting the Commission's regulations in the Federal Register helps fulfill the United States treaty obligation to make the Commission's regulations effective and, as such, involves a foreign affairs function not subject to the requirements of E.O. 12291 or the Regulatory Flexibility Act.

List of Subjects in 50 CFR Part 371

Fish, Fishing, Fisheries, International organizations, Reporting requirements.

Dated: June 2, 1982.

Robert K. Crowell,
Deputy Executive Director, National Marine
Fisheries Service.

PART 371—FRASER RIVER SOCKEYE AND PINK SALMON REGULATIONS

50 CFR Part 371 is amended as
follows:

1. The authority citation for Part 371
reads as follows:

Authority: Sockeye Salmon or Pink Salmon
Fishing Act of 1947, 18 U.S.C. 776-776f.

2. Section 371.9 and Appendix A are
revised to read as follows:

§ 371.9 Commission regulations.

Appendix A sets forth regulations of
the Commission for the 1982 fishing
season. These regulations, as may be
modified from time to time by
emergency orders of the Commission
and disseminated under § 371.6 of this
part, are the "Regulations of the
Commission," violation of which is
unlawful under the Act.

Appendix A—International Pacific Salmon Fisheries Commission Regulations

1. No person shall fish for sockeye or pink
salmon with nets from the 20th day of June,
1982 to the 24th day of July, 1982, both dates
inclusive.

2. (1) No person shall fish for sockeye or
pink salmon with purse seines in Puget Sound
Salmon Management and Catch Reporting
Areas 4B, 5, 6, 6A, 6C, 7, 7A, 7B and 7D:

(a) From the 25th day of July, 1982 to the
14th day of August, 1982, both dates
inclusive, except from five o'clock in the
forenoon to half past nine o'clock in the
afternoon of Monday of each week; and

(b) From the 15th day of August, 1982 to the
11th day of September, 1982, both dates
inclusive, except from five o'clock in the
forenoon to nine o'clock in the afternoon of
Monday of each week.

(2) No person shall fish for sockeye or pink
salmon with reef nets in the waters described
in subsection (1) of this section:

(a) From the 25th day of July, 1982 to the
31st day of July, 1982, and from the 8th day of
August, 1982 to the 14th day of August, 1982,
all dates inclusive, except from seven o'clock
in the forenoon to half past nine o'clock in
the afternoon of Sunday of each week; and

(b) From the 1st day of August, 1982 to the
7th day of August, 1982, both dates inclusive,
except from seven o'clock in the forenoon to
eight o'clock in the afternoon of Sunday; and

(c) From the 15th day of August, 1982 to the
21st day of August, 1982, and from the 29th
day of August, 1982 to the 4th day of
September, 1982, all dates inclusive, except
from six o'clock in the forenoon to half past
seven o'clock in the afternoon of Sunday of
each week; and

(d) From the 22nd day of August, 1982 to
the 28th day of August, 1982, and from the 5th
day of September, 1982 to the 11th day of
September, 1982, all dates inclusive, except
from seven o'clock in the forenoon to nine

o'clock in the afternoon of Sunday of each
week.

(3) No person shall fish for sockeye or pink
salmon with gill nets in the waters described
in subsection (1) of this section:

(a) From the 25th day of July, 1982 to the
31st day of July, 1982, and from the 8th day of
August, 1982 to the 14th day of August 1982,
all dates inclusive, except from seven o'clock
in the afternoon of Monday to half past nine
o'clock in the forenoon of Tuesday of each
week; and

(b) From the 1st day of August, 1982 to the
7th day of August, 1982, both dates inclusive,
except from seven o'clock in the afternoon of
Sunday to half past nine o'clock in the
forenoon of Monday; and

(c) From the 15th day of August, 1982 to the
21st day of August, 1982, and from the 29th
day of August, 1982 to the 4th day of
September, 1982, all dates inclusive, except
from six o'clock in the afternoon of Sunday to
nine o'clock in the forenoon of Monday of
each week; and

(d) From the 22nd day of August, 1982 to the
28th day of August, 1982, and from the 5th
day of September, 1982 to the 11th day of
September, 1982, all dates inclusive, except
from six o'clock in the afternoon of Monday
to nine o'clock in the forenoon of Tuesday of
each week.

3. No person shall fish for sockeye or pink
salmon with commercial trolling gear in the
waters of Puget Sound Salmon Management
and Catch Reporting Areas 4B, 5 and 6C from
the 25th day of July, 1982 to the 11th day of
September, 1982, both dates inclusive, except
from Monday through Friday of each week on
those days when purse seine fishing is
permitted within that area.

4. No person shall fish for sockeye or pink
salmon with nets in that portion of Puget
Sound Salmon Management and Catch
Reporting Area 7B easterly of a line drawn
from the southern tip of Lummi Peninsula,
thence to the northwestern tip of Portage
Island, thence following the westerly
shoreline of Portage Island to the highest
promontory of Point Frances, thence in a
straight line to the red buoy at the northern
end of Eliza Island, thence in a straight line to
the northern tip of Eliza Island, thence along
the eastern shoreline of Eliza Island to Eliza
Rock Light, thence in a straight line to the
northern tip of Vendovi Island, thence
following the established boundary of Area
7B to March Point on Fidalgo Island, except
for those sockeye or pink salmon taken in gill
nets having mesh of not less than 7½ inches
as authorized for the taking of chinook
salmon by the Director of Fisheries of the
State of Washington, from the 25th day of
July, 1982 to the 4th day of September, 1982,
both dates inclusive.

5. (1) No person shall fish for sockeye or
pink salmon with nets in that portion of the
waters described in subsection (1) of section
2 lying northerly and westerly of a straight
line drawn from Iwersen's Dock on Point
Roberts in the State of Washington to
Georgina Point Light at the entrance to Active
Pass in the Province of British Columbia from
the 29th day of August, 1982 to the 4th day of
September, 1982, and from the 3rd day of
October, 1982 to the 9th day of October, 1982,
all dates inclusive.

(2) No person shall fish for sockeye or pink
salmon with nets in that portion of the waters
described in subsection (1) of section 2 lying
westerly of a straight line drawn from the low
water range marker in Boundary Bay on the
International Boundary through the east tip of
Point Roberts in the State of Washington to
the East Point Light on Saturna Island in the
Province of British Columbia from the 5th day
of September, 1982 to the 2nd day of October,
1982, both dates inclusive.

6. The foregoing recommended regulations
shall not apply to the following waters:

(1) Puget Sound Salmon Management and
Catch Reporting Areas 6B, 6D and 7C.

(2) Preserves previously established by the
Director of Fisheries of the State of
Washington for the protection of other
species of food fish.

7. All times hereinbefore mentioned shall
be Pacific Daylight Savings Time.

[FR Doc. 82-15490 Filed 6-7-82; 4:33 pm]

BILLING CODE 3510-22-M

50 CFR Part 674

High Seas Salmon Fishery Off Alaska

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

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce
issues this notice of closure of the
Southeast Alaska commercial salmon
fishery in the fishery conservation zone
for ten days, beginning at 12:01 a.m. June
7 local time and continuing through 11:59
p.m., June 16, 1982. The closure is
necessary to conserve chinook salmon
stocks that contribute to the Alaska,
Oregon, and Washington salmon
fisheries. This closure complements an
identical closure in Alaska territorial
waters, and coordinates with a similar
closure in the Canadian fishery zone.

DATE: This notice is effective from 12:01
a.m., Pacific Daylight Time (P.d.t.), June
7, 1982, until 11:59 p.m., (P.d.t.), June 16,
1982.

FOR FURTHER INFORMATION CONTACT:
Robert W. McVey, 907-586-7221.

SUPPLEMENTARY INFORMATION: Salmon
fishing in the fishery conservation zone
(FCZ) off Alaska is managed under the
Fishery Management Plan for the High
Seas Salmon Fishery off the Coast of
Alaska East of 175° East Longitude
(FMP), developed by the North Pacific
Fishery Management Council (Council)
and implemented by NOAA through
regulations appearing at 50 CFR part 674
(46 FR 33041, June 26, 1981; 46 FR 57299,
November 23, 1981). Section 674.23
describes procedures to adjust seasons
and areas through field orders. The
Council and Alaska State Board of
Fisheries (Board) have jointly

Ms cc Strauss
File Alaska E. Z yblat



Official Business

Alaska State Legislature

Senate

Copy to [unclear] [unclear]

To: Mr. Shinnars

June 8, 1982

June 8, 1982

215 751 8207300
25-5-7-2-SALMON-1

C. W. Shinnars, Director General
Pacific Region, Fisheries
1090 West Pender Street
Vancouver, B. C.
V6E 2P1

Dear Mr. Shinnars:

Thank you for the letter outlining Canada's chinook salmon conservation and enhancement program. This information was most informative and will be helpful as other fisheries issues arise.

The resolution you mentioned resulted from Alaskan fishermen seeking to curtail further reductions in their allowable harvest of chinook salmon. There is concern over the management of the entire fishery on the west coast of North America and the Japanese high sea interception of salmon. Accordingly, the Resolution you mentioned was introduced in the Legislature as were several resolutions addressing the fishermen's other concerns.

The State of Alaska has a large financial commitment to fisheries rehabilitation since it is a large portion of our state's economy. We have been and will continue to be very supportive of fisheries by constructing hatcheries, a seafood marketing program, monitoring development projects and their impacts and other appropriate activities.

We certainly appreciate your taking the time to supply the Legislature with this information on Canada's programs and are taking the liberty of forwarding a copy to the Governor of Alaska and fishermen's organizations. We look

please
copy to
CON
CON
Pouch V
State Capitol
Juneau, Alaska 99811
Mike Hunter
July 2/82

Senate (Floor)

C. W. Shinnors

-2-

June 8, 1982

forward to a continuation of the excellent relationship with Canada and co-operative efforts on fisheries and other issues.

Sincerely,


Jay Kerttula
Senate President

Bettye Fahrenkamp
Chairman, Senate Resources

cc: The Honorable Jay Hammond, Governor
The Honorable Robert Ziegler, Senator
Alaska Trollers Association
United Fishermen of Alaska

TRANSMITTAL AND RECEIPT NOTE — NOTE D'ENVOI ET DE RÉCEPTION

The Canadian Consulate, SEATTLE

TO
AWITH ATTACHMENT(S) / AVEC ANNEXE(S)
UNCLASSIFIED
WITHOUT ATTACHMENT(S) / SANS ANNEXE(S)NO. **LAO-964** DATE **14/7/82**

QUANTITY QUANTITÉ	DESCRIPTION — DESCRIPTION	REFERENCE — RÉFÉRENCE
1	copy of letter to Mr. Shinnars on chinook salmon	

RECEIPT ACKNOWLEDGED / ACCUSER RÉCEPTION

RETURN TO / RETOURNER À

DATE

SIGNATURE

TRANSMITTAL AND RECEIPT NOTE - NOTE D'ENVOI ET DE RÉCEPTION

TO
À

EXTOTT/LAO/STRAUSS

NO.

DATE

June 27/82

QUANTITY
QUANTITÉ

DESCRIPTION - DESCRIPTION

REFERENCE - RÉFÉRENCE

1

Ocean Salmon Fisheries Off the Coasts of
California, Oregon and WashingtonFederal Register, Volume 47,
No. 107, Thursday, June 3

please copy to
OFO/Hunter
and file
HS

820618

FILED	CLASSIFIED
25-5-7-2-SALMON-1	

LAG

B. Dickson

RECEIPT ACKNOWLEDGED / ACCUSER RÉCEPTION

RETURN TO / RETOURNER À

CDNEMB/Washington

DATE

SIGNATURE

The lands continue to be withdrawn from the remaining general public land including the mining laws. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, P.O. Box 1828, Cheyenne, Wyoming 82001.

Dated: May 25, 1982.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 82-15016 Filed 6-2-82; 8:45 am]

BILLING CODE 4310-04-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of California, Oregon, and Washington

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

ACTION: Emergency interim rule.

SUMMARY: NOAA issues emergency regulations to amend, on an interim basis, the regulations for the ocean salmon fisheries off the coasts of Washington, Oregon, and California. These regulations contain management measures similar to those contained in a Secretarial Amendment which was approved by the Assistant Administrator for Fisheries, NOAA, on May 26, 1982. Specific management measures in these regulations vary by fishery and area, but generally establish fishing seasons and gear restrictions. These regulations are intended to prevent overfishing, to allow more salmon to survive the ocean fisheries and reach the Indian subsistence fisheries in internal waters, and to achieve spawning escapement requirements.

DATES: Interim rule is effective on June 1, 1982, and remains effective through July 15, 1982.

ADDRESS: Copies of a supplemental regulatory impact review/initial regulatory flexibility analysis for these regulations are available from the Director, Northwest Region, National Marine Fisheries Service (NMFS), 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115; or Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins (Regional Director, NMFS) 206-527-6150; or A. W. Ford (Regional Director, NMFS) 213-548-2575.

SUPPLEMENTARY INFORMATION:

Background

The fishery management plan (FMP) for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California, prepared by the Pacific Fishery Management Council (Council) was approved by the Assistant Administrator for Fisheries (Assistant Administrator) on March 2, 1978. Regulations to implement the FMP were first published on April 14, 1978. (43 FR 15629), as emergency rules. Regulations to implement the 1981 amendment to the FMP were last issued as final rules on September 9, 1981 (46 FR 44989), as corrected on September 16, 1981 (46 FR 45960), except off California where 1980 regulations were reinstated (published on January 29, 1982, 47 FR 4275).

The Council has amended the FMP to improve management of the salmon fisheries in 1982. A final supplement to the Environmental Impact Statement (FSEIS) for the 1982 FMP amendment has been filed with the Environmental Protection Agency. A notice of availability of the FSEIS was published on April 30, 1982. The 1982 amendment was intended to (1) provide adequate spawning escapements from ocean salmon fisheries for the various salmon runs; (2) meet treaty obligations to Indian fishermen; and (3) allow for a viable harvest for each segment of the salmon fishery, including the commercial and recreational ocean fisheries and the various internal water fisheries. The Council's 1982 FMP amendment, as it applies to the commercial salmon fishery north of Cape Blanco, Oregon, and to the recreational fisheries coastwide, was approved by the Assistant Administrator on May 6, 1982, under section 304 of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson Act). Emergency interim rules to implement those portions of the Council's amendment were published on May 18, 1982 (47 FR 21256). The portion of the Council's recommended amendment for the commercial fisheries south of Cape Blanco was disapproved by the Assistant Administrator because it would not have allowed sufficient spawning escapement to the Klamath River and upper Sacramento River and would have unduly restricted the ocean harvest.

On April 23, 1982, the Council notified the Assistant Administrator that it did not intend to alter its 1982 recommendation for the management of the commercial ocean salmon fisheries south of Cape Blanco. Therefore, a

Secretarial Amendment was prepared to amend the FMP and implement appropriate management measures pertaining to the Klamath River and upper Sacramento River chinook stocks under section 304(c) of the Magnuson Act. That section authorizes the Secretary of Commerce (Secretary) to prepare FMPs or amendments to FMPs if the involved Council does not develop such FMP or amendment within a reasonable period. The Council was apprised of the Secretary's intention to prepare a Secretarial amendment prior to publication of these rules. This Secretarial amendment will become available for public review and comment, as required by section 305(a) of the Magnuson Act, subsequent to the Council's 45-day review of that document.

Section 305(e) of the Magnuson Act authorizes the Secretary to promulgate emergency regulations to amend regulations implementing an FMP. The Assistant Administrator has determined that existing regulations pertaining to the commercial fisheries south of Cape Blanco should be amended by emergency regulations under that section. This emergency rulemaking remains in effect for 45 days and may be extended for a second 45-day period.

Status of the Salmon Resource in 1982

Current information on abundance of the major stocks of chinook and coho salmon available in 1982 to the commercial ocean fisheries south of Cape Blanco, Oregon, was summarized briefly in the preamble to the emergency interim rule implementing the approved portions of the Council's 1982 amendment (47 FR 21256, May 18, 1982). That information is discussed in detail in Chapter IV of the Report accompanying the Council's 1982 FMP amendment. Status-of-stocks information and other factors were considered in selecting the management measures contained in the Secretarial amendment.

Management Measures

For the commercial ocean salmon fisheries south of Cape Blanco, Oregon, the Secretary has selected management measures which are intended to achieve spawning escapement goals and allocations to Indian fisheries while equitably apportioning the regulatory burden and minimizing shifts in fishing effort along the coast. These management measures consist of fishing seasons, gear restrictions, size restrictions, and management subareas.

From Cape Blanco, Oregon, to the Oregon-California border, commercial

fishing for all salmon species, except coho, is restricted to using barbless hooks during the period May 1 through May 31; this commercial season continues from June 1 through June 8, but fishing is restricted to using whole natural bait or artificial plugs not less than five inches long. Commercial fishing for all salmon is prohibited from June 9 through June 30. The commercial fishing season for all salmon species opens on July 1 and closes when the coho quota for the commercial fisheries south of Cape Falcon is reached. From the date the coho quota is reached, fishing for all salmon species, except coho, using whole bait or large plugs, continues through September 5. Fishing for all salmon species, except coho, using barbless hooks, continues from September 6 through October 31.

From the Oregon-California border to Point Arena, California, commercial fishing for all salmon species, except coho, is restricted to using barbless hooks during the period May 1 through May 24. (See *caveat* below.) Fishing for all salmon species begins on May 25 and ends on June 8. Commercial fishing for all salmon species is prohibited from June 9 through June 30. Fishing for all salmon species resumes on July 1 and continues through September 30.

From Point Arena, California, to the U.S.-Mexico border, commercial fishing for all salmon species, except coho, is restricted to using barbless hooks during the period April 22 through May 24. (See *caveat* below.) Fishing for all species of salmon begins on May 25 and ends on June 15. Commercial fishing for all salmon species is prohibited from June 16 through June 30. Fishing for all salmon species resumes on July 1 and continues through September 30.

Caveat: Since these emergency rules were not promulgated prior to May 25, 1982, seasons and gear restrictions specified for 1980 applied with respect to early seasons for the commercial fishery off California (See 47 FR 4275). Thus, (1) the all-species-except-coho commercial fishery south of Point Arena, California, did not open until May 1, 1982 (rather than on April 22); and (2) the all-species commercial fishery for all of California began on May 16, 1982 (rather than on May 25).

Minimum size limits for commercially-caught coho and chinook remain the same as those applicable during 1981. Off Oregon, minimum sizes are 16 inches for coho and 26 inches for chinook. Off California, minimum sizes are 22 inches for coho and 26 inches for chinook. Other regulations pertaining to commercial salmon fishing south of Cape Blanco, Oregon, were published on May 18, 1982 (47 FR 21256).

Classification

The Assistant Administrator has determined that these emergency regulations are necessary and appropriate for conservation of the salmon resources and management of the salmon fisheries off the coasts of Oregon and California and that they are consistent with the Magnuson Act, including the national standards, and other applicable law.

Recognizing the critical need for specific regulations for the 1982 commercial ocean salmon fisheries south of Cape Blanco, Oregon, the Assistant Administrator has determined that an emergency exists and these regulations are issued under section 305(e) of the Magnuson Act to amend the existing regulations. He has determined that continued effect of the regulations now in force would not provide adequate protection of the resource and would cause unnecessary economic hardships for fishermen and coastal communities; therefore, it is necessary to promulgate these emergency regulations immediately.

The Assistant Administrator finds for good cause that the reasons which justify promulgating emergency regulations under section 305(e) of the Magnuson Act also make it impracticable and contrary to the public interest to provide notice and opportunity for comment upon, or to delay for 30 days the effective date of these emergency regulations, under the provisions of section 553 (b) and (d) of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*

The NOAA Administrator has determined that the rules are not "major" under Executive Order (E.O.) 12291 requiring a regulatory impact analysis. A supplemental regulatory impact review (RIR) has been prepared. This review contains an analysis of the expected impacts of the management measures and alternative management options. The review supports the determination that these rules are not "major" under the E.O. 12291 criteria. This review indicates that the generally less restrictive management measures imposed on the commercial ocean fisheries south of Cape Blanco, Oregon, in 1982 will have beneficial economic impacts on commercial fishermen and industries dependent on the ocean fisheries. The RIR estimates that ex-vessel revenue in 1982 compared to 1981 will be the same for the troll fisheries between Cape Blanco and the California-Oregon border, and will increase \$1,527,000 in California. Appendix G of the 1982 FMP amendment describes the procedures

used, and the assumptions made, to estimate these values.

The NOAA Administrator has determined that the emergency which justifies the promulgation of emergency regulations under section 305(e) of the Magnuson Act also constitutes an emergency situation under section 8(a)(1) of E.O. 12291. Because it is imperative to implement these rules immediately, it is impracticable to comply with section 3(c)(3), which requires that NOAA transmit to the Director of the Office of Management and Budget (OMB) a copy of every nonmajor rule, at least 10 days prior to publication. However, a copy of these emergency regulations and a copy of the supplemental RIR has been transmitted to the Director of OMB.

The Regulatory Flexibility Act does not apply to these emergency rules, which will be published without prior opportunity for public comment.

This action was within the range of alternatives analyzed in the FSEIS for the 1982 FMP amendment which supplements the original environmental impact statement and previous supplements prepared for the FMP. Therefore, an additional supplement is not required. The 1982 FSEIS is on file with the Environmental Protection Agency. A notice of availability on this FSEIS was published on April 30, 1982.

These emergency regulations which amend regulations pertaining to the commercial fisheries south of Cape Blanco, Oregon, do not entail any Federal collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3507.

List of Subjects in 50 CFR Part 661

Fish; Fisheries.

Dated: May 28, 1982.

E. Craig Felber,
Chief, Management Services Staff, National
Marine Fisheries Service.

PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF CALIFORNIA, OREGON AND WASHINGTON

For the reasons set out in the preamble, 50 CFR Part 661, as printed in the emergency interim rule published on May 18, 1982 (47 FR 21256), is amended as follows:

1. The authority citation for Part 661 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 661.3 [Amended]

2. In § 661.3, the definition of *Subarea* is amended by revising paragraph (e)(2), and paragraph (f)(1) to read as follows:

* * * * *

(e) Subarea E:

(1) * * *

(2) Southern boundary: a line extended due west from Point Arena, California, at 39°00'00" N. latitude.

(f) Subarea F:

(1) Northern boundary: a line extended due west from Point Arena, California, at 39°00'00" N. latitude.

3. In § 661.20, paragraphs (a)(4)(i) through (iv), (a)(5)(i) through (iii), and (a)(6)(i) through (iii); the seasons indicated for Subareas D through F in the table at paragraph (b)(2); and paragraph (b)(3) are revised to read as follows:

§ 661.20 Commercial fishing.

(a) * * *

(4) Subarea D (Cape Blanco, Oregon, to the Oregon-California border):

(i) The season for all salmon species, except coho, begins on May 1 and ends on May 31; during this season, only the gear specified in § 661.20(b)(2) may be used.

(ii) The season for all salmon species, except coho, reopens on June 1 and ends on June 8; during this season, only the gear specified in § 661.20(b)(3) may be used.

(iii) The season for all salmon species, including coho, begins on July 1 and ends when the commercial coho quota is reached.

(iv) The season for all salmon species, except coho, continues from the date the commercial coho quota is reached and ends on October 31; during this season, only the gear specified in § 661.20(b)(3) may be used before September 6, and only the gear specified in § 661.20(b)(2) may be used after September 5. (5) Subarea E (Oregon-California border to Point Arena, California):

(i) Subsequent to the 1982 season, the season for all salmon species, except coho, begins on May 1 and ends on May 24; during this season, only the gear specified in § 661.20(b)(2) may be used.

(ii) The season for all salmon species, including coho, begins on May 25 and ends on June 8.

(iii) The season for all salmon species, including coho, reopens on July 1 and ends on September 30.

(6) Subarea F (Point Arena, California, to U.S.-Mexico border):

(i) Subsequent to the 1982 season, the season for all salmon species, except coho, begins on April 22 and ends on May 24; during this season, only the gear specified in § 661.20(b)(2) may be used.

(ii) The season for all salmon species, including coho, begins on May 25 and ends on June 15.

(iii) The season for all salmon species, including coho, reopens on July 1 and ends on September 30.

(b) * * *

(2) * * *

Subarea and Season

A May 1-31

B May 1-31

C May 1-31 and after September 5 during the season specified in § 661.20(a)(3)(iv)

D May 1-31 and after September 5 during the season specified in § 661.20(a)(4)(iv)

E May 1-24 (subsequent to the 1982 season).

F April 22-May 24 (subsequent to the 1982 season)

(3) No person shall engage in commercial salmon fishing using other than hooks with whole natural bait or salmon plugs not less than five (5) inches long from June 1 to June 15 in subarea C, from June 1 to June 8 in subarea D, or from the date the coho commercial quota is reached to September 5 in subareas C and D. Gear commonly known as "spoons," "wobblers," "dodgers," and flexible plastic lures, are not considered salmon plugs, and are prohibited during the times specified in this § 661.20(b)(3).

[FR Doc. 82-15019 Filed 5-28-82; 3:22 pm]

BILLING CODE 3510-22-M

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of California, Oregon, and Washington

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

ACTION: Emergency interim rule.

SUMMARY: NOAA issues an emergency regulation to close the territorial sea off the coast of Oregon north of Cape Falcon to recreational fishing between May 29 and June 11. This action is taken to implement a decision by the Secretary of Commerce to preempt State management authority. The Secretary found that the State of Oregon's action to open its waters to recreational fishing during this period would have a substantial and adverse effect on the carrying out of the fishery management plan for the ocean salmon fishery.

DATES: The emergency rule is effective from 0001 hours local time, May 29, through 2400 hours local time, June 11, 1982.

FOR FURTHER INFORMATION CONTACT: H.A. Larkins (Regional Director, NMFS), 206-527-6150.

SUPPLEMENTARY INFORMATION: Section 306(b) of the Magnuson Conservation and Management Act (16 U.S.C. 1856(b)), authorizes the Secretary of Commerce to regulate a fishery within State boundaries if he makes two findings: (1) Fishing in the fishery is engaged in predominately within and beyond the fishery conservation zone (FCZ); (2) a State has taken action, the results of which will substantially and

adversely affect the carrying out of the fishery management plan (FMP) for the fishery.

NOAA published emergency regulations to implement the approved portions of an FMP amendment prepared by the Pacific Fishery Management Council for the 1982 ocean salmon fishery (47 FR 21256, May 18, 1982). During its deliberations on management measures for the 1982 season, the Council considered but rejected a proposal to open the area between Leadbetter Point, Washington, and Cape Blanco, Oregon, for a recreational chinook-only fishery between May 29 and June 11. Federal regulations thus prohibit recreational fishing in the FCZ in this area until June 12.

On May 21, the Oregon Fish and Wildlife Commission confirmed its earlier decision to deviate from the management regime contemplated by the FMP, as amended, by opening Oregon waters north of Cape Blanco for a two-week recreational fishery for chinook only, between May 29 and June 11.

On May 22, the Assistant Administrator for Fisheries, NOAA, served notice on the State of Oregon of initiation of a proceeding to preempt Oregon's fishery management authority with respect to recreational fishing in the territorial sea off the coast of Oregon north of Cape Falcon between May 29 and June 11. Only the area between Cape Falcon and the Oregon-Washington border was proposed for preemption because the impacts of fishing in that area on Oregon Production Index area coho and Columbia River chinook were considered much greater than impacts of fishing south of Cape Falcon.

During the week of May 24, proceedings were held according to regulations appearing at 50 CFR part 619 (47 FR 12181, March 22, 1982). An administrative law judge, after considering submissions from the State of Oregon and the Assistant Administrator, recommended that the Secretary preempt Oregon's authority to the extent proposed. On May 28, the Secretary decided to preempt that authority and to issue a regulation closing Oregon's waters north of Cape Falcon to recreational fishing until June 12, 1982.

This rule is issued under the authority of section 305(e) of the Magnuson Act to respond to the emergency created by Oregon's decision to open its waters for the two-week recreational fishery. The rule will prevent hooking mortality on approximately 4,800 coho and wastage of undersized chinook that would have been taken incidental to the chinook-only recreational fishery.

Classification

The Assistant Administrator finds for good cause that the reasons for preemption and for issuing an emergency rule under section 305(e) of the Magnuson Act also make it impracticable and contrary to the public interest to provide notice and opportunity for comment upon, or to delay for 30 days the effective date of this emergency rule, under the provisions of sections 553(b) and (d) of the Administrative Procedure Act.

The NOAA Administrator has determined that this rule is not "major" under Executive Order 12291, and that the situation justifying issuance of this rule under section 305(e) of the Magnuson Act constitutes an emergency situation under section 8(a)(1) of the Executive Order. NOAA has transmitted a copy of this emergency rule and the regulatory impact review prepared on the 1982 FMP amendment to the Director of the Office of Management and Budget.

This action is not subject to provisions of the Regulatory Flexibility Act insofar as the rules will be published without prior opportunity for public comment. It is covered by the final supplement to the environmental impact statement, for which a notice of availability was published on April 30, 1982.

This emergency rule does not entail any Federal collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 50 CFR Part 661

Fish, Fisheries, Fishing, Indians.

Dated: May 28, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF CALIFORNIA, OREGON AND WASHINGTON

For the reasons set out in the preamble, 50 CFR Part 661 is amended as follows:

1. The authority citation for Part 661 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 661.3 [Amended]

2. For the reasons set out in the preamble, 50 CFR 661.3 is amended by adding the following sentence to the end of the definition of the term "Fishery Management Area":

*** In addition, the Fishery Management Area includes the territorial sea off the coast of Oregon

north of Cape Falcon (at 45°46'00" N. latitude), with respect to recreational fishing in subarea B during the period May 29 through June 11, 1982, prior to the recreational fishing season specified for subarea B in § 661.21(a)(2).

(FR Doc. 82-15020 Filed 5-28-82; 3:22 pm)
BILLING CODE 3510-22-M

DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****7 CFR Part 908**

[Valencia Orange Reg. 693; Valencia Orange Reg. 692 Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period June 4-June 10, 1982, and increases the quantity of such oranges that may be so shipped during the period May 28-June 3, 1982. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective June 4, 1982, and the amendment is effective for the period May 28-June 3, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION: Findings.

This rule has been reviewed under Secretary's Memorandum 1512-1, and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981-82. The marketing policy was recommended by

the committee following discussion at a public meeting on February 5, 1982. The committee met again publicly on June 1, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restriction on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 908

Agricultural marketing service, Marketing agreements and orders, California, Arizona, Oranges (Valencia).

1. Section 908.993 is added as follows:

§ 908.993 Valencia Orange Regulation 693.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period June 4, 1982, through June 10, 1982, are established as follows:

- (1) District 1: 306,000 cartons;
- (2) District 2: 294,000 cartons;
- (3) District 3: Unlimited cartons.

2. Section 908.992 Valencia Orange Regulation 692 (47 FR 23138), is hereby amended to read:

§ 908.992 Valencia Orange Regulation 692.

- (1) District 1: 416,000 cartons;
- (2) District 2: 384,000 cartons;
- (3) District 3: Unlimited cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 2, 1982.

D. S. Kuryloski,

Deputy Director Fruit and Vegetable Division
Agricultural Marketing Service.

(FR Doc. 82-15287 Filed 6-2-82; 11:30 am)
BILLING CODE 3410-02-M

384913	
FILE	25-5-7-2-SALMON-1
U.S. SALMON	

June 2, 1982
Le 2 juin 1982

Canada/USA Pacific Salmon Arrangement

Accord entre le Canada et les Etats-Unis
sur le saumon du Pacifique

Minister of Fisheries and Oceans
Ministre des Pêches et des Océans

Discussion Paper Attached
Document de travail ci-joint

Confidential

Memorandum to Cabinet

Canada/USA Pacific Salmon Arrangement

OBJECT

To seek approval in the current fiscal year for financial resources required to carry out the work program necessary to meet Canadian obligations with respect to the interim salmon arrangement between Canada and the United States.

DECISION REQUIRED

Approval is required for the provision of financial resources to implement terms of the interim salmon arrangement between Canada and the United States regarding fish tagging and other studies in Northern British Columbia and Southern Southeast Alaska, to be carried out during the summer of 1982.

CONSIDERATIONS

In its decision of April 15, 1981 (160-81 RD) Cabinet approved negotiating instructions toward a long term Canada/USA Pacific Salmon Interception Agreement. An Agreement to curb international competitive fishing and to provide for sharing of catches, so that each country benefits from its own production, is required in order to permit each country to effectively manage its salmon fisheries and to achieve full benefits from its enhancement programs.

In June 1981 Canada and the USA agreed to implement interim arrangements for conservation of Pacific Salmon for 1981 and 1982. The arrangements imposed certain conservation measures on key intercepting fisheries in both countries, as well as establishing an important joint salmon tagging program in the Northern British Columbia - South East Alaska area, and also set a timetable for development of a longer term agreement.

The Discussion Paper attached to this memorandum reviews the benefits and costs of the interim measures implemented during the 1981 fishing season. The paper also discusses elements contained in the text of a Framework Agreement which has been developed since June 1981 (section 12 to 16, Discussion Paper).

One of the important elements of the arrangement for 1982, agreed to in principle by both countries, involves the fish tagging program required for the Northern British Columbia - Southern Southeast Alaska boundary area. This biological program will provide much needed new information on salmon interceptions by both countries. The rates of interception in the boundary area have been a major issue of dispute. The atmosphere of cooperation and progress that has led to a draft framework agreement will be maintained by Canada living up to its commitment.

FINANCIAL CONSIDERATIONS

The cost to government to implement Canada's tagging program commitment under the interim arrangement is \$2,010,000 (detailed financial considerations are covered in the attached Discussion Paper).

- 2 -

The April 15, 1981 Cabinet decision (160-81 RD) indicated that any agreement by Canada would be conditional upon assurance of appropriate levels of program funding by the United States.

U.S. officials have stated that the Senate Committee on Appropriations has added on to the National Marine Fisheries Service budget for 1982, research money to conduct the United States planned research program.

FEDERAL-PROVINCIAL CONSIDERATIONS

Since 1971 senior officials of the Province of British Columbia have actively participated in consultations and in negotiations and have contributed fully to the development of Canada's position.

The Province has to date been fully supportive of the Canadian negotiating objectives and fully supports the proposed studies in the boundary area.

INTERDEPARTMENTAL CONSULTATIONS

This memorandum has been discussed with officials of External Affairs, the Ministry of State for Economic Development and the Treasury Board.

PUBLIC CONSIDERATION

The achievement of a comprehensive interceptions agreement with the USA would be broadly supported on the Pacific coast, particularly by most of the 16 industry advisory groups which have been represented on all Canadian delegations in the past.

If commitments to the interim arrangement are not met, Canada's credibility with our fishermen could be negatively affected. Fishermen have generally accepted the conservation measures implemented in 1981 and planned for 1982 with the understanding that both countries will live up to their commitment to undertake studies to provide data needed to complete a final agreement.

CONCLUSIONS

It is concluded that a \$2,010,000 tagging program will provide much needed new data on levels of interceptions. The funding is required to enable Canada to live up to its commitment agreed to in the interim salmon arrangement.

RECOMMENDATIONS

It is recommended that Cabinet approve the provision, in the current fiscal year, of \$2,010,000 to implement tagging and recovery studies in the Northern British Columbia/Southern Southeast Alaska boundary area as provided for in the interim Canada/USA Pacific salmon arrangements developed by negotiators.

June 2, 1982

Serial DFO 1-82DP
Série

Confidential
Confidentiel

Discussion Paper
Document de travail

Canada/USA Pacific Salmon Arrangement

Minister of Fisheries and Oceans
Ministre des Pêches et des Océans

OBJECT

1. To consider the allocation of financial resources needed to meet Canada's obligations to the interim Canada/USA salmon interceptions arrangement.

BACKGROUND

2. A paper presented to Cabinet in April, 1981 sought financial and manpower resources for the work program necessary to meet Canadian obligations with respect to a proposed convention between Canada and the United States regarding management and development of Canada's Pacific salmon resource. The paper also sought guidance and instructions for negotiating the proposed convention. Much of the background information and factors in the earlier paper are still relevant, such as:
 - (1) history of the negotiations
 - (2) the fish stocks
 - (3) management problems and compromises resulting from lack of an agreement;
 - (4) value of the fishery;
 - (5) relationship of an agreement to the Pacific Salmonid Enhancement Programs;
 - (6) general information regarding the complexity of the Pacific salmon fishery.
3. The Cabinet Memorandum of April, 1981 sought funds (\$50.3M) and manpower to carry out a long term management and development plan for the Pacific salmon fishery in conjunction with interception and other studies more directly related to the matter of the Canada/USA negotiations. In its decision of April 15, 1981 (160-81 RD) Cabinet approved negotiating instructions toward a long term Canada/USA Pacific Salmon Interception Agreement.
4. This current document reviews the need for funds (\$2M) to provide biological data which will overcome a major stumbling block to successful completion of negotiations, i.e., the lack of an adequate data base for certain intercepting fisheries.
5. On the basis of the negotiator's recommendations for 1981 and 1982 an interim arrangement that included the following elements was implemented.
 - i) During 1981 and 1982, interception in the United States fishery in Alaska District 104 (i.e. Noyes Island) would be limited by adjusting fishing effort in a manner which limit the average annual harvest of sockeye to approximately 160,000 fish.
 - ii) All other fisheries in Alaska would be conducted in a manner pursuant to the understandings recorded in the record of the October 1980 Lynnwood meeting. (Annex III April 1, 1981 Cabinet Submission)
 - iii) In 1981, with respect to fisheries on stocks bound for Canadian sections of the Taku River, the two sides would establish escapement targets for each species. Canadian authorities would regulate the fisheries under their jurisdiction to ensure that the percentage of the allowable catch for each species taken by Canadian fishermen in 1981 would be somewhat less than the percentages of the catch of each species taken in 1979. United States authorities would regulate fisheries under their jurisdiction to allow sufficient salmon to enter the river to provide for required spawning escapements and the Canadian entitlement.

- 2 -

- iv) In both 1981 and 1982, Canadian authorities would limit the catch by Canadian fishermen on the Stikine River in the same manner as for the Taku River in 1981, subject, however, to conservation adjustments that may be agreed upon through consultations between the two sides.
 - v) With respect to Fraser River sockeye and pink salmon, the International Pacific Salmon Fisheries Commission regime would continue to apply in 1981 and 1982.
 - vi) All other Canadian intercepting fisheries and all United States intercepting fisheries in Washington, Oregon and California would be conducted in conformity with the general interception limitation scheme under discussion in the negotiations (i.e. catches would be limited to 1971 - 74 base levels).
6. The interim arrangements for 1981 allowed good escapement of salmon in most areas, which should provide long term benefits. In the short term the two major conservation areas which resulted in the U.S. curtailment of fishing at Noyes Island (map attached) and reciprocal actions by Canada in Area 1 and Area 3 (the Dixon Entrance Boundary Area) yielded an approximate net gain to Canadian fishermen of \$3.7M.
7. Indirect benefits attributed to the interim arrangement because of better working relationships with the U.S.A. include:
- a) Reduction of the Alaskan Troll fishery by 15%, which will assist Canadian chinook escapements as well as re-allocate some fish from American to Canadian fishermen.
 - b) Elimination of major US fisheries directed to Fraser River chinook stocks and reduction of incidental chinook catches in U.S. fishing areas adjacent to Canada, especially at Point Roberts.
 - c) Improved Canadian escapements resulting from conservation measures in the West Coast troll fishery which were not possible prior to 1981.
8. The interim arrangement also included agreement in principle on a number of elements to be implemented in 1982, namely,
- "i) the north coast troll salmon fishery in B.C. Statistical Area 1 and in salmon fisheries by all gear in B.C. Statistical sub-areas 3X, 3Y, 5-1 and the western portion of Sub-area 3Z shall be regulated in a manner which would limit the aggregate catch of pink salmon to approximately 1.49 million fish. The portion of this aggregate total taken in the troll fishery in Area 1 shall be limited to the approximate level taken in even numbered years during the period 1971-74
 - ii) the percentages of the total allowable catch by species taken by Canadian fishermen in the Taku River shall be reduced to approximately 15% of the 1979 levels, or to approximately 7,500 fish.
 - iii) in the event of migratory diversion of sockeye through Johnstone Strait, Canada shall exert restraint in its fisheries outside the Fraser River Convention Area taking into account proposed future sharing arrangements for Fraser River sockeye salmon under discussion in the negotiations.

001735

- iv) the two governments shall conduct a large scale tagging program in the southern Southeast Alaska - Northern British Columbia boundary area and other programs as may be agreed in order to provide improved information on the composition of the runs in intercepting fisheries."
- 9. A spirit of cooperation has emerged and strengthened during the 1981 phase of the interim arrangement. Government commitment to a tagging program would give the industry representatives in each country confidence that governments are serious about achieving a comprehensive long term agreement. The support of these industry representatives is crucial to the negotiation of such an agreement.
- 10. The costs to government to implement a tagging program under the interim arrangement is \$2,010,000 (detailed under financial considerations).
- 11. The U.S. portion of the biological studies is being funded by a supplement to the National Marine Fisheries Service 1982 budget.
- 12. Since June 1981, the negotiators and officials of both countries have met on a number of occasions, together with state, provincial, tribal and fishing industry representatives, and have developed the text of a Framework Agreement.

The text of the Framework Agreement represents significant progress towards final resolution of the issues. The Framework Agreement contains, inter alia, the following provisions:

- a) An obligation on the part of both countries to manage their fisheries and enhancement programs to;
 - i) prevent overfishing and provide for optimum production; and
 - ii) provide each country benefits equivalent to its total salmon production.
- b) Establishment of a Pacific Salmon Commission as the forum within which the fishery managers of the two countries would consult on the conduct of their fisheries and enhancement programs.
- c) A requirement for the development of annual agreed fishing regimes, to include setting the levels or extent of intercepting fisheries of both countries.
- d) A requirement for the two parties to consult and cooperate in their enhancement and research programs.
- e) A requirement for joint setting of escapement goals on transboundary rivers.
- f) Arrangements for the provision of benefits to Canada from salmon produced in Canadian sections of transboundary rivers.
- g) An annual entitlement of Fraser River sockeye and pink salmon to the United States for a period of years yet to be determined.
- h) Termination of the present Fraser River Salmon Convention.

The Agreement will contain provisions for cooperative management and sharing of production of salmon originating in the Yukon River. These provisions have yet to be negotiated.

13. Prior to November 30, 1982, the parties will be required to develop:
- a) agreed fishing regimes applicable to intercepting fisheries of both countries during 1983 and 1984 (to be incorporated as an Annex to the Agreement). Such fishing regimes should contain specific commitments with respect to the management of intercepting fisheries, based on the obligations outlined in the Framework Agreement outlined in paragraph 12. They should also contain recommendations with respect to coordination of enhancement plans, the setting of escapement levels on transboundary rivers, and other aspects of salmon management outlined in the Framework Agreement.
- When developing the fishery regimes, officials should employ the consultative procedures for conduct of fisheries and enhancement planning contained in the Framework Agreement.
- b) arrangements for the transfer and timing of the transfer of the management, technical and administrative responsibilities for Fraser River sockeye and pink salmon from the IPSFC to Canada and to the new Pacific Salmon Commission.
 - c) proposals for research to ensure that both countries receive the greatest benefits in the short term. The proposals are most urgently required and should include arrangement for funding.
 - d) proposals for administrative, financial and personnel arrangements for the establishment of the new Commission.
14. It is planned that immediately after November 30, the Governments subject the draft Framework Agreement (including the fishing plans and understandings regarding other implementation arrangements) to their internal processes with a view to early ratification so that the new Commission can begin operation in 1983.
15. Although the procedures outlined in the Framework Agreement concentrate on the year by year consideration of fishery regimes and enhancement programs, full benefits from the Agreement are unlikely to be achieved unless such activities are developed within the context of a carefully phased long-term plan.
16. The interim arrangements for the 1981 fishing season worked to the general satisfaction of both sides. As background for completion of the Framework Agreement and the development of fishery regimes for 1983 and 1984, it is essential, in 1982, to maintain the atmosphere of cooperation and progress that existed in 1981. Measures required for the 1982 season including the research provision will be more extensive and difficult than those applied in 1981. Fisheries administrations in the two countries must place the highest priority on conducting their fisheries in 1982 in conformity with the mutual understandings regarding interim arrangements worked out over the past year.

ALTERNATIVES

17. There are two possible alternatives respecting the request for funds to carry out the biological program set out as an element of the interim salmon interceptions arrangement.

- a) Provision of funds to allow biological programs to be carried out in northern British Columbia and southern South-east Alaska as set out in the interim salmon arrangement.

Advantages:

The biological program could provide much needed information on salmon interceptions by both countries. The information is required as the basis for an improved and reliable interceptions accounting system. The rate of interceptions in the boundary area has been a major issue of contention in discussions to date.

A demonstration of commitment to all aspects of the interim arrangements will set the atmosphere for completion of negotiations on the 1983 and 1984 fishing regimes, as required to finalize the Framework Agreement.

Studies in the boundary areas will greatly strengthen Canada's negotiating position by supplying much needed biological data.

Disadvantages:

Requires a commitment of resources as outlined in the financial considerations.

- b) No provision of funds to allow the biological programs outlined to be carried out as set out in the interim arrangement.

Advantages:

Does not require a commitment of resources as outlined.

Disadvantages:

The use of data presently available as an acceptable basis for determining the rates and values of interceptions has been questioned because of significant gaps in the information available on specific important stocks. A lack of commitment by Canada in meeting conditions agreed to for 1982 could jeopardize further negotiations to be conducted during the summer of 1982.

Intercepting fisheries, which are causing steady declines in natural production, would continue and conservations problems probably would worsen.

Friction between management agencies in the two countries would continue with consequent unfavourable effects on overall Canada/U.S. relations on the West Coast.

Government's credibility with fishermen would be negatively affected.

FINANCIAL CONSIDERATIONS

18. Under the terms of the 1981-82 interim Canada/U.S.A. salmon arrangement, the two parties have agreed to carry out various investigations to ensure that the implementation of the principles of a long-term agreement are fulfilled in a timely manner. To this end one element of the interim arrangement states: "in 1982, the two governments shall conduct a large scale tagging program in the southern southeast Alaska and northern British Columbia area and other programs as may be agreed in order to provide improved information on the composition of the runs in intercepting fishing areas".

- 6 -

19. In these major intercepting fisheries it is intended that the biological investigations should be designed to provide as much information as possible on stocks including: population estimates, estimate of escapements, timing, migration routes, degree of stock intermingling, etc. In order to obtain this information three types of studies will be required:

- a) Adult tagging and recovery programs;
- b) Electrophoresis; and
- c) Scale identification

20. It is anticipated that the joint tagging and recovery programs will involve tag and recovery studies of adult sockeye, pink and chum salmon in coastal fishing areas in both countries. Tags will be applied in Canadian waters and both Canadian and U.S. tags will be recovered in fishing areas and in the spawning grounds. The U.S. will conduct similar work in U.S. fishing areas and on U.S. spawning grounds. The Canadian cost of a joint one year biological program is as follows:

(a) Tagging of Sockeye and Pinks in Area 1	\$ 265,000
Recovery in Area 1, 2E and 2W	185,000
Tag rewards and data analysis	20,000
Contracts for 2 bio/technicians	60,000
	<hr/> 530,000
(b) Tagging of Chums and Pinks in Area 3	\$ 220,000
Recovery in Area 3 and 4	235,000
Tags rewards and data analysis	50,000
Contract for 1 bio/technician	30,000
	<hr/> 535,000
(c) Tagging of Pinks and Chums in Area 4, 5 and 6	355,000
Tags recoveries in Area 5, 6 and 7	350,000
Tag rewards and data analysis	60,000
Contract for 1 bio/technician	30,000
	<hr/> 795,000
(d) Electrophoresis Collecting samples from various coastal fisheries and spawning grounds both in U.S. and Canada and analysis of data	53,000
Contracts for 2 bio/technicians	60,000
	<hr/> 113,000
(e) Scale Identification Obtain copies of all pertinent U.S. scale cards	2,000
(f) Program co-ordinator (contract)	35,000
	<hr/> \$2,010,000

PUBLIC INFORMATION CONSIDERATIONS

21. Throughout the course of the negotiations over the last 15 years, the various fishing industry interest groups (16 in total), through their representatives, have actively participated in developing negotiating positions and strategies. The representatives in turn have reported back to their member organizations to keep them apprised of developments. This involvement provides input by a significant portion of the "public" as there is representation at negotiating sessions from all public sectors that will be directly affected by an agreement.

22. Following completion of negotiations in the fall of 1982, assuming considerable progress is made, an expanded public information program would be required. This program would be accomplished through present

communication channels like D.F.O.'s "Fishermen's Newsletter", open line radio and television programs and Departmental representation at public and special interest group meetings. A communications plan is attached.

FEDERAL/PROVINCIAL CONSIDERATIONS

23. The Government of British Columbia has been involved in the Canada/U.S. salmon negotiations since 1971. During that time, B.C. officials have been involved as advisors at both the negotiating and government to government sessions. In addition to the advisory role, they have provided technical and policy support, as well as funding, when deemed necessary. Throughout the negotiations, the provincial government advisors have indicated support for the federal position. When indicating their support, they have elaborated on the costs to the Province of environmental protection, foregone hydro development in the major river systems, and suggested that unless a salmon agreement providing benefits to Canadians is negotiated, there would be increased pressure to develop hydro dams, and forego salmon production that contributes substantially more to U.S. than to Canadian fisheries.

INTERDEPARTMENTAL CONSIDERATIONS

24. This discussion paper was prepared by the Department of Fisheries and Oceans, in consultation with the Department of External Affairs.

Consultations have been held on the Financial Considerations section of the paper with officials of the Ministry of State for Economic Development and the Treasury Board.

RECAPITULATION

25. There is a vital need to develop a comprehensive agreement with the USA that will create a formal structure within which co-operation in the management, development and enhancement of salmon stocks can be carried out.
26. Negotiations have been ongoing for several years, with considerable progress being achieved in recent discussions. It now appears that a framework comprehensive agreement is possible, as both parties are determined to address mutual conservation and management problems as outlined in the interim agreement.
27. Considerable biological research and assessment work will be required both to realize the proposed agreement and to make it operative. The lack of up-to-date biological information has been a serious detriment to achieving agreement.
28. A number of important Canadian salmon fisheries cannot be regulated adequately without the cooperation of the USA, and enriched benefits cannot be achieved from Canadian salmonid enhancement without compensatory arrangements with the USA.
29. The present interim arrangements have allowed Canada to implement conservation measures and to obtain benefits both in terms of rehabilitation of depleted Canadian stocks and increased income for Canadian fishermen.
30. Creation of an adequate biological data base for certain critical intercepting fisheries could overcome a major stumbling block to successful completion of a Canada/U.S.A. interceptions agreement.

ANNEX

CANADA/USA PACIFIC SALMON ARRANGEMENT

Communications Plan

Objectives

1. This communication plan in support of the Canada/USA Pacific Salmon arrangement has the following objective:
 - to provide information and to explain to all interested parties the nature of the understanding emerging from the negotiations between the two countries of the inter-related issues of intercepting fisheries, management cooperation and enhancement.

Public Environment

2. Achievement of an arrangement with the USA along the lines set out in the memorandum would be broadly supported on the Pacific Coast, particularly by most of the 16 industry advisory groups. These various interest groups through their representatives have actively participated in developing negotiating positions and strategies. Member organizations have thus been kept apprised of developments. As well, departmental staff have attended a number of public meetings, to explain the nature of the understanding emerging from the negotiations and to obtain indications of their support or rejection.

Opposition can be expected from the United Fishermen and Allied Workers Union (UFAWU). For years the UFAWU has accused Canada of "retreating" in the face of US pressure, and have conducted large-scale campaigns to advertise an alleged "sell-out" of Canada's salmon to the USA.

However, the general public atmosphere for reaching an arrangement is good. Fishermen and the public are becoming more aware of the conservation problems that exist with some salmonid stocks. They realize that the department of Fisheries and Oceans can not work unilaterally to save these stocks, and that a salmon agreement with the USA would provide the vehicle for proper management and enhancement of the resource.

This expectation of public support assumes that in entering into an arrangement with the U.S., Canada would undertake the necessary level of resourcing to give the public and industry the assurance that Canadian interests would be properly and fully protected.

Target Audience

3. Key target audiences are the various groups who have actively participated in developing negotiating positions and strategies. These groups include the commercial fishing industry and its associations, recreational fishing associations, native groups, the processing industry and other interest groups.

The secondary target audience would be the general public of British Columbia and other national fishing industry and interest groups.

- 2 -

Themes

4. Themes will concentrate on:

- the Canadian position in the negotiations with the USA and points of progress
- the importance of an international arrangement with the USA to provide the vehicle for proper management and enhancement of the resource and the benefits associated with the arrangement
- should a comprehensive arrangement be reached, the terms of the arrangement.

Initial Announcement

5. In June of 1981 the Minister announced that the two countries had entered into a two year interim arrangement on Pacific Salmon management and conservation. Since that time further consultations and negotiations sessions have taken place in an attempt to reach a comprehensive arrangement.
6. The next round of negotiations could lead to a comprehensive arrangement, should this be the case an official announcement could be made by the Minister announcing terms of the arrangement to be put forward for ratification by the two countries.
7. If a comprehensive arrangement is not reached in the next round of negotiations, at the conclusion of this round a less formal press release could be issued outlining points of progress and aspects of Canada's negotiating position.
8. Care should be taken to indicate that extensive consultations have been ongoing with all interested and concerned parties.

Follow Up Activity

9. Assuming that considerable progress is made, the public information program would be expanded and coordinated with Fisheries and Oceans Vancouver office.
10. The commercial fishing industry in British Columbia is best reached through existing channels such as the Fishermen's newsletters and through notices and bulletins to industry.
11. A strong media relations program should continue with departmental officials participating on open line radio and television programs and interviews with the print media. Information directed at the general public would be directed mainly through the print media.
12. Departmental officials should continue to participate at public and special interest group meetings to discuss and explain aspects of the negotiations.

Budget

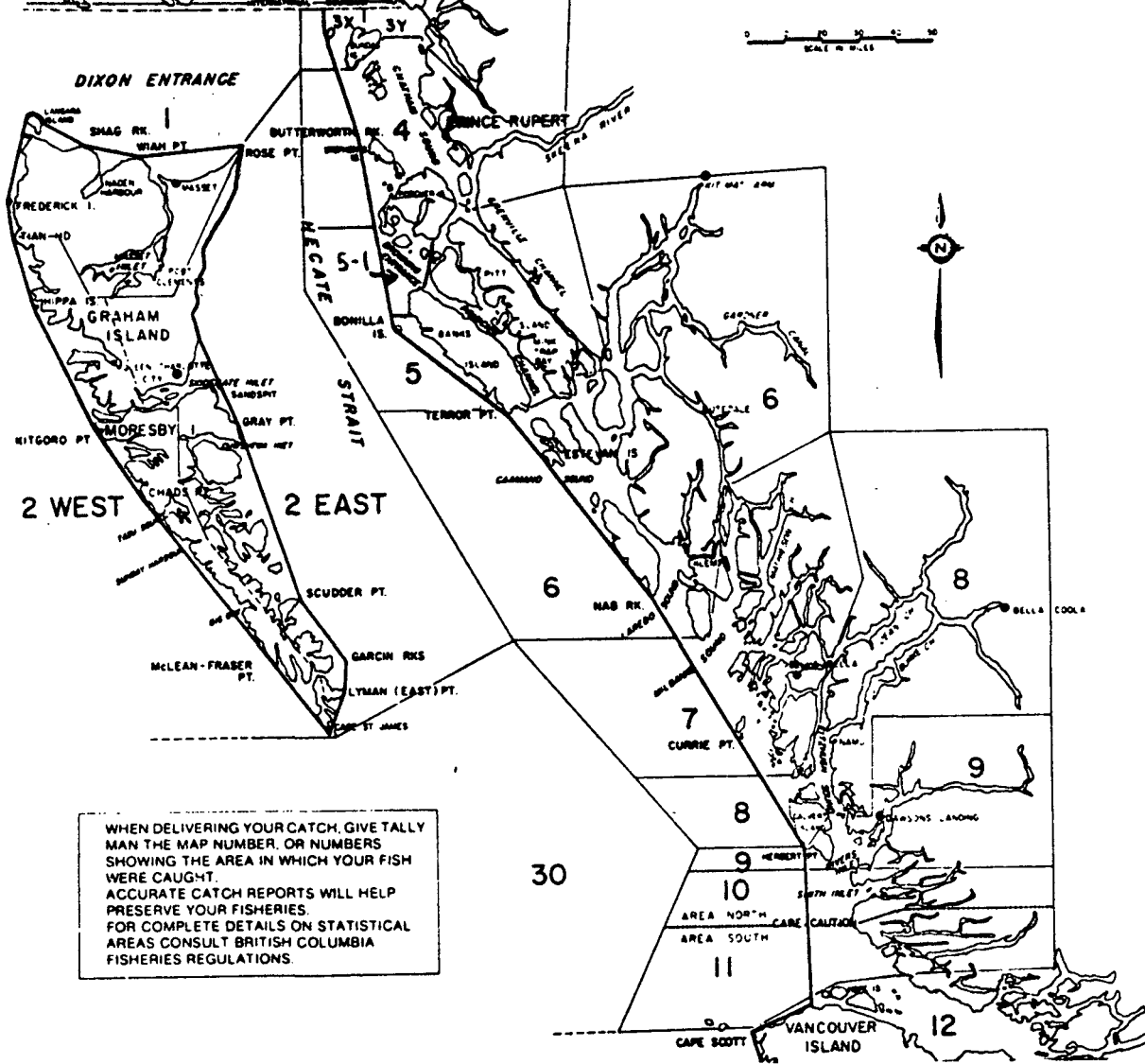
13. The cost will be minimal as the communications program will be making use of existing communications vehicles, public meetings and media relations. Information bulletins would be the only additional expense. Approximately \$2,000.

NOTES
Island

SALMON FISHING WITH NETS OF ANY
KIND IS NOT PERMITTED OUTSIDE OF —
THAT IS SEAWARD OF — THE SURFLINE.

STATISTICAL MAP

BRITISH COLUMBIA WATERS
(NORTHERN HALF)



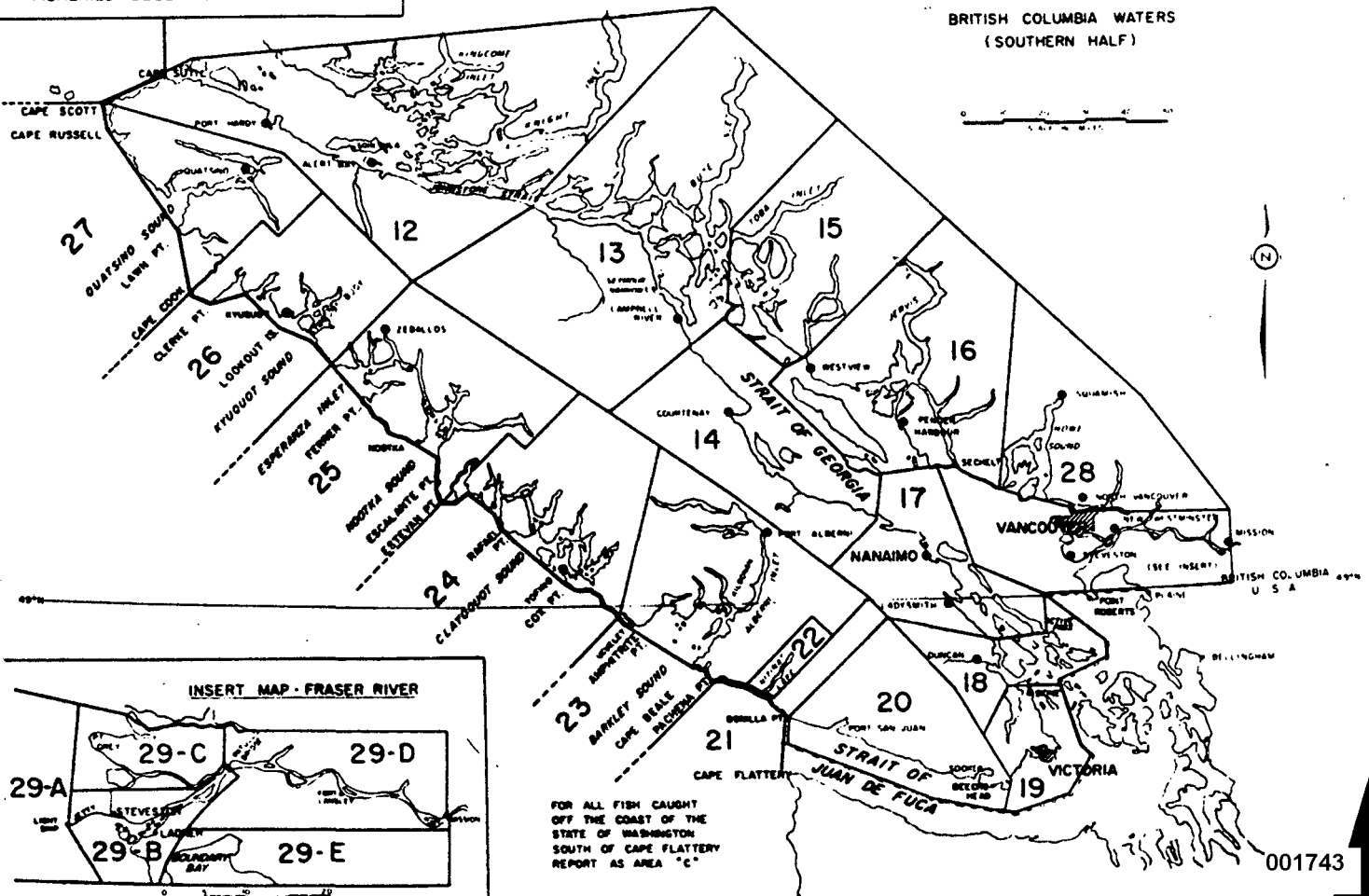
WHEN DELIVERING YOUR CATCH, GIVE TALLY
MAN THE MAP NUMBER, OR NUMBERS
SHOWING THE AREA IN WHICH YOUR FISH
WERE CAUGHT.
ACCURATE CATCH REPORTS WILL HELP
PRESERVE YOUR FISHERIES.
FOR COMPLETE DETAILS ON STATISTICAL
AREAS CONSULT BRITISH COLUMBIA
FISHERIES REGULATIONS.

WHEN DELIVERING YOUR CATCH, GIVE
TALLY MAN THE MAP NUMBER, OR NUMBERS
SHOWING THE AREA IN WHICH YOUR FISH
WERE CAUGHT.
ACCURATE CATCH REPORTS WILL HELP
PRESERVE YOUR FISHERIES.
FOR COMPLETE DETAILS ON STATISTICAL
AREAS CONSULT BRITISH COLUMBIA
FISHERIES REGULATIONS.

SALMON FISHING WITH NETS OF ANY KIND
IS NOT PERMITTED OUTSIDE OF —
THAT IS SEAWARD OF — THE SURFLINE.

STATISTICAL MAP

BRITISH COLUMBIA WATERS
(SOUTHERN HALF)



FOR ALL FISH CAUGHT
OFF THE COAST OF THE
STATE OF WASHINGTON
SOUTH OF CAPE FLATTERY
REPORT AS AREA "C"

CIRC CHRON-DIARY FILE AM

CLASSIFIED

(CLASSIFICATION)

25-5-7-2-Salmon-1	DOSSIER
-------------------	---------

REQUEST FOR FACSIMILE TRANSMISSION
REQUETE POUR LA TRANSMISSION DE BELINOGRAMME

TO/A: MCTC

DATE: 04 June 1982

FROM/DE: EXTOTT LAO/Strauss

NUMBER/NUMERO LAO-715

PLEASE TRANSMIT THE ATTACHED DOCUMENT(S) TO:
VEUILLEZ TRANSMETTRE LE(S) DOCUMENT(S) EN ANNEXE A:

To: The Canadian Consulate, Seattle

(Indicate the address)

(Indiquez la destination)

Mr. D. F. Martens

(Indicate name of addressee)

(Indiquez le nom du destinataire)

at/à: 447-3804

(Facsimile telephone number)

(Numéro de téléphone du bélino)

D. W. SMITH

Signature

6-6287

Telephone number of originator
Numéro de téléphone du rédacteur

The Department of External Affairs
Ottawa, Ontario, K1A 0G2

Ministère des Affaires Extérieures
Ottawa, Ontario, K1A 0G2

UNCLASSIFIED

FM: EXTOTT LAO-715 03JUN82
TO: SEATL
INFO: WSHDC FANDO/Hunter FANDO/Vancouver/Zyblut
DISTR: GNG
SUBJECT: Pacific Salmon Agreement - Negotiators Report

Reproduced below is draft text of letter/memo to govts from negotiators, prepared by Canadian side.

2. Grateful you pass text today to Alverson. Shepard will contact Alverson to explain changes to previous draft prepared by Latter.

ATTACHMENT

MEMORANDUM

FROM: D. L. Alverson and M. P. Shepard, Negotiators

RE: Development of Canada/United States Pacific
Salmon Agreement

Pursuant to the recommendation contained in our joint memorandum of June , 1981, the undersigned are pleased to submit a partial draft of an Agreement between Canada and the United States of America for the Management of Pacific Salmon. The draft has been developed over the past year in full consultation with private sector Advisory Groups on both sides.

2. Whereas the draft is not yet complete and certain bracketed portions have not yet been fully agreed upon, we believe the draft satisfactorily addresses almost all of the critical issues that have divided the two sides in negotiations over the past decade. With one exception, the gaps and bracketed portions do not indicate substantive differences between the two sides but represent instead problems of interpretation and detail which we are confident can be resolved through further technical consultations over the next few months.

3. The most difficult remaining problem is the treatment of the salmon stocks and salmon fisheries of the Yukon River within the context of the Article dealing with Transboundary Rivers. It is the Canadian view that the principles for cooperative management and for entitlements that apply to other Transboundary Rivers should also apply to the Yukon. The Canadian side further holds that the Yukon River issue must be resolved before the Agreement can be finalized.

- 2 -

On the other hand, inasmuch as the potential consequences of the proposed treaty as it would apply to the Yukon have not been discussed in any detail with United States native peoples living and depending on the Yukon, the United States side has been reluctant to adopt language which could prematurely commit these groups to arrangements developed from principles applicable to geographic and fishery histories substantially different from these of the Yukon region. Consultations within the United States on these issues are continuing and it is hoped that sufficient progress can be made over the next few months to permit finalization of an overall Agreement before the end of 1982.

4. The draft Agreement in its present format provides a framework for cooperation between the two sides in the conduct of their fisheries and of their enhancement programs. Based on principles outlined in the draft Agreement, it is envisaged that the two Parties would carry out consultations within a new Commission leading to development of fishing regimes and enhancement activities on an annual basis. The negotiators believe that the workability of the proposed arrangements must be tested before Governments given final consideration to the text of the Agreement. To this end, the negotiators recommend:

Officials of the two Governments immediately initiate consultations aimed at developing agreed proposals for fisheries regimes, consistent with the provisions of the Draft Agreement, to apply during the 1983 and 1984 seasons. Although the initial stages of the consultation should be conducted at the level of

.../3

001747

- 3 -

officials, the final development of the proposals should involve the full participation of the private sector Advisory Groups of the two sides. The proposals should be completed by November 30, 1982.

5. Implementation of the proposed Agreement will require transfer of responsibilities for management of Fraser sockeye and pinks from the existing International Pacific Salmon Fisheries Commission to the new Commission and to Canada. Detailed planning will be required in order to ensure an orderly transition. The negotiators therefore recommend:

By September 30, 1982, a Working Group composed of officials of the two Parties prepare a proposed plan for the transfer of responsibilities of the IPSFC to the new Commission and to Canada. Such plan to include, inter alia,

(a) timetable for assumption of responsibilities by Canada for provision of information regarding Fraser sockeye and pinks pursuant to paragraph 3 of Article IV of the Draft Agreement and by the Fraser Panel for the functions outlined in paragraph 2 - 6 of Article VI of the Draft Agreement,

(b) definition of the activities to be undertaken by staff reporting to the Fraser Panel and to the respective agencies of the two parties as a basis for development of Annex IV of the Agreement,

(c) timetable for the timely phasing of activities

- 4 -

referred to in the preceding subparagraph, taking into account the need to make fullest use of the skills of the existing IPSFC staff and to ensure effective management of the fisheries,

(d) determination of future requirements for staff and financial resources for the Fraser Panel,

(e) taking into account determination made in the previous subparagraph, proposals for assimilation of the present IPSFC staff,

(f) arrangements for transfers of existing IPSFC physical assets.

In carrying out its duties, the Working Group should consult closely with the Director of IPSFC.

6. There are a number of gaps in the present Draft Agreement associated with the timing of consultative procedures. The Rules of Procedure of the proposed new Commission have not been discussed nor has the administrative support structure of the Commission (numbers and qualifications of staff, etc.). The negotiators believe that it would be useful for the Working Group established to develop proposals for Fraser sockeye and pinks also to develop proposals with respect to administrative and procedural aspects of the Agreement other than those associated with the Fraser Panel. The negotiators therefore recommend:

The Working Group examining arrangements for Fraser sockeye and pinks also develop proposals for

(a) timing of consultative procedures specified in Articles IV and V,

- 5 -

(b) The size, composition and anticipated duties of the Secretariat of the new Commission, including estimates of annual budgets to operate the Commission.

7. The negotiators continue to believe that the Agreement will only be workable if better knowledge is gained of the extent of interceptions of salmon in certain key areas, particularly in the vicinity of northern British Columbia and Southeast Alaska. Since there are considerable annual variations in migration paths and in the proportional contributions of the stocks to the fisheries, it is necessary to carry out such research over a number of years in order to provide an adequate data base. This conclusion was reached at an early stage in the negotiations. For example, the Lynwood formulation contemplated a 4-year initial study period. The negotiators note with satisfaction that, as part of interim understandings reached in 1981, an ambitious and well planned tagging program will be carried out in the Northern British Columbia - Southeast Alaska area in 1982. The negotiators believe that a program of this type must be carried on for at least 3 more years in order to resolve outstanding differences in the assessment of the two sides regarding the composition of the stocks in the fisheries. Obtaining better knowledge would not only facilitate implementation of the Agreement but would also provide valuable information for improving domestic management and for planning of enhancement programs in both countries. The negotiators therefore recommend that:

In plans to implement the Agreement, the Governments of the two countries make budgetary provisions to continue

- 6 -

the program of cooperative research on the migratory patterns of salmon in the Northern British Columbia - Southeast Alaska area (including the approaches to the panhandle transboundary rivers) for at least 3 more years.

8. In addition, there may be other areas where critical information gaps could prevent both Parties from achieving maximum benefits from an Agreement and where further cost-effective research could return substantial dividends. To assist the Governments in assessing research needs, the negotiators recommend:

With appropriate technical support, the Working Group develop proposals for future research needed to ensure effective implementation of the Agreement, including estimates of cost and the priorities of the proposed programs.

9. The negotiators believe that if the various activities recommended in the foregoing paragraphs are carried out successfully (and assuming that accommodation is reached on the Yukon River issue), it should be possible to conclude a full Draft Agreement for submission to Governments by November 30, 1982.

10. Assuming that the negotiators' recommendations for interim action outlined in the foregoing paragraphs are accepted and that the Draft Agreement has been completed by the target date, the negotiators suggest that the Governments subject the Draft Agreement to their respective internal review processes along with subsidiary understandings (including proposed fishing regimes for 1983-84,

.../7

001751

- 7 -

the phasing in of new arrangements for Fraser sockeye and pinks, the budgetary and administrative arrangements associated with establishment of the Commission and required research) with a view to bringing the Agreement into force during 1983.

11. As noted in the explanatory memorandum accompanying the Draft Agreement, the negotiators believe that maintenance of a positive atmosphere with respect to the conduct of salmon fisheries of the two countries during 1982 is essential to further progress in reaching a comprehensive Agreement. They therefore urge that the fullest effort be made by fisheries administration on both sides to give full effect to the intention arrangements proposed in the June joint memorandum. The negotiators also note that the unresolved differences between the two Governments regarding the position of the maritime boundary in the Northern British Columbia - Southeast Alaska area has created some uncertainty regarding the conduct of fisheries in the area that is under dispute. The negotiators urge that, pending solution of the boundary question, procedures be developed by the two Governments to minimize conflict between fisherman of the two countries, conflict which could escalate and could erode the progress that is being made to developing an overall Salmon Agreement.]

ACTION
ITE A DONNER

circulating/diary/file/chron

MESSAGE

FM/DE	PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY
	LIEU	MINISTÈRE	N° D'ORIG.			SECURITE
	SEATL	UAGR	5451	21MAY82		U/C
						PRECEDENCE
TO/A	EXTOTT LAO SEA 004/21					
	SEAX WSHDC DE SEA SEA 003/21					
INFO	FANDOTT/HUNTER DE OTT					
	REGAM FANDO VNCVR/ZYBLUT					
						25-57-2-SAMMON-1

DISTR. CNC

REF OIRTELS UAGR 5760 OF 11AUG81 AND 5021 of 14JAN82

SUB/SUJ ---COLUMBIA RIVER CHINOOK-ALASKA LITIGATION

LEGAL SUIT FILED APRIL 27, 1982 BY COLUMBIA RIVER INDIAN TRIBES AGAINST STATE OF ALASKA, ALASKA BOARD OF FISHERIES AND COMMISSIONER SKOOG OF THE ALASKA DEPARTMENT OF FISH AND GAME. SUIT FILED IN EFFORT TO HAVE MORE UPRIVER CHINOOK RETURN TO THE COLUMBIA RIVER. SUIT SEEKS INJUNCTIVE RELIEF AND NOT A MONETARY AMOUNT. UNDERSTAND SUIT WILL BE HEARD BY JUDGE WALTER CRAIG BUT NO DATE HAS BEEN DETERMINED. CRAIG ALSO PRESIDING OVER LITIGATION ON A RELATED ISSUE BETWEEN THE CONFEDERATED TRIBES AND BANDS OF THE YAKIMA NATION, ET AL, AND MALCOLM BALDRIGE, SECRETARY OF COMMERCE.

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
NG. T. D. MARTENS/cn			NG. F. D. MARTENS

Original to MIN/Glasgow

LAO/H. Strauss/6-2643/mm/25 May 1982

Diary
Circ
Div
✓File

LAO-658

PROCEEDINGS ON ADJOURNMENT MOTION

"THE LATE SHOW"

Government Position on Canada-United States
West Coast Boundary Dispute

ACC	205281
FILE	25-5-5-cda-USA-2
DUSSE...	

25-5-6-cda-USA
25-5-7-2-Salmon-1

Canada maintains that the A-B Line constitutes the international boundary between Canada and the United States in the Dixon Entrance region. The United States does not accept this view. It regards the Dixon Entrance region as part of the United States territorial sea and fishery conservation zone. It considers that the delimitation in the Dixon Entrance region should be based strictly on the principle of equidistance. While the question of the boundary does not raise specific conservation and interception problems in terms of fishing activities, it does have an effect on where the fish can be caught.

The salmon interception discussions between Canada and the United States are designed to develop cooperative arrangements to conserve West Coast salmon with a view to increasing stocks available for harvesting, and to provide each state with salmon catches equivalent to its production. The negotiators have elaborated a draft framework agreement which provides inter alia for:

1. fisheries management by both countries aimed at preventing over-fishing, ensuring optimum production, and

- 2 -

providing for each country to receive benefits equivalent to its total salmon production;

2. the establishment of a Pacific Salmon Commission as the forum within which the fishery managers of the two countries consult on the conduct of their fisheries;

3. the development of annual agreed fisheries regimes, involving setting the levels or extent of intercepting fisheries of both countries;

4. bilateral consultation and cooperation in enhancement and research programs;

5. the joint setting of escapement goals on transboundary rivers;

6. compensation to Canada for salmon produced in Canadian sections of transboundary rivers;

7. an annual entitlement of Fraser River sockeye and pink salmon to the United States for a period of years yet to be determined; and

8. the termination of the present Fraser River Salmon Convention.

Provisions have yet to be negotiated in the agreement for cooperative management and sharing of production of salmon originating in the Yukon River.

During the course of the summer officials will work out the details necessary to implement the framework agreement, including fishing regimes for 1983 and 1984.

The boundary and salmon interception issues are distinct problems that can, and should be, dealt with separately.

COMCENTRE / FILE / DIARY / CIRC / DIV

MESSAGE

FILE COSSIER

MAY 27 15 20 '82

SECURITY SÉCURITÉ

UNCLASSIFIED

ORIG. NO.

DEPT MIN. PLACE LIFO NO D'ORIG
FR EXTOTT LA00670 26MAY82

DATE

PRECEDENCE

FILE	COSSIER
25-5-7-2-SALMOL-1	

From

To

Info

Ref

Sub

Ref

TO SEATL

INFO FANDOTT/HUNTER ~~REGAM~~ FANDOVNCVR/ZYBLUT DE UFO

DISTR GNG

REF YOURTEL UAGR5451 OF 21MAY82

---COLUMBIA RIVER CHINOOK-ALASKA LITIGATION

PLEASE SEND US COPY OF DOCUMENTS FILED BY COLUMBIA RIVER
INDIAN TRIBES.

H. STRAUSS/mm

LAO

6-2643

ACTING DIRECTOR

001756

LAO/H. Strauss/6-2643/mm

The Canadian Embassy
WASHINGTON

UNCLASSIFIED

The Under-Secretary of State
for External Affairs
OTTAWA

June 3, 1982

LAO-709

Pacific Salmon Interception Agreement

208093
25-5-7-2 SALMON-1

1

On June 2, Christine Dawson of the U.S. Department of State phoned Howard Strauss of the Legal Operations Division to discuss some stylistic changes that the USA would like to make to the text attached to our letter number LAO-535 of May 18, 1982. We have revised the text to take account of the changes and a copy of the revised text is attached hereto. Please forward a copy of the attached to Dawson.

2. For your information and that of the information addressees, changes have been made to the following paragraphs: INDEX PAGE (Date); ARTICLE III (Para. 4); ARTICLE V (Para. 3); ARTICLE VI (Paras. 1, 3, 4, 7, 8); ARTICLE VII (Paras. 2, 3); ARTICLE IX (Para. 3); ARTICLE XIV (Para. 3); and ANNEX I (Chapeau, Para. (a)).

GNG
TWR
FANDO/
Hunter/
Kowal
Legal
Services/
Goldberg
FANDO/
Vancouver/
Zyblut

✓File
Diary
Circ
Div

R. J. Rochon

Under Secretary of State
for External Affairs

June 2, 1982

INDEX

Preamble

1. Definitions
2. Commission and Panels
3. Principles
4. Conduct of Fisheries
5. Salmon Enhancement Programs
6. Fraser River
7. Transboundary Rivers
8. Steelhead
9. Research
10. Domestic Allocation
11. Technical Dispute Settlement
12. Annexes
13. Implementation
14. Entry Into Force and Termination

Annexes

- I Panels
- II Fishery Regimes
- III Fraser Panel Area
- IV Fraser River
- V Transboundary Rivers
- VI Technical Dispute Settlement

- 1 -

AGREEMENT BETWEEN CANADA AND THE UNITED STATES OF AMERICA
FOR THE MANAGEMENT OF PACIFIC SALMON

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

Considering the interests of both Parties in the
conservation and rational management of Pacific salmon
stocks and in the promotion of optimum production of such
stocks;

Recognizing that States in whose waters salmon
stocks originate have the primary interest in and
responsibility for such stocks;

Recognizing that salmon originating in the waters
of each Party are intercepted in substantial numbers by the
nationals and vessels of the other Party, and that the
management of stocks subject to interception is a matter of
common concern;

Desiring to cooperate in the management, research
and enhancement of Pacific salmon stocks;

Have agreed as follows:

- 2 -

Article I

DEFINITIONS

1. Enhancement - an activity that will lead to the increase of salmon stocks through man-made improvements to natural habitats or through application of artificial fish culture technology.
2. Fishery - the activity of harvesting or seeking to harvest salmon.
3. Fishery regimes - the fishing limitations and arrangements adopted by the Parties pursuant to Article IV, paragraph 6.
4. Interception - the harvesting of salmon originating in the waters of one Party by a fishery of the other Party.
5. Overfishing - fishing patterns which result in escapements significantly less than those required to produce maximum sustainable yields.

- 3 -

6. Stocks subjects to this Agreement - Pacific salmon stocks which originate in the waters of Canada or the United States and

- (1) are subject to interception by either Party;
- (2) affect the management of stocks of either Party;
- or
- (3) affect biologically the stocks of either Party.

7. Transboundary river - a river that rises in Canada and flows to the sea through the United States.

- 4 -

Article II

COMMISSION AND PANELS

1. The Parties shall establish a Pacific Salmon Commission, hereinafter referred to as "the Commission", to be composed of two national sections, a Canadian Section and a United States Section.

2. The Commission shall have legal personality and shall enjoy in its relations with other organizations and in the territories of the Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Commission and its officers shall enjoy in the territory of a Party shall be subject to agreement between the Commission and the Party concerned.

3. The Commission shall consist of not more than eight Commissioners, of whom not more than four shall be appointed by each Party. Each Party may also appoint not more than four alternate Commissioners, to serve in the absence of any Commissioner appointed by that Party.

- 5 -

4. The Commissioners and alternate Commissioners shall hold office at the pleasure of the Party by which they were appointed.

5. At the first meeting of the Commission one section shall select from its members a Commission Chairman, and the other section shall select from its members a Vice-Chairman, each of whom shall hold office for the calendar year in which the Agreement enters into force and for such portion of the subsequent year as the Commission may determine. Thereafter the Chairman and Vice-Chairman shall hold office for a term of twelve months and shall be selected by their respective sections. The section which selects the first Chairman shall be determined by lot and thereafter the offices of Chairman and Vice-Chairman shall alternate between the sections. If either office becomes vacant before the end of a term, the appropriate section shall select a replacement for the remainder of the term.

6. Each section shall have one vote in the Commission. A decision or recommendation of the Commission shall be made only with the approval of both sections.

7. Subject to the approval of the Parties, the Commission shall make such by-laws and procedural rules, for itself, for the Panels established pursuant to

- 6 -

paragraph 18, and for the committees established pursuant to paragraph 17, as may be necessary for the exercise of their functions and the conduct of their meetings.

8. The Commission may make recommendations to or advise the Parties on any matters relating to the Agreement.

9. Unless otherwise agreed by the Parties, the seat of the Commission shall be at New Westminster, British Columbia.

10. The Commission shall hold an annual meeting and may hold other meetings at the request of the Chairman or of either Party. The Chairman shall notify the Commissioners of the time and place of meetings. Meetings may be held at the seat of the Commission or at such other place as may be determined in accordance with the by-laws and procedural rules of the Commission.

11. Each Party shall pay the expenses of its own section.

12. The Commission shall prepare an annual budget of joint expenses and submit it to the Parties for approval. The Parties shall bear the costs of the budget in equal shares unless otherwise agreed, and shall pay their shares

- 7 -

as the by-laws may specify after the budget has been approved by both Parties.

13. The Commission shall authorize the disbursement of funds contributed by the Parties pursuant to paragraph 12, and may enter into contracts and acquire property necessary for the performance of its functions.

14. The Commission shall submit to the Parties an annual report on its activities and an annual financial statement.

15. The Commission shall appoint an Executive Secretary, who, subject to the supervision of the Commission, shall be responsible for the general administration of the Commission.

16. The Commission may engage staff or authorize the Executive Secretary to do so. The Executive Secretary shall have full authority over the staff subject to the direction of the Commission. If the office of the Executive Secretary is vacant, the Commission shall determine who shall exercise that authority.

17. The Commission shall establish a Committee on Research and Statistics and a Committee on Finance and

- 8 -

Administration. The Commission may eliminate or establish committees as appropriate.

18. The Commission shall establish Panels as specified in Annex I. The Commission may recommend to the Parties the elimination or establishment of Panels as appropriate.

19. The Panels shall provide information and make recommendations to the Commission with respect to the functions of the Commission and carry out such other functions as the Agreement may specify or as the Commission may direct.

20. In cases where fisheries intercept stocks for which more than one Panel is responsible, the appropriate Panels shall meet jointly to carry out the functions specified in paragraph 19. If the Panels cannot agree, each may make an independent report to the Commission.

21. Each Panel shall consist of not more than 6 members from each Party. Each Party may designate alternate Panel members to serve in the absence of any Panel member appointed by that Party.

22. Except as otherwise provided in the Agreement, paragraphs 4, 5, 6, 10 and 11 apply, mutatis mutandis, to each Panel.

- 9 -

Article III

PRINCIPLES

1. With respect to stocks subject to this Agreement, each Party shall conduct its fisheries and its salmon enhancement programs so as to:
 - (a) prevent overfishing and provide for optimum production; and
 - (b) provide for each Party to receive benefits equivalent to the production of salmon originating in its waters.
2. In fulfilling their obligations pursuant to paragraph 1, the Parties shall cooperate in management, research and enhancement.
3. In fulfilling their obligations pursuant to paragraph 1, the Parties shall take into account:
 - (a) the desirability in most cases of reducing interceptions;

- 10 -

(b) the desirability in most cases of avoiding undue disruption of existing fisheries; and

(c) annual variations in abundance of the stocks.

[4. Except as agreed by the Parties, neither Party shall initiate new intercepting fisheries or expand the rate of interception in existing fisheries.]

- 11 -

Article IV

CONDUCT OF FISHERIES

In order to facilitate the implementation of Articles III, VI and VII:

1. On or before _____ in each year, or on such other date as the Parties may agree, each Party shall submit a report on its fishing activities in the previous year to the other Party and to the Commission. The Commission shall forward the reports to the appropriate Panels.

2. The Panels shall consider the reports submitted pursuant to paragraph 1 and shall provide their views to the Commission. The Commission shall review the reports of the Panels and shall provide its views to the Parties.

3. On or before _____ in each year, or on such other date as the Parties may agree, the State of origin shall submit preliminary information for the ensuing year to the other Party and to the appropriate Panel, including:

- 12 -

- (a) the estimated size of the run;
- (b) the interrelationship between stocks;
- (c) the spawning escapement required;
- (d) the estimated total allowable catch;
- (e) its intentions concerning management of fisheries in its own waters; and
- (f) its domestic allocation objectives whenever appropriate.

4. The Panel shall examine the information submitted pursuant to paragraph 3 and report its views to the Commission with respect to fishery regimes for the following year.

5. The Commission shall thereupon review the reports of the Panels and shall recommend fishery regimes to the Parties.

6. On adoption by both Parties, the fishery regimes referred to in paragraph 5 shall be attached to this Agreement as Annex II.

- 13 -

7. Each Party shall establish and enforce regulations to implement the fishery regimes adopted by the Parties. Each Party, in a manner to be determined by the Commission, shall notify the Commission and the other Party of these regulations and shall promptly communicate to the Commission and to the other Party any in-season modifications.

- 14 -

Article V

SALMON ENHANCEMENT PROGRAMS

1. Salmon enhancement programs that may be established by the Parties shall be conducted subject to the provisions of Article III.

2. On or before _____ in each year, or on such other date as the Parties may agree, each Party shall provide to the other Party and to the appropriate Panel information pertaining, inter alia, to:

- (a) operations of and plans for existing projects;
- (b) plans for new projects; and
- (c) its views concerning the other Party's salmon enhancement projects.

3. The Panels shall examine the information and provide their views to the Commission in light of the obligations set forth in Article III.

4. The Commission shall thereupon review the reports of the Panels and may make recommendations to the Parties.

- 15 -

Article VI

FRASER RIVER

1. This Article applies to Fraser River sockeye and pink salmon harvested in the area specified in Annex III.
2. Notwithstanding the provisions of Article IV, paragraph 7, upon approval by the Commission of the fishery regime for the stocks covered by this Article, the Fraser River Panel shall propose regulations to the Commission for the harvest of salmon referred to in paragraph 1.
3. The Fraser River Panel shall review with other appropriate Panels the fishery regimes and the information provided pursuant to Article IV, paragraph 3, with respect to salmon other than Fraser River sockeye and pink salmon before proposing regulations pursuant to paragraph 2. The Fraser River Panel and the Commission shall ensure that regulatory proposals and recommendations, to the extent practicable, meet the requirements of the Parties with respect to the management of stocks other than Fraser River sockeye and pink salmon.

- 16 -

[4. In implementing this Article, the Fraser River Panel and the Commission shall take into account the domestic allocation objectives of the Parties and the entitlement of the United States with respect to salmon referred to in paragraph 1, as specified in Annex IV.]

5. On the basis of the proposals made by the Panel, the Commission shall recommend regulations to the Parties (timing) for approval. The regulations shall become effective upon approval by the Party in whose waters such regulations are applicable.

6. During the fishing season, the Fraser River Panel may make orders for the adjustment of fishing times and areas stipulated in the annual regulations in response to variations in anticipated conditions. The Parties shall give effect to such orders in accordance with their respective laws and procedures.

7. The responsibilities of the Fraser River Panel with respect to the conduct of investigations and the collection of information shall be as specified in Annex IV.

8. The Parties shall not regulate their fisheries in areas outside the area specified in Annex III in a manner that would prevent achievement of the objectives of the fishery regime for the salmon referred to in paragraph 1.

- 17 -

Article VII

TRANSBOUNDARY RIVERS

[1. This Article applies to salmon originating in transboundary rivers.

2. Notwithstanding Article IV, paragraph 3(c), whenever the salmon originate in the Canadian portion of a transboundary river the appropriate Panel shall provide its views to the Commission on the spawning escapement to be provided for all the salmon stocks of the river if either section of the Panel so requests.

3. On the basis of the views provided by the Panel pursuant to paragraph 2, the Commission shall recommend spawning escapements to the Parties.

4. The entitlements of the Parties with respect to salmon referred to in paragraph 1 shall be as specified in Annex V.

5. Whenever salmon originate in the Canadian portions of transboundary rivers, the Parties may initiate, or conduct, salmon enhancement projects on the rivers only upon

- 18 -

consent of the Commission and according to the terms of that
consent.]

- 19 -

Article VIII

STEELHEAD

In fulfilling their functions, the Panels and Commission shall take into account the conservation of steelhead.

- 20 -

Article IX

RESEARCH

1. The Parties shall conduct research to investigate:

(a) the migratory and exploitation patterns, the productivity and the status of stocks of common concern; and

(b) the extent of interceptions.

2. The Commission may make recommendations to the Parties regarding the conduct and coordination of research.

3. Subject to normal requirements, each Party shall allow nationals, equipment and vessels of the other Party conducting research approved by the Commission to have access to its waters for the purpose of carrying out such research.

- 21 -

U.S. Proposal

Article X

DOMESTIC ALLOCATION

[1. In fulfilling their functions under this Agreement, the Commission and the Panels shall take into account the domestic allocation objectives of the Parties.

2. Nothing in this Agreement shall be construed to derogate from obligations of the United States with respect to domestic resource allocation. Nor shall the Agreement be construed to affect the relationships among U.S. domestic management entities.]

- 22 -

Article XI

TECHNICAL DISPUTE SETTLEMENT

1. Either Party may submit to the Chairman of the Commission, for referral to a Technical Dispute Settlement Board, any dispute concerning estimates of the number of salmon intercepted and claims of overfishing. The Commission may submit other technical matters to the Chairman for referral to a Board. The Board shall be established and function in accordance with the provisions of Annex VI.
2. Except as provided in paragraph 3, the findings of the Board shall be final and without appeal.
3. Either Party may, by application in writing to the Chairman of the Commission, request reconsideration of a finding of a Board, provided that such request is based on information not previously considered by the Board and not previously known to or reasonably discoverable by the Party requesting such reconsideration. The Chairman shall, if possible, refer the request to the Board which made the finding. Otherwise, the Chairman shall refer the request to a new Board constituted in accordance with the provisions of Annex VI.

- 23 -

Article XII

ANNEXES

1. All references to this Agreement shall be understood to include the Annexes.
2. The Commission, whenever appropriate, shall review the Annexes and may make recommendations to the Parties for their amendment.
3. The Annexes may be amended by the Parties through an Exchange of Notes.
4. The Commission shall publish the texts of the Annexes whenever amended.

- 24 -

Article XIII

IMPLEMENTATION

Each Party shall:

- (a) enact and enforce such legislation as may be necessary to implement this Agreement;
- (b) require reports from its national and vessels of catch, effort and related data for all stocks governed by this Agreement and make such data available to the Commission; and
- (c) exchange fisheries statistics and any other relevant information on a current and regular basis in order to facilitate the implementation of this Agreement.

- 25 -

Article XIV

ENTRY INTO FORCE AND TERMINATION
OF AGREEMENT

1. This Agreement is subject to ratification. It shall enter into force upon the exchange of instruments of ratification at _____.

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

[3. Upon the entry into force of this Agreement, the Convention between Canada and the United States of America for the Protection, Preservation and Extension of the Sockeye Salmon Fishery in the Fraser River System, as amended, signed May 26, 1930, shall be terminated.]

- 26 -

ANNEX I

PANELS

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 III; and
- (c) a Northern Panel for salmon originating in rivers with mouths situate north of Cape Caution.

- 27 -

ANNEX II

FISHERY REGIMES

- 28 -

ANNEX III

FRASER PANEL AREA

- 29 -

ANNEX IV

FRASER RIVER

With respect to Article VI, paragraph 4, the United States shall be entitled to an annual average of 125,000 sockeye and 200,000 pinks for a period of [8-C] [20-US] years after the entry into force of this Agreement. These quantities shall be in addition to any benefits that may accrue to the United States pursuant to Article III, paragraph 1(b).

- 30 -

ANNEX V

TRANSBOUNDARY RIVERS

[1. Notwithstanding Article III, paragraph 1(b), with respect to salmon originating in transboundary rivers, except those with mouths situate in the Bering Sea [and the Arctic Ocean], the Canadian entitlement in 1983 and 1984 shall be 250,000 salmon per year, and thereafter 62.5 percent of the harvest of the stocks originating in the Canadian portion of the rivers.

2. The entitlement referred to in paragraph 1 shall reflect the proportional contribution from the stocks originating in Canadian waters by species.

3. Notwithstanding Article III, paragraph 1(b) and paragraph 1 of this Annex, the entitlement of the Parties to production from enhancement facilities in the Canadian sections of transboundary rivers shall be negotiated on a case-by-case basis.]

- 31 -

ANNEX VI

TECHNICAL DISPUTE SETTLEMENT

HS(DP)

[Handwritten signature]

FACSIMILE TRANSMISSION MESSAGE
MESSAGE TRANSMISSION FACSIMILE

ADDRESSEE'S NAME RECEPTIONNAIRE/NOM.	Jean-Pierre Juneau Canadian Embassy - Washington	DELIVER BY 15/1130
SERVICE & BRANCH SERVICE ET DIRECTION		25-5-7-2-SAMMOK-1
CITY/VILLE	Washington, D.C.	

ANY SPECIAL INSTRUCTIONS FOR SENDING MESSAGE
INSTRUCTIONS SPECIALES POUR ENVOI DE MESSAGE

please deliver to Christine Dawson
State Department
Office of Fisheries Affairs
OES - FA
Room 5806

SENDER'S NAME EXPEDITEUR/NOM.	Max Stanfield		
SERVICE & BRANCH SERVICE ET DIRECTION	International Directorate		
FLOOR/ETAGE	8th West	TELEPHONE NO.	995-2191
COLLATOR # NO. D'INTERCLASSEMENT	1413-000		

PACIFIC SALMON AGREEMENT

Joint Report of the Negotiators

Background

On June 19, 1981, the Governments of Canada and the United States announced their intention to implement recommendations made by the negotiators with respect to the conduct of intercepting fisheries in 1981 and 1982, and agreed that the negotiators should attempt to conclude the negotiation of a comprehensive Pacific salmon agreement by May 31, 1982.

Framework Agreement

Since June 1981, the negotiators and officials of both countries have met on a number of occasions, together with state, provincial, tribal and fishing industry representatives, and have developed the text of a Framework Agreement, attached as an Annex to this report.

The negotiators believe that the text of the Framework Agreement represents significant progress towards final resolution of the issues. The Framework Agreement contains, inter alia, the following provisions:

1. An obligation on the part of both countries to manage their fisheries and enhancement programs to;
 - a. prevent overfishing and provide for optimum production; and,
 - b. provide for each country receiving benefits equivalent to its total salmon production.

2. Establishment of a Pacific Salmon Commission as the forum within which the fishery managers of the two countries would consult on the conduct of their fisheries and enhancement programs.
3. A requirement for the development of annual agreed fisheries regimes, involving setting the levels or extent of intercepting fisheries of both countries.
4. A requirement for the two parties to consult and cooperate in their enhancement and research programs.
5. A requirement for joint setting of escapement goals on transboundary rivers.
6. Arrangements for the provision of benefits to Canada from salmon produced in Canadian sections of transboundary rivers.
7. An annual entitlement of Fraser River sockeye and pink salmon to the United States for a period of years yet to be determined.
8. Termination of the present Fraser River Salmon Convention.

The Agreement will contain provisions for cooperative management and sharing of production of salmon originating in the Yukon River. These provisions have yet to be negotiated.

Proposals for Implementation

The negotiators believe that, before evaluating the Framework Agreement, the two Governments should give thorough consideration to questions of implementation. In particular, the negotiators recommend that, prior to November 30, 1982, the parties develop:

- a. agreed fisheries regimes applicable to intercepting fisheries of both countries during 1983 and 1984 (to be

incorporated as an Annex to the Agreement). Such fishery regimes should contain specific commitments with respect to the management of intercepting fisheries, based on the obligations outlined in the Framework Agreement. They should also contain recommendations with respect to coordination of enhancement plans, the setting of escapement levels on transboundary rivers, and other aspects of salmon management outlined in the Framework Agreement.

The negotiators consider that in developing the fishery regimes, officials should employ the consultative procedures for conduct of fisheries and enhancement planning contained in the Framework Agreement.

- to be discussed between Shepard and Alvarson next week.*
- b. arrangements for the transfer (timing) of the management, technical and administrative responsibilities for Fraser River sockeye of pink salmon from the IPSFC to Canada and to the new Pacific Salmon Commission. The transfer of responsibilities should take place as early as possible but should be phased in a manner that ensures the effective conservation of the stocks and the utilization of the skills and experience of the staff of the existing Commission.
- c. proposals for research most urgently required in order to ensure that both countries receive the greatest benefits in the short term. The proposals should include arrangements for funding.

- d. proposals for administrative, financial and personnel arrangements for the establishment of the new Commission.

The negotiators recommend that, immediately after November 30, the Governments subject the draft Framework Agreement (including the fishing plans and understandings regarding other implementing^{ation} arrangements) to their internal processes with a view to early ratification so that the new Commission can begin operation in 1983.

The negotiators note that although the procedures outlined in the Framework Agreement concentrate on the year by year consideration of fishery regimes and enhancement programs, full benefits from the Agreement are unlikely to be achieved unless such activities are developed within the context of a carefully phased long-term plan. In this regard, the negotiators believe that, on adoption of the Agreement and supplementary understandings, the two Parties should work together within the new Commission to develop long-term plans for cooperation in management, enhancement and fisheries adjustments aimed at increasing salmon production and at facilitating the orderly development of the fisheries of both sides in the future. If such long-term plans were developed, they would provide firm guidelines and direction for^{the} annual consideration of fishing regimes and enhancement programs within the Commission.

Arrangements for 1982

The negotiators note that although there were understandable "start-up" difficulties, the interim arrangements for 1981 fishing season worked to the general satisfaction of both sides. As background for completion of the Framework Agreement and the development of fishery regimes for 1983 and 1984, the negotiators believe that

it is essential, in 1982, to maintain the atmosphere of cooperation and progress that existed in 1981. Measures required for the 1982 season will be more extensive and difficult than those applied in 1981. The negotiators urge that the fisheries administrations in the two countries place the highest priority on conducting their fisheries in 1982 in conformity with the mutual understandings regarding interim arrangements worked out over the past year.

Conclusion

The negotiators firmly believe that the Framework Agreement, together with the successful conclusion and implementation of the other steps set out in this report, will greatly improve the management of the Pacific salmon resources of Canada and the USA. They believe that the agreement will provide a real opportunity and incentive to rebuild and enhance depleted stocks, to conduct essential research and, ^{thereby} ~~to~~ provide greater benefits to the fishing industries that rely on salmon.

MORANDUM

FROM: D. L. Alverson and M. P. Shepard, Negotiators
RE: Development of Canada/United States Pacific
Salmon Agreement

Pursuant to the recommendation contained in our joint memorandum of June , 1981, the undersigned are pleased to submit a partial draft of an Agreement between Canada and the United States of America for the Management of Pacific Salmon. The draft has been developed over the past year in full consultation with private sector Advisory Groups on both sides.

2. Whereas the draft is not yet complete and certain bracketed portions have not yet been fully agreed upon, we believe the draft satisfactorily addresses almost all of the critical issues that have divided the two sides in negotiations over the past decade. With one exception, the gaps and bracketed portions do not indicate substantive differences between the two sides but represent instead problems of interpretation and detail which we are confident can be resolved through further technical consultations over the next few months.

3. The most difficult remaining problem is the treatment of the salmon stocks and salmon fisheries of the Yukon River within the context of the Article dealing with Transboundary Rivers. It is the Canadian view that the principles for cooperative management and for entitlements that apply to other Transboundary Rivers should also apply to the Yukon. The Canadian side further holds that the Yukon River issue must be resolved before the Agreement can be finalized.

On the other hand, inasmuch as the potential consequences of the proposed treaty as it would apply to the Yukon have not been discussed in any detail with United States native peoples living and depending on the Yukon, the United States side has been reluctant to adopt language which could prematurely commit these groups to arrangements developed from principles applicable to geographic and fishery histories substantially different from these of the Yukon region. Consultations within the United States on these issues are continuing and it is hoped that sufficient progress can be made over the next few months to permit finalization of an overall Agreement before the end of 1982.

4. The draft Agreement in its present format provides a framework for cooperation between the two sides in the conduct of their fisheries and of their enhancement programs. Based on principles outlined in the draft Agreement, it is envisaged that the two Parties would carry out consultations within a new Commission leading to development of fishing regimes and enhancement activities on an annual basis. The negotiators believe that the workability of the proposed arrangements must be tested before Governments give final consideration to the text of the Agreement. To this end, the negotiators recommend:

Officials of the two Governments immediately initiate consultations aimed at developing agreed proposals for fisheries regimes, consistent with the provisions of the Draft Agreement, to apply during the 1983 and 1984 seasons. Although the initial stages of the consultation should be conducted at the level of

officials, the final development of the proposals should involve the full participation of the private sector Advisory Groups of the two sides. The proposals should be completed by November 30, 1982.

5. Implementation of the proposed Agreement will require transfer of responsibilities for management of Fraser sockeye and pinks from the existing International Pacific Salmon Fisheries Commission to the new Commission and to Canada. Detailed planning will be required in order to ensure an orderly transition. The negotiators therefore recommend:

By September 30, 1982, a Working Group composed of officials of the two Parties prepare a proposed plan for the transfer of responsibilities of the IPSFC to the new Commission and to Canada. Such plan to include, inter alia,

(a) timetable for assumption of responsibilities by Canada for provision of information regarding Fraser sockeye and pinks pursuant to paragraph 3 of Article IV of the Draft Agreement and by the Fraser Panel for the functions outlined in paragraph 2 - 6 of Article VI of the Draft Agreement,

(b) definition of the activities to be undertaken by staff reporting to the Fraser Panel and to the respective agencies of the two parties as a basis for development of Annex IV of the Agreement,

(c) timetable for the timely phasing of activities

referred to in the preceding subparagraph, taking into account the need to make fullest use of the skills of the existing IPSFC staff and to ensure effective management of the fisheries,

(d) determination of future requirements for staff and financial resources for the Fraser Panel,

(e) taking into account determination made in the previous subparagraph, proposals for assimilation of the present IPSFC staff,

(f) arrangements for transfers of existing IPSFC physical assets.

In carrying out its duties, the Working Group should consult closely with the Director of IPSFC.

6. There are a number of gaps in the present Draft Agreement associated with the timing of consultative procedures. The Rules of Procedure of the proposed new Commission have not been discussed nor has the administrative support structure of the Commission (numbers and qualifications of staff, etc.). The negotiators believe that it would be useful for the Working Group established to develop proposals for Fraser sockeye and pinks also to develop proposals with respect to administrative and procedural aspects of the Agreement other than those associated with the Fraser Panel. The negotiators therefore recommend:

The Working Group examining arrangements for Fraser sockeye and pinks also develop proposals for

(a) timing of consultative procedures specified in Articles IV and V,

(b) The size, composition and anticipated duties of the Secretariat of the new Commission, including estimates of annual budgets to operate the Commission.

7. The negotiators continue to believe that the Agreement will only be workable if better knowledge is gained of the extent of interceptions of salmon in certain key areas, particularly in the vicinity of northern British Columbia and Southeast Alaska. Since there are considerable annual variations in migration paths and in the proportional contributions of the stocks to the fisheries, it is necessary to carry out such research over a number years in order to provide an adequate data base. This conclusion was reached at an early stage in the negotiations. For example, the Lynwood formulation contemplated a 4-year initial study period. The negotiators note with satisfaction that, as part of interim understandings reached in 1981, an ambitious and well planned tagging program will be carried out in the Northern British Columbia - Southeast Alaska area in 1982. The negotiators believe that a program of this type must be carried on for at least 3 more years in order to resolve outstanding differences in the assessment of the two sides regarding the composition of the stocks in the fisheries. Obtaining better knowledge would not only facilitate implementation of the Agreement but would also provide valuable information for improving domestic management and for planning of enhancement programs in both countries. The negotiators therefore recommend that:

In plans to implement the Agreement, the Governments of the two countries make budgetary provisions to continue

- 6 -

the program of cooperative research on the migratory patterns of salmon in the Northern British Columbia - Southeast Alaska area (including the approaches to the panhandle transboundary rivers) for at least 3 more years.

8. In addition, there may be other areas where critical information gaps could prevent both Parties from achieving maximum benefits from an Agreement and where further cost-effective research could return substantial dividends. To assist the Governments in assessing research needs, the negotiators recommend:

With appropriate technical support, the Working Group develop proposals for future research needed to ensure effective implementation of the Agreement, including estimates of cost and the priorities of the proposed programs.

9. The negotiators believe that if the various activities recommended in the foregoing paragraphs are carried out successfully (and assuming that accommodation is reached on the Yukon River issue), it should be possible to conclude a full Draft Agreement for submission to Governments by November 30, 1982.

10. Assuming that the negotiators' recommendations for interim action outlined in the foregoing paragraphs are accepted and that the Draft Agreement has been completed by the target date, the negotiators suggest that the Governments subject the Draft Agreement to their respective internal review processes along with subsidiary understandings (including proposed fishing regimes for 1983-84,

.../7

- 7 -

the phasing in of new arrangements for Fraser sockeye and pinks, the budgetary and administrative arrangements associated with establishment of the Commission and required research) with a view to bringing the Agreement into force during 1983.

- to come out

[11. As noted in the explanatory memorandum accompanying the Draft Agreement, the negotiators believe that maintenance of a positive atmosphere with respect to the conduct of salmon fisheries of the two countries during 1982 is essential to further progress in reaching a comprehensive Agreement. They therefore urge that the fullest effort be made by fisheries administration on both sides to give full effect to the intention arrangements proposed in the June joint memorandum. The negotiators also note that the unresolved differences between the two Governments regarding the position of the maritime boundary in the Northern British Columbia - Southeast Alaska area has created some uncertainty regarding the conduct of fisheries in the area that is under dispute. The negotiators urge that, pending solution of the boundary question, procedures be developed by the two Governments to minimize conflict between fisherman of the two countries, conflict which could escalate and could erode the progress that is being made to developing an overall Salmon Agreement.]

FRANK H. MURKOWSKI
ALASKA

COMMITTEE ON ENERGY AND
NATURAL RESOURCES

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS

COMMITTEE ON VETERANS'
AFFAIRS

Phase copy
to
DFO/Hunter

ANK

TWR

and Eih

United States Senate

WASHINGTON, D.C. 20510

May 19, 1982

WASHINGTON OFFICE
(202) 224-6448

ANCHORAGE OFFICE
701 G STREET, Box 1
(907) 271-2738

SEASIDE OFFICE
FEDERAL BUILDING, Box 1947
(907) 586-7463

FAIRBANKS OFFICE
101 18TH AVENUE, Box 7
(907) 452-8227

His Excellency Allan Gotlieb
Ambassador of Canada
Canadian Chancery
1746 Massachusetts Avenue, N.W.
Washington, D.C. 20036

ACC	206310
FILE	25-5-7-2-SALMON-1
Faint handwritten notes and signatures	

Dear Mr. Ambassador:

I am writing you with extreme concern over the U.S./Canada negotiations regarding salmon interception in the North Pacific.

It is my hope that both our nations are working to achieve the same goal; with that goal being the continuation of a healthy and prosperous salmon fishery. My concern lies with the apparent lack of concern being exemplified by Canadian salmon management. This issue has been discussed for a good number of years and 1982 is the first to realize a reduction by the Canadian fishermen. It is my understanding that the Canadians have agreed to close fishing for a two-week period in the area of Hecate Straits. While I view this closure to be a positive first step, I feel strongly that it is insufficient and that further reductions must take place.

Alaska fishermen have sustained significant reductions in their salmon harvests in order to protect the future of the resource. They have cooperated with these reductions, but as they reduce further and further, they are cognizant of the fact that their Canadian counterparts are not reducing.

I realize this issue is extremely complex, but I firmly believe that all parties benefiting from this fishery should participate equally in the conservation of this resource.

I remain committed to an open and productive relationship between our two nations and hope that the Canadian salmon fisherman will soon echo the concessions being made by our fishermen.

Sincerely,

Frank H. Murkowski
United States Senator

ACTION
SUITE A DONNER

WDC 02/02

1/2 HS

FACSIMILE TRANSMISSION

FAX CCT NO:
(for Concetre Use Only)

CLASSIFICATION: UNCLASSIFIED

DATE: 02JUN92

FROM: WSHDC

TO: EXTOTT/LAO/STRAUSS (6-2643) (DEPT/POST/ADDRESSEE/PHONE NO.)

INFO: (DEPT/POST/ADDRESSEE/PHONE NO.)

NO. OF PAGES: 1 plus cover

SUBJECT: NORTH PACIFIC SALMON (LET FROM SEN.MURKOWSKI 19MAY82)

AUTHORIZING OFFICER: B.DICKSON

SIGNATURE: 

ADDITIONAL COMMENTS OR INSTRUCTIONS:

FRANK H. MURKOWSKI
ALASKA

COMMITTEE ON ENERGY AND
NATURAL RESOURCES
COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS
COMMITTEE ON VETERANS'
AFFAIRS

United States Senate

WASHINGTON, D.C. 20510

May 19, 1982

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

ANCHORAGE OFFICE

701 C STREET, BOX 1

(907) 271-3735

JUNEAU OFFICE

FEDERAL BUILDING, BOX 1547

(907) 586-7403

FAIRBANKS OFFICE

101-15TH AVENUE, BOX 7

(907) 452-4527

His Excellency Allan Gotlieb
Ambassador of Canada
Canadian Chancery
1746 Massachusetts Avenue, N.W.
Washington, D.C. 20036

Dear Mr. Ambassador:

I am writing you with extreme concern over the U.S./Canada negotiations regarding salmon interception in the North Pacific.

It is my hope that both our nations are working to achieve the same goal; with that goal being the continuation of a healthy and prosperous salmon fishery. My concern lies with the apparent lack of concern being exemplified by Canadian salmon management. This issue has been discussed for a good number of years and 1982 is the first to realize a reduction by the Canadian fishermen. It is my understanding that the Canadians have agreed to close fishing for a two-week period in the area of Hecate Straits. While I view this closure to be a positive first step, I feel strongly that it is insufficient and that further reductions must take place.

Alaska fishermen have sustained significant reductions in their salmon harvests in order to protect the future of the resource. They have cooperated with these reductions, but as they reduce further and further, they are cognizant of the fact that their Canadian counterparts are not reducing.

I realize this issue is extremely complex, but I firmly believe that all parties benefiting from this fishery should participate equally in the conservation of this resource.

I remain committed to an open and productive relationship between our two nations and hope that the Canadian salmon fishery will soon echo the concessions being made by our fishermen.

Sincerely,

Frank H. Murkowski
United States Senator

ACTION
SUITE A DONNER

FACSIMILE TRANSMISSION

FAX COT NO:
(for "Concurrence" Use Only)

CLASSIFICATION: UNCLASSIFIED....

DATE: AUGUST 30, 1982

FROM: WSHDC

TO: EXTOTT/LAO/H. STRAUSS 6-2643 (DEPT/POST/ADDRESSEE/PHONE NO.)

INFO: ---- (DEPT/POST/ADDRESSEE/PHONE NO.)

NO. OF PAGES: 1 + COVER

SUBJECT: PACIFIC SALMON STOCK / LETTER FROM SENATOR MURKOWSKI

AUTHORIZING OFFICER: B. DICKSON

SIGNATURE: R. Salhin

ADDITIONAL COMMENTS OR INSTRUCTIONS:

WDC06/19

**ACTION
SUITE A CONNER
FACSIMILE TRANSMISSION**

4/2

FAX OCT NO:
(for Concetre Use Only)

CLASSIFICATION: UNCLASSIFIED

DATE: 19MAY82

FROM: WSHDC

TO: EXTOTT/LAO/STRAUSS (6-2643) (DEPT/POST/ADDRESSEE/PHONE NO.)

INFO: (DEPT/POST/ADDRESSEE/PHONE NO.)

NO. OF PAGES: 11 plus cover

SUBJECT: OCEAN SALMON FISHERIES

AUTHORIZING OFFICER: B. DICKSON

SIGNATURE:

FILE	DOSSIER
25-5-7-2-SALMON-1	

ADDITIONAL COMMENTS OR INSTRUCTIONS:

(1) REF: OURTEL ON SAME SUBJECT (19MAY82)
FEDERAL REGISTER 18MAY (pps21256-66)

(2) PLS NOTE "SPINY LOBSTER FISHERY OF THE GULF OF MEXICO
AND SOUTH ATLANTIC" (pp 21256)

(f) The requirement for notice and opportunity for public review in § 228.8(e) shall not apply if the National Marine Fisheries Service determines that an emergency exists which poses a significant risk to the well-being of the species or stocks of marine mammals concerned.

(g) A violation of any of the terms and conditions of a Letter of Authorization or of the specific regulations shall subject the Holder and/or any individual who is operating under the authority of the Holder's Letter of Authorization to penalties provided in the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Subpart B—Taking of Ringed Seals Incidental to On-Ice Seismic Activities

§ 228.11 Specified activity and specified geographical region.

Regulations in this subpart apply only to the incidental taking of ringed seals (*Phoca hispida*) by U.S. citizens engaged in on-ice seismic exploratory and associated activities over the Outer Continental Shelf of the Beaufort Sea of Alaska, from the shore outward to 43 miles and from Point Barrow east to Demarcation Point, from January 1 through May 31 of any calendar year.

§ 228.12 Effective dates.

Regulations in this subpart are effective for the period 1982 through 1986.

§ 228.13 Permissible methods

(a) The incidental, but not intentional, taking of ringed seals from January 1 through May 31 by U.S. citizens holding a Letter of Authorization is permitted during the course of the following activities:

(1) On-ice geophysical seismic activities involving vibrator-type, airgun, or other energy source equipment shown to have similar or lesser effects; and
(2) Operation of transportation and camp facilities associated with seismic activities.

(b) All activities identified in § 228.13(a) shall be conducted in a manner which minimizes to the greatest extent practicable adverse effects on ringed seals and their habitat.

(c) All activities identified in § 228.13(a) shall be conducted as far as practicable from any observed ringed seal or ringed seal lair. No energy source shall be placed over an observed ringed seal lair, whether or not any seal is present.

§ 228.14 Requirements for monitoring and reporting.

(a) Holders of Letters of Authorization are required to cooperate with the

National Marine Fisheries Service and any other Federal, State, or local agency monitoring the impacts on ringed seals.

(b) Holders of Letters of Authorization shall designate an individual or individuals to make observations and record the presence of ringed seals and ringed seal lairs along shot lines and around camps, and the information required in § 228.14(c).

(c) An annual report shall be submitted to the Assistant Administrator for Fisheries within 90 days of completion of the year's activities which shall include the following information:

(1) Location(s) of survey activities;
(2) Level of effort (e.g., duration, area surveyed, number of surveys), methods used, and a description of habitat (e.g., ice thickness, surface topography) for each location;

(3) Numbers of ringed seals observed, proximity to seismic or associated activities, and any seal reactions observed for each location;

(4) Numbers of ringed seal lairs observed and proximity to seismic or associated activities for each location; and

(5) Other information as required in a Letter of Authorization.

Dated: May 12, 1982.

William H. Stevenson.

Deputy Assistant Administrator for Fisheries
National Marine Fisheries Service.

(FR Doc. 82-12447 Filed 5-17-82; 8:45 am)

MAILING CODE 3510-22-M

National Oceanic and Atmospheric Administration

50 CFR Part 640

Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic

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

ACTION: Extension of emergency interim rule.

SUMMARY: An interim rule in effect through May 15, 1982, implements certain provisions of the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic. NOAA extends this emergency interim rule from May 15, 1982, through June 29, 1982. The extension will continue the protection of the spawning stock in the fishery conservation zone (FCZ) until the final regulations become effective.

DATES: Emergency rule effective from May 16, 1982 through June 29, 1982.

FOR FURTHER INFORMATION CONTACT: Jack T. Brawner, Acting Regional

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; telephone 813-893-3141.

SUPPLEMENTARY INFORMATION: Under Section 305(e)(1) of the Magnuson Fishery Conservation and Management Act, emergency interim regulations implementing certain provisions of the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic were published on March 30, 1982 (47 FR 13353). The rulemaking stated that the regulations would be effective for 45 days and that they could be repromulgated for an additional 45-day period, if necessary. The emergency interim rule (1) establishes a closed season in the fishery conservation zone (FCZ) during the peak spawning period; and (2) provides the authority for any Authorized Officer to dispose of lobster traps that are in the management area during the period April 6-July 20. The intended effect of this interim rule is to provide protection for the spawning stock in the FCZ during the major spiny lobster reproductive period. The Assistant Administrator for Fisheries, NOAA, acting on behalf of the Secretary of Commerce, has determined that the emergency situation described in the initial emergency rule continues to exist, and therefore extends the emergency regulations through June 29, 1982.

The NOAA Administrator has determined that these regulations are non-major under Executive Order 12291, and that the emergency provisions in section 8 of the Order apply to this action.

(16 U.S.C. 1801 et seq.)

List of Subjects in 50 CFR Part 640

Fish; Fisheries.

Dated: May 13, 1982.

William H. Stevenson.

Deputy Assistant Administrator, National Marine Fisheries Service.

(FR Doc. 82-12447 Filed 5-17-82; 8:45 am)

MAILING CODE 3510-22-M

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of California, Oregon, and Washington

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

ACTION: Emergency interim rule, notice of availability of plan amendment, and request for comments.

SUMMARY: NOAA issues emergency regulations to implement on an interim basis the 1982 amendment to the fishery management plan for the ocean salmon fisheries in the fishery conservation zone off the coasts of Washington, Oregon, and California. This action constitutes a notice of availability and request for comments on the plan amendment which was partially approved by the Assistant Administrator for Fisheries, NOAA, on May 6, 1982. Also, comments are requested on the interim rule which will be used in preparing the final rule implementing the 1982 amendment. Specific management measures in the implementing regulations vary by fishery and area, but generally establish fishing seasons, quotas, necessary inseason management modifications, daily catch limits for recreational fisheries, and minimum size limits for salmon. The 1982 amendment and implementing regulations are intended to prevent overfishing, to apportion equitably the ocean harvest between commercial and recreational fisheries, to allow more salmon to survive the ocean fisheries and reach the various inside fisheries, to meet the U.S. obligations to treaty Indian fisheries, and to achieve spawning escapement requirements.

DATES: Interim rule is effective on May 14, 1982 and remains effective until June 28, 1982.

ADDRESSES: Send comments on the 1982 FMP amendment and those implementing rules to the Director, Northwest Region, National Fisheries Service (NMFS), BIN C15700, Seattle, WA 98115. Copies of the 1982 amendment, the regulatory impact review/initial regulatory flexibility analysis, and the final supplement to the final environmental impact statement are available from the Pacific Fishery Management Council, 528 S.W. Mill St., Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins (Regional Director, NMFS), 206-327-6150.

SUPPLEMENTARY INFORMATION:

Background

The fishery management plan (FMP) for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California, prepared by the Pacific Fishery Management Council (the Council), was approved by the Assistant Administrator for Fisheries (Assistant

Administrator), NOAA, on March 2, 1978. Regulations to implement the FMP were first published on April 14, 1978 (43 FR 15829), as emergency rules. Regulations to implement the 1981 amendment to the FMP were last issued as final rules on September 9, 1981 (46 FR 44989), as corrected on September 18, 1981 (46 FR 45900), except off California where 1980 regulations were reinstated (published on January 29, 1982, 47 FR 4275).

The Council has amended the FMP to improve management of the salmon fisheries in 1982. A supplement to the environmental impact statement (SEIS) for the 1982 amendment has been filed with the Environmental Protection Agency. A notice of availability of the SEIS was published on April 30, 1982 (47 FR 14452). The Council held six hearings on the amendment during the period February 28 through March 1, 1982. The 1982 amendment is intended to (1) provide adequate spawning escapements from ocean salmon fisheries for the various salmon runs; (2) meet treaty obligations to Indian fishermen; and (3) allow for a viable harvest for each segment of the salmon fishery, including the commercial and recreational ocean fisheries and the various inland water fisheries. The current FMP amendment as it applies to the commercial salmon fishery north of Cape Blanco, Oregon, and to the recreational fisheries coastwide was approved by the Assistant Administrator on May 6, 1982, under section 304 of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson Act). The portion of the Council's recommended amendment pertaining to seasons, gear restrictions, and chinook quotas for the commercial fisheries south of Cape Blanco, Oregon, was disapproved by the Assistant Administrator; therefore, existing measures govern the commercial fisheries south of Cape Blanco, Oregon. That action is consistent with a concern expressed in the minority report submitted by the Oregon Department of Fish and Wildlife on the 1982 amendment. Consequently, the 1981 management measures that governed the fishery in the fishery conservation zone (FCZ) off Oregon south of Cape Blanco and the 1980 management measures off California will continue to control commercial fishing open seasons, gear restrictions, and size limits in those areas, until superseded. The NOAA issues a notice of availability of the FMP amendment for public review and comment, as required by section 305(a) of the Magnuson Act.

Section 305(e) of the Magnuson Act authorizes the Secretary of Commerce to promulgate emergency regulations to implement fishery management plans and amendments thereto. The Assistant Administrator has determined that the approved portion of the 1982 amendment should be implemented by emergency regulations under that section, and that relevant portions of the 1981 and 1980 measures that are not superseded should be republished, so that all regulations pertaining to salmon fishing in the FCZ off Washington, Oregon, and California appear together in a single Federal Register publication. These regulations reflect the following changes from existing regulations, in addition to changes required to implement the approved portions of the 1982 amendment. First, the regulations have been partially reorganized into a standard format used for our other fishery regulations; certain sections have been simply renumbered, while others have been consolidated. The balance of that reorganization will be accomplished when the final rules for the fishery are promulgated. Second, the management measures for the commercial, recreational, and treaty Indian fisheries have been organized in a different manner in the regulations. Third, certain stylistic changes have been made (e.g., using "this part" for "this Part 661," or "begins" for "shall begin"). Fourth, former section 661.4 "Effective dates" has been deleted as unnecessary. Fifth, certain definitions have changed: (a) Definitions of ODF&W, OPI, WDF, and WPP have been deleted as obsolete, since those terms were used in inseason management provisions deleted by the 1982 amendment; and (b) certain definitions have been modified to reflect changed underlying realities (definition of "Act," "Authorized Officer," and "Regional Director") or to clarify the intended meaning ("land or landing" and "troll fishing gear"). Sixth, certain "General restrictions" provisions have been modified to delete unnecessary and confusing references to definitional provisions and to simplify the specification of the applicable restrictions. Seventh, provisions regarding boarding procedures and signals have been added to the "Facilitation of enforcement" section. Finally, certain portions of the "Treaty Indian fishing" section and the "Inseason adjustments" section have been changed to more clearly reflect current law.

This emergency rulemaking remains in effect for 45 days and may be extended for a second 45-day period.

3/12

4/12

These interim regulations also are being published for public review. All comments received will be considered when developing the final regulations. Following publication in the Federal Register, the final regulations will be effective for 1982 and subsequent years unless superseded or otherwise modified.

Status of the Salmon Resource in 1982

Current information on abundance of the major stocks of chinook and coho salmon available to the ocean fisheries in 1982 indicates (1) that some stocks continue to be depressed to such an extent that ocean harvests must be reduced to assure adequate survival to inside fisheries and spawning escapements, and (2) other stocks continue to be at or near optimum levels of population abundance. The status of stocks is discussed in detail in Chapter IV of the Report accompanying the 1982 FMP amendment. The management objectives set forth in the 1982 FMP amendment can only be achieved by carefully balancing a decrease of the ocean harvest in some areas with relatively less restrictive regulations in other areas. The Council and its advisors considered the status-of-stocks information included in the Report accompanying the 1982 amendment, along with many other factors, during their deliberations on the 1982 amendment. Except for those measures controlling commercial fishing south of Cape Blanco, which were not approved, the management measures adopted by the Council are considered to be consistent with the FMP objectives, as revised in the 1982 amendment, and with the requirements of the Magnuson Act.

Treaty Indian Obligations

Dissatisfaction on the part of some tribes with the level of returns of salmon to tribal "usual and accustomed" fishing areas prompted litigation in Federal District Court in 1981. One suit, *Hoh v. Baldrige*, involves three Washington coastal tribes (the Hoh, Quileute, and Quinalt), the Secretary of Commerce, and the State of Washington. The other suit, *Confederated Tribes v. Baldrige*, involves four Columbia River tribes (the Yakima, Umatilla, Warm Springs, and Nez Perce), the Secretary of Commerce, and the States of Oregon and Washington.

Hoh v. Baldrige

In this case, the U.S. District Court ruled that the tribes were entitled to take up to 80 percent of each run of coho salmon returning to each river where the tribes traditionally fished, but noted that

this rule is not inflexible. Strict compliance with such an order would require that ocean fisheries be managed in a manner which assures that returns of the weakest run be sufficient to allow a treaty Indian harvest equal to the non-Indian ocean harvest while meeting spawning escapement goals. If strictly applied, such a rule would preclude the non-Indian ocean fishery from taking its 50 percent share of salmon produced in many streams where runs are depleted.

The court also ordered the development of a long-range plan consistent with the equal-sharing rule for managing the various coastal runs relevant to the lawsuit. Despite continued effort, the parties have been unable to agree on all significant points. One of the major items yet to be agreed on is coho spawning escapement goals. The State of Washington has set strict numerical goals for coho spawning escapement based on the occurrence of average environmental conditions every year and on the use of the entire watershed of each stream as a rearing area, including the main stream. In turn, the State of Washington Department of Fisheries (WDF), in a minority report on the 1982 amendment, has opposed any approach to management of coho in the ocean north of Cape Falcon that will result in spawning escapements other than those which the State proposes. In contrast, however, optimum water flows can be expected to occur one year in five on the average, and experience has confirmed that coho are primarily reared in tributary streams, while few successfully rear in the main stem of coastal streams. Furthermore, rigid adherence to Washington State's coho spawning escapement goals will result in wasting fish which could otherwise be caught without jeopardizing reproduction of stocks and will cause unnecessary instabilities in the fishery. Management of all fisheries to achieve spawning escapement within a range of spawning escapement goals for each coastal stream, rather than a single numerical goal for each coastal stream, would maintain coho production at a favorable level while obtaining the data necessary to determine the optimum level of escapement and would also provide some stability to the fisheries operating on these stocks.

The State in its minority report contends that the Council's choice of an ocean coho quota which is derived from a range of spawning escapements is inconsistent with prior orders of the Federal Court endorsing State escapement goals. The Court's order of September 29, 1981, referred to in the WDF minority report, was intended to

encourage mutual agreement among the parties on escapement goals before the beginning of each season consistent with existing orders in *U.S. v. Washington*, primarily an order entered on August 31, 1977. In recognition of the fact that no judicially endorsed or established spawning escapement goals exist for the Washington coast, the Court on April 12, 1982, ordered the parties to the negotiations to continue deliberations in order to arrive at an agreement on spawning escapement policy for the duration of the agreement.

In the absence of any court-approved management plan and spawning escapement goals, the tribes and the Council, therefore, agreed on 1982 quotas for ocean coho that were intended to recognize the advantages of management to achieve spawning escapements within given ranges.

The reports of the Council's salmon plan development Team and in-Court testimony acknowledge that the ocean coho quota north of Cape Falcon will not allow achievement of State escapement goals this year. However, those same reports and testimony indicate that overfishing will not occur even if coho return in fewer numbers than anticipated; and this is true of the run which is expected to be the weakest (Queets River fall coho) as well as stronger runs. On the other hand, escapement goals recommended by the State combined with strict imposition of weakest-run management principles would have required reducing the 1982 ocean harvest to about half the 1981 harvest. Indeed, the primary difference between the State's recommended ocean quotas and those chosen by the Council emanates from a disagreement as to the number of fish which must escape to maximize the harvestable portion of each run. The State believes a greater number of fish must be allowed to escape to achieve optimum spawning escapement than do the tribes and the Council. However, by using a range of spawning escapement goals for coho, established by the tribes for the coastal streams, rather than the fixed goal set by the State, the allowable harvest was set at a higher level. Further, the tribes agreed to target on hatchery-produced coho in their Queets River fishery to the extent possible, which further increased the number of coho that could be taken by the ocean fisheries. This cooperative approach should prevent overfishing of any coho run, meet the treaty fishing right of the plaintiff tribes, and preserve a viable, although reduced, ocean fishery.

Confederated Tribes v. Baldrige

In this action, the U.S. District Court directed the Secretary to evaluate possible management measures for the FCZ off Alaska, Washington, and Oregon which would return more fall chinook salmon to the upper reaches of the Columbia River (bright fall chinook destined for the river above Bonneville Dam, or upriver brights). Analysis by the technical staffs of the Alaska and Northwest Regions of the NMFS indicates that a total closure of all U.S. ocean salmon fisheries north of Cape Falcon, off Oregon, Washington, and Alaska in State and Federal waters, would add an estimated 27,100 upriver brights to the 1981 run size of 93,900 upriver brights, for a total inriver run of about 121,000 fish. Of this additional 27,100 fish, only 4,800 would be attributable to a total closure of all ocean fishing off Washington and Oregon north of Cape Falcon. An ocean catch, sport and commercial, on the order of 200,000 chinook (other than upper Columbia River fall chinook) and 500,000 coho would be lost as a result of such an ocean closure. Even if 4,800 upriver brights were saved as a result of a total FCZ closure north of Cape Falcon, only 2,800 of those additional fish could be expected to escape above McNary Dam due to an unexplained but ever present interdam loss between Bonneville and McNary of about 50 percent.

NMFS also plans to tag upriver brights at Bonneville Dam using radio tags to investigate the cause of the loss of upriver brights between Bonneville and McNary Dams, which was about 50 percent in 1981. The goal is to discover the cause of the unaccounted for loss of upriver brights in this reach of the river, and correct it if possible.

The tribes have also questioned the propriety of the May chinook fishery off Washington and Oregon north of Cape Falcon because of its impact on upper Columbia River springs, summer, and fall chinook. Although these runs of chinook are not subjects of the lawsuit brought by the tribes, analysis by the Council indicates that summer chinook comprise less than three percent of the total May catch of chinook north of Cape Falcon, and that spring chinook contribute negligibly to any ocean fishing in that area; these salmon have already left the area on their way to the spawning grounds. Upriver fall chinook are not found in the ocean between Cape Falcon and the Canadian border in May.

Council proposals for 1982

In January 1982, the Council adopted for public review the draft 1982 FMP amendment, which contained five options for managing the commercial fishery and three options for the recreational fishery. The options ranged from more to less restrictive than 1981 management measures. That document, including the draft supplemental environmental impact statement, was widely distributed and was the subject of discussion at six public hearings held in the three coastal states and Idaho. As a result of these hearings, over 100 written comments on the draft amendment, and the analysis produced by the Council's salmon plan development team of the impacts of the options, the Council adopted the management measures contained in the 1982 amendment.

1982 Management Measures

The Council's approved management measures for commercial fishing in the area north of Cape Blanco and for recreational fishing along the entire coast are intended to achieve expected spawning escapements and treaty Indian allocations, while equitably apportioning the regulatory burden and minimizing shifts in fishing effort along the coast. The approved measures are a combination of fishing areas, seasonal restrictions, and quotas on the harvests.

North of Leadbetter Point
Washington, the recreational season for all species except coho runs from May 25 through 11. Recreational fishing for all species opens on June 12, with a coho quota of 115,000. Fishing for all species ends when the coho quota is taken. Minimum sizes are 24 inches for chinook and 16 inches for coho with a 2-fish bag limit. Commercial fishing for all species except coho begins on May 1 and ends on May 31. The all-species commercial season opens July 15 with a 204,000 coho quota. Fishing for all species ends when the coho quota is taken. Minimum sizes are 28 inches for chinook and 16 inches for coho.

From Leadbetter Point to Cape Falcon, Oregon, the recreational season for all species begins on June 12, with a coho quota of 100,000 fish. Fishing for all species ends when the coho quota is taken. Minimum sizes are 24 inches for chinook and 16 inches for coho. The commercial season for all species except coho runs from May 1 through May 31. The commercial season for all species runs from July 1 until the 89,000 coho quota is taken. Minimum sizes are 28 inches for chinook and 16 inches for coho.

From Cape Falcon to Cape Blanco, Oregon, the recreational season for all species opens June 12 and ends when the 114,000 coho quota is taken. No minimum size is imposed on this fishery, but anglers must keep and are limited to the first two fish taken each day. The commercial season for all species except coho runs from May 1 through June 15 with special gear required from June 1 through June 15. The all-species, commercial season opens July 1, with a coho quota of 488,000. Fishing for all species except coho using special gear begins when the coho quota is taken, and continues until September 8. An all-species-except-coho season using barbless hooks begins September 8 and continues through October 31. Minimum sizes are 28 inches for chinook and 16 inches for coho.

From Cape Blanco to the Oregon-California border, recreational fishing for all species begins on May 29 and continues until the 114,000 coho quota south of Cape Falcon is reached, after which time fishing for all species except coho continues through October 31. No minimum size limit applies, but anglers must keep and are limited to the first two fish taken each day. The 1981 management measures pertaining to open seasons, gear restrictions, and size limits for commercial fishing between Cape Blanco and the Oregon-California border remain in effect; hence, commercial fishing for all species except coho begins May 1 and ends May 31. The all-species season begins July 1 and ends on September 8 unless terminated sooner because the 1982 coho commercial quota south of Cape Falcon (488,000 fish) is reached. Fishing for all species except coho using special gear begins after the coho quota is taken and continues through September 8 between Cape Blanco and Cape Sebastian, Oregon. In this management area, a second all-species-except-coho season opens on September 9 and closes on October 31. Minimum sizes are 28 inches for chinook and 16 inches for coho.

For California, recreational fishing for all species begins February 13 and ends November 14. The bag limit is two salmon of any species with a 22-inch minimum length, except that one fish may be between 20 and 22 inches. Management measures pertaining to open seasons, gear restrictions, and size limits for commercial fishing will be the same as those for 1980 unless changed by subsequent amendment. For California north of Cape Vizcatno, the commercial season for all species except coho is from May 1 through May 16 and the all-species seasons run from May 16 through May 31 and July 16 through

7/12

6/12
September 30. The minimum sizes are 28 inches for chinook, and 22 inches for coho. From Cape Vizcaino southward, the commercial season for all species except coho opens May 1; the season for all species opens on May 16 and closes on May 31. A second all-species season opens on July 1 and closes on September 30. Minimum sizes are 28 inches for chinook and 22 inches for coho.

Inseason adjustments: All quotas are fixed quotas that may not be changed during the season except for the coho quotas between Leadbetter Point and Cape Falcon and from Cape Falcon, southward. These quotas may be adjusted when 75 percent of the quota is taken if the contribution of coho produced by private hatcheries significantly departs from preseason forecasts. Recoveries of coded wire tags during the season will provide a basis for making any needed adjustment of the preseason estimate of the catch of coho from private hatcheries. In addition, the coho commercial quota for the area south of Cape Falcon will be adjusted to take into account estimated coho losses associated with the late season, all-species-except-coho commercial fisheries in this area. The only other inseason management actions will be automatic closures when quotas are reached.

Treaty Indian fishing: Persons authorized to exercise the Makah Indian treaty ocean fishing right may fish in their adjudicated ocean area for all species from May 1 through October 31 but may not retain chinook smaller than 24 inches or coho smaller than 18 inches. Either fixed or hand-held lines or poles may be used. Except as noted, all other commercial salmon fishing regulations for the area north of Leadbetter Point apply to persons exercising the Makah treaty right to fish in the ocean.

Persons authorized to exercise treaty ocean fishing rights granted the Quileute, Hoh, and Quinault tribes may fish in their respective adjudicated ocean area for all species from May 1 through September 7 but may not retain chinook smaller than 26 inches or coho smaller than 16 inches. Either fixed or hand-held lines or poles may be used. During the time that all non-Indian ocean fisheries are closed north of Leadbetter Point, there will be a closure for all treaty fishermen within a six mile radius of the mouths of the Queets and Hoh rivers to conserve Hoh and Queets chinook and coho runs. Except as noted, all other commercial salmon fishing regulations for the area north of Leadbetter Point apply to persons exercising the Quileute, Hoh, or Quinault treaty right to fish in the ocean.

Supporting Documents and Data Sources

The salmon FMP and the 1982 amendment incorporate by reference a number of documents and data sources utilized in deriving salmon fishery management measures. These documents and data sources or copies thereof will be made available to interested parties at reasonable times and places, and at a reasonable cost (if personal copies are desired), upon request to: H. A. Larkins, Regional Director, NMFS, 7600 Sand Point Way N.E., BIN C15700, Seattle, Washington 98118; telephone 206-827-8150.

Classification

The Assistant Administrator has determined that the portion of the 1982 amendment to the FMP which has been approved is necessary and appropriate for conservation and management of the salmon fisheries resources off the coasts of Washington, Oregon, and California, and that it is consistent with the Magnuson Act, including the national standards, and other applicable law.

The amendment has been partially approved and comments thereon are requested for a 45-day period. Recognizing the critical need for specific regulations for the 1982 ocean salmon fisheries, the Assistant Administrator has determined that an emergency exists and these regulations are issued under section 305(e) of the Magnuson Act. He has determined that continued effect of all regulations now in force would not safeguard the resource; therefore, he determined it is necessary to promulgate these emergency regulations immediately.

The Assistant Administrator finds for good cause that the reasons for justifying promulgation of emergency regulations under section 305(e) of the Magnuson Act also make it impracticable and contrary to the public interest to provide notice and opportunity for comment upon, or to delay for 30 days the effective date of these emergency regulations, under the provisions of section 553 (b) and (d) of the Administrative Procedure Act.

The NOAA Administrator has determined that the rules implementing the 1982 amendment are not "major" rules under Executive Order (E.O.) 12281 requiring a regulatory impact analysis. A regulatory impact review/initial regulatory flexibility analysis (RIR/IRFA) has been prepared. This review focuses on the issues and problems in the fishery and contains an analysis of the expected impacts of the adopted management measures and alternative management options. Some issues could

only be partially analyzed because of data limitations. Nonetheless, the review supports the determination that these rules are not "major" under the E.O. 12291 criteria.

The NOAA Administrator has determined that the resource emergency which justifies the promulgation of emergency regulations under section 305(e) of the Magnuson Act also constitutes an emergency situation under section 8(a)(1) of E.O. 12291. Because it is imperative to implement the approved portion of the 1982 amendment immediately, it is impracticable to comply with section 3(c)(3), which requires that NOAA transmit to the Director of the Office of Management and Budget (OMB) a copy of every nonmajor rule, at least 10 days prior to publication. However, a copy of these emergency regulations and a copy of the RIR/IRFA have been transmitted to the Director of OMB.

The NOAA Administrator also has determined that the rules implementing the 1982 amendment will have a significant economic impact on a substantial number of small entities, for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601-12. The IRFA has been prepared in conjunction with the regulatory impact review. A summary of the IRFA follows:

The generally more restrictive management measures imposed on the ocean fisheries in 1982 will have adverse economic impacts on both commercial and recreational fishermen and industries dependent on the ocean fisheries. The RIR/IRFA estimates that losses in revenue in 1982 compared to 1981 for the areas covered by approved parts of this amendment will be \$1,734,000 to the Oregon trollers and \$1,520,000 to the Washington trollers. Estimated losses from reduced recreational fishing will be \$4,390,000 in Oregon and \$3,180,000 in Washington. No incremental losses to the ocean recreational fishery off California are expected since the regulations for that area are essentially identical to those for 1981. Appendix E, pages 5-10, to the 1982 FMP amendment describes the procedures used, and the assumptions made, to estimate these values.

The RIR/IRFA acknowledges but does not quantify gains that will result from increased harvests by fishermen fishing inshore waters, particularly treaty Indian fishermen, as a result of the 1982 regulations. It also does not attempt to quantify the benefits that will accrue to all of the fisheries including the ocean fisheries in future salmon cycles, as a result of increased spawning escapement over what would have

occurred if the ocean fisheries were allowed to harvest more salmon in 1982. Long-run benefits, resulting from maintenance and enhancement of the salmon runs are believed to more than offset the short-term adverse impacts of more restrictive regulations; that is why the Council placed first priority on meeting spawning escapement goals.

The final supplement to the environmental impact statement (SEIS) for this action, which supplements the original environmental impact statement and previous supplements prepared for the FMP, is on file with the Environmental Protection Agency. A notice of availability of this SEIS was published on April 30, 1982.

These regulations to implement the FMP, as amended, do not entail any Federal collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 50 CFR Part 661

Fish, Fisheries, Fishing, Indians.

Dated: May 14, 1982.

William H. Stevenson,
Deputy Assistant Administrator, National
Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 661 is revised to read as follows:

1. The authority citation for Part 661 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Part 661 is revised to read as follows:

PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF CALIFORNIA, OREGON, AND WASHINGTON

Subpart A—General Measures

Sec.

- 661.1 Purpose.
- 661.2 Relation to other laws.
- 661.3 Definitions.
- 661.4 [Reserved]
- 661.5 Reporting requirements.
- 661.6 [Reserved]
- 661.7 General restrictions.
- 661.8 Facilitation of enforcement.
- 661.9 Penalties.

Subpart B—Management Measures

- 661.20 Commercial fishing.
- 661.21 Recreational fishing.
- 661.22 Inseason adjustments.
- 661.23 Treaty Indian fishing.
- 661.24 Experimental fisheries.
- 661.25 Scientific research.

Authority: 16 U.S.C. 1801 *et seq.*

Subpart A—General Measures

§ 661.1 Purpose.

The purpose of this part is to provide for the management of the salmon

fisheries off the coasts of Washington, Oregon, and California in the Fishery Conservation Zone (the FCZ, also known as the 3-to-200 mile zone) over which the United States exercises exclusive fishery management authority (i.e., the Pacific Fishery Management Council's Fishery Management Area). This part implements the Pacific Council's Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California, under authority conferred by the Magnuson Fishery Conservation and Management Act.

§ 661.2 Relation to other laws.

(a) This part does not apply to fishing for pink and sockeye salmon conducted under the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fishery of the Fraser River System, as amended by the Pink Salmon Protocol, in U.S. Convention Waters between 48° N. latitude and the provisional international boundary between the United States and Canada.

(b) This part recognizes that any State law which pertains to vessels registered under the laws of that State while in the Fishery Management Area, and which is consistent with the salmon management plan, including any State landing law, shall continue to have force and effect with respect to fishing activities addressed herein.

(c) Any person fishing subject to this part shall be bound by the international boundaries of the management subareas

described in § 661.3, notwithstanding any dispute or negotiation between the United States and any neighboring country regarding their respective jurisdictions, until such time as new boundaries are published by the United States.

§ 661.3 Definitions.

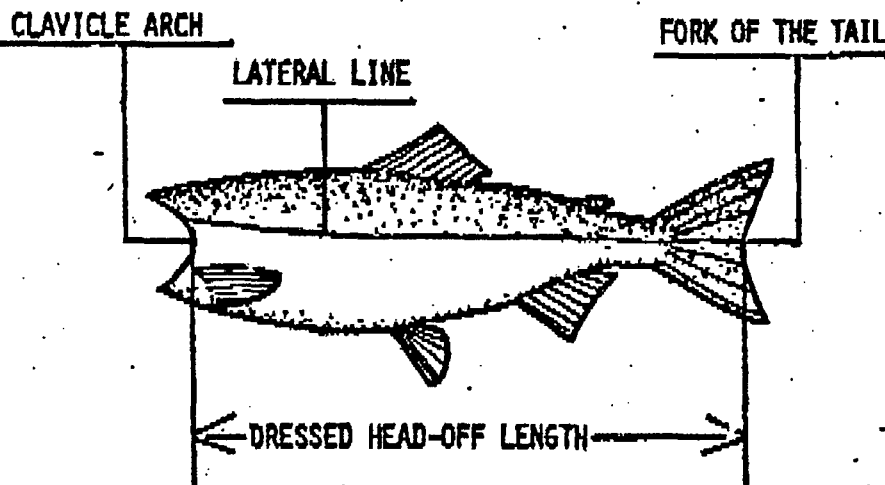
Authorized Officer means:

- (a) Any commissioned, warrant, or petty officer of the Coast Guard;
- (b) Any special agent of the National Marine Fisheries Service or other officer authorized by the Secretary;
- (c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Secretary of Transportation to enforce the provisions of the Magnuson Act; and
- (d) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Commercial fishing means fishing with troll fishing gear as defined in this section, or fishing for the purpose of sale or barter of the catch.

Council means the Pacific Fishery Management Council.

Dressed, head-off length of salmon means the shortest distance between the midpoint of the clavicle arch (see illustration) and the fork of the tail, measured along the lateral line while the fish is lying on its side, without resort to any force or mutilation of the fish other than removal of the head, gills, and entrails.



Dressed, head-off salmon means salmon that have been beheaded, gilled, and gutted without further separation of

vertebrae, and are either being prepared for on-board freezing, or are frozen and will remain frozen until landed.

Fishery Management Area means the fishery conservation zone (FCZ) off the coasts of Washington, Oregon, and California between 2 and 200 miles offshore, and bounded on the north by the Provisional International Boundary between the U.S. and Canada, and bounded on the south by the International Boundary between the U.S. and Mexico. The inner boundary of the Fishery Management Area is a line antierminous with the seaward boundaries of the States of Washington, Oregon, and California (the "3-mile limit"). The outer boundary of the Fishery Management Area is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured, or is a provisional or permanent international boundary between the United States and Canada or Mexico.

Fishing means:

- (a) The catching, taking, or harvesting of fish;
- (b) The attempted catching, taking, or harvesting of fish;
- (c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or
- (d) Any operations at sea in support of, or in preparation for, any activity described in paragraph (a) through (c) of this definition.

Fishing vessel means any boat, ship, or other craft which is used for, equipped to be used for, or of a type that is normally used for fishing.

Freezer trolling vessel means a fishing vessel, equipped with troll fishing gear, which has a present capability for (a) on-board freezing of the catch, and (b) storage of the fish in a frozen condition until they are landed.

Land or landing means to begin offloading fish, to arrive in port with the intention of offloading fish, or to cause fish to be offloaded.

Magnuson Act means the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*

Recreational fishing means fishing with recreational fishing gear as defined in this section and not for the purpose of sale or barter.

Recreational fishing gear means conventional angling tackle consisting of a rod, reel, line, and hooks with bait or lure attached.

Regional Director means the Northwest Regional Director, National Marine Fisheries Service (7800 Sand Point Way, N.E., BIN C15700, Seattle, Washington 98115) or his designee.

Salmon means any anadromous species of the family Salmonidae and genus *Oncorhynchus*, commonly known

as Pacific salmon, including but not limited to:

- Chinook (king) salmon—*Oncorhynchus tshawytscha*
- Coho (silver) salmon—*Oncorhynchus kisutch*
- Pink (humpback) salmon—*Oncorhynchus gorbuscha*
- Chum (dog) salmon—*Oncorhynchus keta*
- Sockeye (red) salmon—*Oncorhynchus nerka*

Secretary means the Secretary of Commerce, or a designee.

Single, barbless hook means a hook, with a single shank and point, with no secondary point or barb curving or projecting in any other direction. Hooks manufactured with barbs can be made "barbless" by forcing the point of the barb flat against the main part of the point.

Subarea means one of the six salmon management subdivisions of the Fishery Management Area, as follows:

- (a) Subarea A:
(1) Northeastern boundary—that part of a line connecting the light on Tatoosh Island, Washington, with the light on Bonilla Point on Vancouver Island, British Columbia, southerly of the International Boundary between the U.S. and Canada (at 48°29'37" N. latitude, 124°43'33" W. longitude), and northerly of the point where that line intersects with the boundary of the U.S. territorial sea.

- (2) Northern and northwestern boundary is a line connecting the following coordinates:
48°29'37.18" N. lat., 124°43'33.19" W. long.;

- 48°30'11" N. lat., 124°47'13" W. long.;
- 48°30'22" N. lat., 124°50'21" W. long.;
- 48°30'14" N. lat., 124°52'52" W. long.;
- 48°29'57" N. lat., 124°58'14" W. long.;
- 48°29'44" N. lat., 125°00'06" W. long.;
- 48°28'09" N. lat., 125°05'47" W. long.;
- 48°27'10" N. lat., 125°08'25" W. long.;
- 48°26'47" N. lat., 125°09'12" W. long.;
- 48°20'16" N. lat., 125°22'48" W. long.;
- 48°18'22" N. lat., 125°29'58" W. long.;
- 48°11'05" N. lat., 125°53'48" W. long.;
- 47°48'15" N. lat., 126°40'57" W. long.;
- 47°38'47" N. lat., 127°11'58" W. long.;
- 47°22'00" N. lat., 127°41'23" W. long.;
- 46°42'05" N. lat., 128°51'58" W. long.;
- 46°31'47" N. lat., 129°07'39" W. long.

- (3) Southern boundary: a line extended due west from Leadbetter Point, Washington, at 46°38'10" N. latitude.

- (b) Subarea B:

¹ The line joining these coordinates is the provisional international boundary of the U.S. FCZ as shown as NOAA/NOS Charts #15460 and #12202.

- (1) Northern boundary: a line extended due west from Leadbetter Point, Washington, at 46°38'10" N. latitude.

- (2) Southern boundary: a line extended due west from Cape Falcon, Oregon, at 45°48'00" N. latitude.

- (c) Subarea C:

- (1) Northern boundary: a line extended due west from Cape Falcon, Oregon, at 45°48'00" N. latitude.

- (2) Southern boundary: a line extended due west from Cape Blanco, Oregon, at 42°50'20" N. latitude.

- (d) Subarea D:

- (1) Northern boundary: a line extended due west from Cape Blanco, Oregon, at 42°50'20" N. latitude.

- (2) Southern boundary: a line extended due west from the Oregon-California border at 42°00'00" N. latitude.

- (e) Subarea E:

- (1) Northern boundary: a line extended due west from the California-Oregon border at 42°00'00" N. latitude.

- (2) Southern boundary: a line extended due west from Cape Vizcaino, California, at 39°43'30" N. latitude.

- (f) Subarea F:

- (1) Northern boundary: a line extended due west from Cape Vizcaino, California, at 39°43'30" N. latitude.

- (2) Southern boundary: The United States-Mexico International Boundary, which is a line connecting the following coordinates:

- 32°35'22" N. lat., 117°27'49" W. long.;
- 32°37'37" N. lat., 117°49'31" W. long.;
- 31°07'58" N. lat., 118°38'18" W. long.;
- 30°32'31" N. lat., 121°51'58" W. long.

Total length of salmon means the shortest distance between the tip of the snout or jaw (whichever extends furthest while the mouth is closed) and the tip of the longest lobe of the tail, without resort to any force or mutilation of the salmon other than fanning or swinging the tail.

Troll fishing gear means fishing gear that consists of one or more lines that drag hooks with bait or lures behind a moving fishing vessel, and which lines are affixed to the vessel and are not disengaged from the vessel at any time during the fishing operation.

§ 601.4 (Reserved)

§ 601.5 Reporting requirements.

This part recognizes that catch and effort data necessary for implementation of this Fishery Management Plan is collected by the States of Washington, Oregon, and California under existing State data-collection provisions. No additional catch reports will be required of fishermen or processors as long as the

data-collection and reporting systems operated by State agencies continue to provide the Secretary with statistical information adequate for management.

§ 661.6 [Reserved]

§ 661.7 General restrictions.

Except as otherwise provided by or pursuant to this part, the following restrictions apply to all salmon fishing in all subareas of the Fishery Management Area:

(a) No person shall use nets to fish for salmon in the Fishery Management Area, except that a hand-held net may be used to bring hooked salmon on board a vessel.

(b) No person shall fish for or take and retain any species of salmon:

(1) During closed seasons or in closed areas;

(2) Once any catch limit is attained;

(3) By means of gear or methods other than recreational fishing gear or troll fishing gear; or

(4) In violation of any field order issued under § 661.22.

(c) No person shall take and retain or possess aboard a fishing vessel any species of salmon which is less than the applicable minimum total length specified in §§ 661.20(c), 661.21(c), 661.23(a), or 661.23(b)(4).

(d) No person aboard a fishing vessel shall possess a salmon, for which a minimum total length is set by this part, in such a condition that its minimum total length is extended; or cannot be determined, except that "dressed, headoff salmon" may be possessed aboard a "freezer trolling vessel" (unless the adipose fin of such salmon has been removed—see paragraph (f) of this section).

(e) No person shall fail to return to the water immediately and with the least possible injury any salmon the retention of which is prohibited by this part.

(f) No person shall remove the head of any salmon caught in the Fishery Management Area, nor possess a salmon with the head removed. If that salmon has been marked by removal of the adipose fin to indicate that a coded wire tag has been implanted in the head of the fish.

(g) No person shall possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, export, or land, any species of salmon or salmon part which was taken and retained in violation of the Magnuson Act, this part, or any regulation issued under the Magnuson Act.

§ 661.8 Facilitation of enforcement.

(a) No person shall:

(1) Refuse to permit an Authorized Officer to board a fishing vessel subject

to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation issued under the Magnuson Act;

(2) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any Authorized Officer in the conduct of any search or inspection described in paragraph (a)(1) of this section;

(3) Resist a lawful arrest for any act prohibited by this part; or

(4) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person knowing that such other person has committed any act prohibited by this part.

(b) *General.* Each person aboard a fishing vessel subject to this part shall immediately comply with instructions issued by an Authorized Officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for purposes of enforcing the Magnuson Act and this part.

(c) *Signals.* Upon being approached by U.S. Coast Guard cutter or aircraft, or other vessel or aircraft authorized to enforce the Magnuson Act, the operator of the fishing vessel shall be alert for signals conveying enforcement instructions. The VHF-FM radiotelephone is the normal method of communicating between vessels. Listen to VHF-FM channel 16 (emergency channel) for instructions to shift to another VHF-FM channel and receive boarding instructions. Visual methods or loudhailer may be used if the radio does not work. The following signals, extracted from U.S. Hydrographic Office publication H.O. 102 International Code of Signals, may be communicated by flashing light or signal flags:

(1) "L." meaning "You should stop your vessel instantly."

(2) "SQ3." meaning "you should stop or heave to; I am going to board you."

(3) "AA AA AA etc." meaning "Call for unknown station or general call." The operator should respond by identifying his vessel by radio, visual signals or illuminating the vessel name or number.

(4) "RY-CY." meaning "You should proceed at slow speed. A boat is coming to you."

(d) *Boarding.* The operator of a vessel signaled to stop or heave to for boarding shall:

(1) Stop immediately and lay to or maneuver in such a way as to permit the boarding party to come aboard; and

(2) Take such other actions as necessary to ensure the safety of the boarding party.

§ 661.9 Penalties.

Any person or fishing vessel found to be in violation of this part will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Magnuson Act.

Subpart B—Management Measures

§ 661.20 Commercial fishing.

(a) *Open seasons and areas.* The Fishery Management Area is closed to commercial salmon fishing except as opened by this part or superseding regulations. All open fishing periods begin at 0001 hours and end at 2400 hours local time on the dates specified herein. Applicable quotas are specified in § 661.22(a)(1).

(1) Subarea A (U.S.-Canada border to Leadbetter Point, Washington):

(i) The season for all salmon species, except coho, begins on May 1 and ends on May 31; during this season, only the gear specified in § 661.20(b)(2) may be used.

(ii) The season for all salmon species, including coho, begins on July 15 and ends when the commercial coho quota is reached.

(2) Subarea B (Leadbetter Point, Washington, to Cape Falcon, Oregon):

(i) The season for all salmon species, except coho, begins on May 1 and ends on May 31; during this season, only the gear specified in § 661.20(b)(2) may be used.

(ii) The season for all salmon species, including coho, begins on July 1 and ends when the commercial coho quota is reached.

(3) Subarea C (Cape Falcon, Oregon, to Cape Blanco, Oregon):

(i) The season for all salmon species, except coho, begins on May 1 and ends on May 31; during this season, only the gear specified in § 661.20(b)(2) may be used.

(ii) The season for all salmon species, except coho, reopens on June 1 and ends on June 15; during this season, only the gear specified in § 661.20(b)(3) may be used.

(iii) The season for all salmon species, including coho, begins on July 1 and ends when the commercial coho quota is reached.

(iv) The season for all salmon species, except coho, continues from the date the commercial coho quota is reached and ends on October 31; during this season, only the gear specified in § 661.20(b)(3) may be used before September 8, and only the gear specified in § 661.20(b)(2) may be used after September 8.

(4) Subarea D (Cape Blanco, Oregon, to the Oregon-California border):

9/12

(i) The season for all salmon species, except coho, begins on May 1 and ends on May 31; during this season, only the gear specified in § 661.20(b)(2) may be used.

(ii) The season for all salmon species, including coho, begins on July 1 and ends on September 8 or when the commercial coho quota is reached, whichever occurs first.

(iii) In that part of Subarea D between Cape Blanco and Cape Sebastian (at 41°18'28" N. latitude), the season for all salmon species, except coho, continues from the date the commercial coho quota is reached and ends on September 8; during this season, only the gear specified in § 661.20(b)(3) may be used.

(iv) The season for all salmon species, except coho, begins on September 9 and ends on October 31.

(5) Subarea E (Oregon-California border to Cape Vizcaino, California):

(i) The season for all salmon species, except coho, begins on May 1 and ends on May 15; during this season, only the gear specified in § 661.20(b)(2) may be used.

(ii) The season for all salmon species, including coho, begins on May 16 and ends on May 31.

(iii) The season for all salmon species, including coho, begins on July 16 and ends on September 30.

(6) Subarea F (Cape Vizcaino, California, to U.S.-Mexico border):

(i) The season for all salmon species, except coho, begins on May 1 and ends on May 15; during this season, only the gear specified in § 661.20(b)(2) may be used.

(ii) The season for all salmon species, including coho, begins on May 16 and ends on May 31.

(iii) The season for all salmon species, including coho, begins on July 1 and ends on September 30.

(b) **Gear restrictions.** (1) No person shall engage in commercial salmon fishing using other than troll fishing gear (as defined in § 661.3) in the Fishery Management Area; however, in subareas E and F troll fishing gear need not be affixed to the fishing vessel as specified in § 661.2.

(2) No person shall engage in commercial salmon fishing in the Fishery Management Area using other than single barbless hooks as defined in § 661.3; or bait hooks with whole natural bait attached as the primary bait; or hooks on artificial salmon plugs not less than five (5) inches long in the following areas during the following periods:

Subarea	Season
A.....	May 1-31.
B.....	May 1-31.

Subarea	Season
C.....	May 1-31 and after Sept. 8 during season specified in § 661.20(a)(3)(iv).
D.....	May 1-31.
E.....	May 1-15.
F.....	May 1-15.

Gear commonly known as "spoons," "wobblers," "dodgers," and flexible plastic lures, are not considered artificial salmon plugs, and must be equipped with barbless hooks during the seasons described above.

(3) No person shall engage in commercial salmon fishing using other than hooks with whole natural bait or salmon plugs not less than five (5) inches long from June 1 to June 15 in subarea C, from the date the commercial coho quota is reached to September 8 in subarea C, or from the date the commercial coho quota is reached to September 8 in that part of subarea D between Cape Blanco and Cape Sebastian. Gear commonly known as "spoons," "wobblers," "dodgers," and flexible plastic lures, are not considered salmon plugs and are prohibited during the times specified in this § 661.20(b)(3).

(c) **Length restrictions.** Minimum total lengths of salmon and minimum dressed, head-off lengths of salmon are as follows:

Subarea	Species	Minimum total lengths (inches)	Minimum weights for dressed, head-off salmon (pounds)
A and B.....	Chinook.....	28	81%
	Coho.....	16	12
C and D.....	Chinook.....	28	104
	Coho.....	16	12
E and F.....	Chinook.....	28	104
	Coho.....	22	164
All subareas.....	Species other than Chinook and Coho.....	None	None

(d) **Steelhead.** No person engaged in commercial salmon fishing shall take and retain, or possess any steelhead (*Salmo gairdneri*) within the Fishery Management Area.

(e) **Restriction on use of commercial troll fishing gear for recreational fishing.** No person while on a fishing vessel with troll fishing gear on board shall use any part of that troll fishing gear to engage in recreational fishing for salmon.

§ 661.21 Recreational fishing.

(a) **Open seasons and areas.** The Fishery Management Area is closed to recreational salmon fishing except as opened by this part or by superseding regulations. All seasons begin at 0001 hours and end at 2400 hours local time

on the dates specified herein. Applicable quotas are specified in § 661.22(a)(1).

(1) Subarea A (U.S.-Canada border to Leadbetter Point, Washington):

(i) The season for all salmon species, except coho, begins on May 29 and ends on June 11.

(ii) The season for all salmon species, including coho, begins on June 12 and ends when the recreational coho quota is reached.

(2) Subarea B (Leadbetter Point, Washington, to Cape Falcon, Oregon): The season for all salmon species, including coho, begins on June 12 and ends when the recreational coho quota is reached.

(3) Subarea C (Cape Falcon, Oregon, to Cape Blanco, Oregon): The season for all salmon species, including coho, begins on June 12 and ends when the recreational coho quota is reached.

(4) Subarea D (Cape Blanco, Oregon, to the Oregon-California border):

(i) The season for all salmon species, including coho, begins on May 29 and ends when the recreational coho quota is reached.

(ii) The season for all salmon, except coho, continues from the date the recreational coho quota is reached and ends on October 31.

(5) Subareas E and F (California): The season for all salmon species, including coho, begins on February 13 and ends on November 14.

(b) **Gear restrictions.** (1) No person shall engage in recreational salmon fishing in the Fishery Management Area using other than recreational fishing gear (as defined in § 661.3), to which may be attached not more than one artificial lure or natural bait, with no more than four single or multiple hooks.

(2) No person shall use more than one rod and line for recreational salmon fishing in subareas A, B, C, and D; however, there is no limit to the number of rods and/or lines used for recreational salmon fishing in subareas E and F.

(3) No person engaged in recreational fishing for salmon in subareas E and F may use weights of more than four (4) pounds attached directly to the line.

(4) **Recreational fishing gear** (as defined in § 661.3) must be held by hand by the angler while the angler is playing a hooked fish and reducing it to possession.

(c) **Length restrictions.** Minimum total lengths of salmon are as follows:

MINIMUM TOTAL LENGTHS (INCHES)

Subarea	Chinook	Coho	Other salmon
A and B	24	18	None
C and D	*None	*None	None
E and F	*22	*22	None

* In Subareas C and D, recreational anglers must retain the first two salmon taken.
* Except that one chinook or coho salmon per day may be kept that is 22 inches but not less than 20 inches.

(d) **Daily bag limits.** No person shall fish for, or take and retain, or possess more than two salmon per day while recreationally salmon fishing in the Fishery Management Area. In subareas C and D, the first two salmon taken must be retained.

§ 661.22 Inseason adjustments.

(a) **Automatic season closures based on quotas.** (1) Salmon harvest quotas are as follows:

COHO QUOTAS

Subarea	Recreational	Commercial
A	116,000	804,000
B	100,000	189,000
C and D	114,000	459,000
E and F	*None	*None

* These are quotas subject to adjustments based on inseason evaluations of private-hatchery contributions to the fishery or catches. To be made when 75% of any commercial or recreational quota is reached. See § 661.22(b).
* Coho salmon caught in subareas E and F will count towards the coho quota established for subareas C and D, but if those quotas are reached, only subareas C and D will count.

(2) When a quota for the commercial or the recreational fishery, or both, in any subarea or subareas of the Fishery Management Area is projected by the Regional Director to be reached on or by a certain date, the Secretary shall, by publishing a field order in the Federal Register, close the commercial or recreational fishery, or both, as of the date the quota will be reached in that subarea or subareas.

(b) **Adjustment of quotas.** (1) The estimated contributions of private hatchery coho to the quotas for subareas B, C, and D are:

	Subarea B	Subareas C and D
Commercial	10,000	128,000
Recreational	11,000	33,000

When 75% of any coho quota specified in § 661.22(a)(1) for subareas B, C, or D is reached, the Regional Director will review the estimated contributions of private hatchery coho, taking into account coded-wire tag data gathered during the season. If the contribution of private hatchery coho varies from the preseason estimates, the Secretary will modify the coho quotas for subareas B,

C, and D accordingly by publishing a field order in the Federal Register.

(2) On or before the time that 75% of the commercial coho quota specified in § 661.22(a)(1) for subareas C and D is reached, the Regional Director will estimate the number of coho salmon that will be hooked and released during the open seasons specified in §§ 661.20(a)(3)(iv) and (a)(4)(iii) and (iv), and the Secretary will reduce the commercial coho quota for subareas C and D accordingly by publishing a field order in the Federal Register.

(c) **Availability of Data.** The Regional Director will compile in aggregate form all data and other information relevant to the actions described in this section and shall make them available for public review during normal office hours at the Northwest Regional Office, National Marine Fisheries Service, 7600 Sand Point Way N.E., Seattle, Washington 98115.

(d) **Effective dates.** (1) Any field order issued under this section is effective on the date specified in the field order or on the date the field order is filed for public inspection with the Office of the Federal Register, whichever is later.

(2) Any field order issued under this section will remain in effect until the expiration date stated in the order, or until rescinded or superseded; *Provided, That*, no such field order has any effect beyond the end of the calendar year in which issued, at which time provisions of this part that were superseded by such field order again become effective until subsequently modified or superseded.

(e) Nothing contained in this part limits the authority of the Secretary to issue emergency regulations under section 305(a) of the Magnuson Act, if the Secretary determines that an emergency involving the salmon resource exists. Such emergency regulations are effective upon filing for public inspection with the Office of the Federal Register.

§ 661.23 Treaty Indian fishing.

(a) **Makah Tribe.** Persons authorized by the Makah Tribe to exercise fishing rights under the Treaty with the Makah may fish for all salmon species only in ocean areas where that Tribe is entitled by Federal judicial determination to exercise its treaty fishing rights, including that portion of subarea A north of 48°07'36" N. latitude (Sand Point) from 0001 hours on May 1 to 2400 hours on October 31. Minimum size limits are 24 inches for chinook salmon and 18 inches for coho salmon.

(b) **Quileute, Hoh, and Quinault Tribes.**—(1) *Quileute and Hoh.* Persons authorized by the Quileute and Hoh

Tribes to exercise fishing rights under the Treaty of Olympia may fish for all salmon species only in ocean areas where those Tribes are entitled by Federal judicial determination to exercise their treaty fishing rights, including that portion of subarea A south of 48°07'36" N. latitude (Sand Point) and north of 47°31'42" N. latitude (mouth of Queets River), from 0001 hours on May 1 to 2400 hours on September 7.

(2) *Quinault Tribe.* Persons authorized by the Quinault Tribe to exercise fishing rights under the Treaty of Olympia may fish for all salmon species only in ocean areas where that Tribe is entitled by Federal judicial determination to exercise its treaty fishing rights, including that portion of subarea A south of 47°40'06" N. latitude (Destruction Island) and north 48°53'09" N. latitude (Point Chehalis), from 0001 hours on May 1 to 2400 hours on September 7.

(3) **Closed areas.** Salmon fishing by persons specified in this paragraph (b), in those areas of the FCZ within a six-mile radius from the center of the midpoints of the baselines closing the mouths of the Queets and Hoh Rivers is prohibited during any period when subarea A is closed to all non-Indian salmon fishing.

(4) **Minimum size limits.** Minimum total lengths of salmon for persons specified in this paragraph (b) are chinook—26 inches; and coho—18 inches.

(c) **Exceptions.** Unless otherwise specified by this section, persons specified in paragraphs (a) and (b) of this section are subject to the provisions of this part, the Magnuson Act, and any other regulations issued under the Magnuson Act, except that the restrictions contained in § 661.20 (b)(1), (d) and (e) and § 661.21 (b) and (d) do not apply.

(d) The Secretary will give due consideration in promulgating emergency regulations to the treaty fishing rights of Indian tribes with Federally adjudicated usual and accustomed fishing grounds in the area affected by such regulations.

§ 661.24 Experimental fisheries.

(a) The Pacific Council may recommend to the Regional Director that experimental fisheries for research purposes be allowed in the Fishery Management Area, as may be proposed by the Council, the Federal Government, State Governments, and treaty Indian tribes having usual and accustomed fishing grounds in the Fishery Management Area.

12/12
(b) The Regional Director shall not allow any experimental fishery recommended by the Council unless he determines that the purpose, design, and administration of the experimental fishery are consistent with the goals and objectives of the Council's fishery management plan, the national standards (Section 301(a) of the Magnuson Act), and other applicable law.

(c) Each vessel participating in any experimental fishery recommended by the Council and allowed by the Regional Director is subject to all provisions of this part, except those portions necessarily relating to the purpose and

nature of the experimental fishery. These exceptions will be specified in a letter issued by the Regional Director to each vessel participating in the experimental fishery and that letter must be carried aboard each participating vessel.

§ 661.25 Scientific research.

Nothing in this part is intended to inhibit or prevent any scientific or oceanographic research in the fishery management area by a scientific research vessel. The Regional Director shall acknowledge any notification he might receive of any scientific or oceanographic research with respect to

salmon being conducted by a scientific research vessel, by issuing to the operator or master of that vessel a letter of acknowledgement, containing information on the purpose and scope (locations and schedules) of the activities. The Regional Director shall transmit copies of such letter to the Council, and to State and Federal administrative and enforcement agencies, to ensure that all concerned parties are aware of the research activities.

[FR Doc. 82-13468 Filed 5-18-82; 4:28 pm]
BILLING CODE 3510-22-M

WDC06/19

FACSIMILE TRANSMISSION

4/2

FAX OCT NO:
(for Concetre Use Only)

CLASSIFICATION: UNCLASSIFIED

DATE: 19MAY82

FROM: WHDG

TO: EXTOT/LAO/STRAUSS (6-2643) (DEPT/POST/ADDRESSEE/PHONE NO.)

INFO: --- (DEPT/POST/ADDRESSEE/PHONE NO.)

NO. OF PAGES: 11 plus cover

SUBJECT: OCEAN SALMON FISHERIES

AUTHORIZING OFFICER: B. DICKSON

SIGNATURE: 

ADDITIONAL COMMENTS OR INSTRUCTIONS:

- (1) REF: OURTEL ON SAME SUBJECT (19MAY82)
FEDERAL REGISTER 18MAY (pp21256-66)
- (2) PLS NOTE "SPINY LOBSTER FISHERY OF THE GULF OF MEXICO
AND SOUTH ATLANTIC" (pp 21256)

(f) The requirement for notice and opportunity for public review in § 228.8(e) shall not apply if the National Marine Fisheries Service determines that an emergency exists which poses a significant risk to the well-being of the species or stocks of marine mammals concerned.

(g) A violation of any of the terms and conditions of a Letter of Authorization or of the specific regulations shall subject the Holder and/or any individual who is operating under the authority of the Holder's Letter of Authorization to penalties provided in the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Subpart B—Taking of Ringed Seals Incidental to On-Ice Seismic Activities

§ 228.11 Specified activity and specified geographical region.

Regulations in this subpart apply only to the incidental taking of ringed seals (*Phoca hispida*) by U.S. citizens engaged in on-ice seismic exploratory and associated activities over the Outer Continental Shelf of the Beaufort Sea of Alaska, from the shore outward to 43 miles and from Point Barrow east to Demarcation Point, from January 1 through May 31 of any calendar year.

§ 228.12 Effective dates.

Regulations in this subpart are effective for the period 1982 through 1983.

§ 228.13 Permissible methods

(a) The incidental, but not intentional, taking of ringed seals from January 1 through May 31 by U.S. citizens holding a Letter of Authorization is permitted during the course of the following activities:

- (1) On-ice geophysical seismic activities involving vibrator-type, airgun, or other energy source equipment shown to have similar or lesser effects; and
- (2) Operation of transportation and camp facilities associated with seismic activities.

(b) All activities identified in § 228.13(a) shall be conducted in a manner which minimizes to the greatest extent practicable adverse effects on ringed seals and their habitat.

(c) All activities identified in § 228.13(a) shall be conducted as far as practicable from any observed ringed seal or ringed seal lair. No energy source shall be placed over an observed ringed seal lair, whether or not any seal is present.

§ 228.14 Requirements for monitoring and reporting.

(a) Holders of Letters of Authorization are required to cooperate with the

National Marine Fisheries Service and any other Federal, State, or local agency monitoring the impacts on ringed seals.

(b) Holders of Letters of Authorization shall designate an individual or individuals to make observations and record the presence of ringed seals and ringed seal lairs along shot lines and around camps, and the information required in § 228.14(c).

(c) An annual report shall be submitted to the Assistant Administrator for Fisheries within 90 days of completion of the year's activities which shall include the following information:

- (1) Location(s) of survey activities;
- (2) Level of effort (e.g., duration, area surveyed, number of surveys), methods used, and a description of habitat (e.g., ice thickness, surface topography) for each location;
- (3) Numbers of ringed seals observed, proximity to seismic or associated activities, and any seal reactions observed for each location;
- (4) Numbers of ringed seal lairs observed and proximity to seismic or associated activities for each location; and
- (5) Other information as required in a Letter of Authorization.

Dated: May 12, 1982.
William H. Stevenson,
Deputy Assistant Administrator for Fisheries
National Marine Fisheries Service.
(FR Doc. 82-13447 Filed 5-17-82; 9:45 am)
BILLING CODE 3510-22-M

National Oceanic and Atmospheric Administration
50 CFR Part 640
Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic

National Oceanic and Atmospheric Administration

50 CFR Part 640

Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic

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

ACTION: Extension of emergency interim rule.

SUMMARY: An interim rule in effect through May 15, 1982, implements certain provisions of the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic. NOAA extends this emergency interim rule from May 18, 1982, through June 29, 1982. The extension will continue the protection of the spawning stock in the fishery conservation zone (FCZ) until the final regulations become effective.

DATES: Emergency rule effective from May 16, 1982 through June 29, 1982.
FOR FURTHER INFORMATION CONTACT: Jack T. Brawner, Acting Regional

Director, Southeast Region, National Marine Fisheries Service, 9450 Roger Boulevard, St. Petersburg, Florida 33702; telephone 813-893-3141.

SUPPLEMENTARY INFORMATION: Under Section 303(a)(1) of the Magnuson Fishery Conservation and Management Act, emergency interim regulations implementing certain provisions of the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic were published on March 30, 1982 (47 FR 13353). The rulemaking stated that the regulations would be effective for 45 days and that they could be repromulgated for an additional 45-day period, if necessary. The emergency interim rule (1) establishes a closed season in the fishery conservation zone (FCZ) during the peak spawning period; and (2) provides the authority for any Authorized Officer to dispose of lobster traps that are in the management area during the period April 8-July 20. The intended effect of this interim rule is to provide protection for the spawning stock in the FCZ during the major spiny lobster reproductive period. The Assistant Administrator for Fisheries, NOAA, acting on behalf of the Secretary of Commerce, has determined that the emergency situation described in the initial emergency rule continues to exist, and therefore extends the emergency regulations through June 29, 1982.

The NOAA Administrator has determined that these regulations are non-major under Executive Order 12291, and that the emergency provisions in section 8 of the Order apply to this action.

(16 U.S.C. 1801 et seq.)

List of Subjects in 50 CFR Part 640

Fish; Fisheries.

Dated: May 13, 1982.

William H. Stevenson,
Deputy Assistant Administrator, National Marine Fisheries Service.

(FR Doc. 82-13447 Filed 5-17-82; 9:45 am)
BILLING CODE 3510-22-M

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of California, Oregon, and Washington

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

ACTION: Emergency interim rule, notice of availability of plan amendment, and request for comments.

SUMMARY: NOAA issues emergency regulations to implement on an interim basis the 1982 amendment to the fishery management plan for the ocean salmon fisheries in the fishery conservation zone off the coasts of Washington, Oregon, and California. This action constitutes a notice of availability and request for comments on the plan amendment which was partially approved by the Assistant Administrator for Fisheries, NOAA, on May 6, 1982. Also, comments are requested on the interim rule which will be used in preparing the final rule implementing the 1982 amendment. Specific management measures in the implementing regulations vary by fishery and area, but generally establish fishing seasons, quotas, necessary inseason management modifications, daily catch limits for recreational fisheries, and minimum size limits for salmon. The 1982 amendment and implementing regulations are intended to prevent overfishing, to apportion equitably the ocean harvest between commercial and recreational fisheries, to allow more salmon to survive the ocean fisheries and reach the various inshore fisheries, to meet the U.S. obligations to treaty Indian fisheries, and to achieve spawning escapement requirements.

DATES: Interim rule is effective on May 14, 1982 and remains effective until June 28, 1982.

ADDRESSES: Send comments on the 1982 FMP amendment and these implementing rules to the Director, Northwest Region, National Fisheries Service (NMFS), BIN C16700, Seattle, WA 98115. Copies of the 1982 amendment, the regulatory impact review/initial regulatory flexibility analysis, and the final supplement to the final environmental impact statement are available from the Pacific Fishery Management Council, 528 S.W. Mill St., Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins (Regional Director, NMFS), 206-327-8150.

SUPPLEMENTARY INFORMATION:

Background

The fishery management plan (FMP) for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California, prepared by the Pacific Fishery Management Council (the Council), was approved by the Assistant Administrator for Fisheries (Assistant

Administrator), NOAA, on March 2, 1978. Regulations to implement the FMP were first published on April 14, 1978 (43 FR 15829), as emergency rules. Regulations to implement the 1981 amendment to the FMP were last issued as final rules on September 8, 1981 (46 FR 44989), as corrected on September 18, 1981 (46 FR 45900), except off California where 1980 regulations were reinstated (published on January 29, 1982, 47 FR 4275).

The Council has amended the FMP to improve management of the salmon fisheries in 1982. A supplement to the environmental impact statement (SEIS) for the 1982 amendment has been filed with the Environmental Protection Agency. A notice of availability of the SEIS was published on April 30, 1982 (47 FR 14452). The Council held six hearings on the amendment during the period February 28 through March 1, 1982. The 1982 amendment is intended to (1) provide adequate spawning escapements from ocean salmon fisheries for the various salmon runs; (2) meet treaty obligations to Indian fishermen; and (3) allow for a viable harvest for each segment of the salmon fishery, including the commercial and recreational ocean fisheries and the various inshore fisheries. The current FMP amendment as it applies to the commercial salmon fishery north of Cape Blanco, Oregon, and to the recreational fisheries coastwide was approved by the Assistant Administrator on May 6, 1982, under section 304 of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson Act). The portion of the Council's recommended amendment pertaining to seasons, gear restrictions, and chinook quotas for the commercial fisheries south of Cape Blanco, Oregon, was disapproved by the Assistant Administrator; therefore, existing measures govern the commercial fisheries south of Cape Blanco, Oregon. That action is consistent with a concern expressed in the minority report submitted by the Oregon Department of Fish and Wildlife on the 1982 amendment. Consequently, the 1981 management measures that governed the fishery in the fishery conservation zone (PCZ) off Oregon south of Cape Blanco and the 1980 management measures off California will continue to control commercial fishing open seasons, gear restrictions, and size limits in those areas, until superseded. The NOAA issues a notice of availability of the FMP amendment for public review and comment, as required by section 305(a) of the Magnuson Act.

Section 305(e) of the Magnuson Act authorizes the Secretary of Commerce to promulgate emergency regulations to implement fishery management plans and amendments thereto. The Assistant Administrator has determined that the approved portion of the 1982 amendment should be implemented by emergency regulations under that section, and that relevant portions of the 1981 and 1980 measures that are not superseded should be republished, so that all regulations pertaining to salmon fishing in the PCZ off Washington, Oregon, and California appear together in a single Federal Register publication. These regulations reflect the following changes from existing regulations, in addition to changes required to implement the approved portions of the 1982 amendment. First, the regulations have been partially reorganized into a standard format used for our other fishery regulations; certain sections have been simply renumbered, while others have been consolidated. The balance of that reorganization will be accomplished when the final rules for the fishery are promulgated. Second, the management measures for the commercial, recreational, and treaty Indian fisheries have been organized in a different manner in the regulations. Third, certain stylistic changes have been made (e.g., using "this part" for "this Part 661," or "begins" for "shall begin"). Fourth, former section 661.4 "Effective dates" has been deleted as unnecessary. Fifth, certain definitions have changed: (a) Definitions of ODFW, OPI, WDF, and WFP have been deleted as obsolete, since those terms were used in inseason management provisions deleted by the 1982 amendment; and (b) certain definitions have been modified to reflect changed underlying realities (definition of "Act," "Authorized Officer," and "Regional Director") or to clarify the intended meaning ("land or landing" and "troll fishing gear"). Sixth, certain "General restrictions" provisions have been modified to delete unnecessary and confusing references to definitional provisions and to simplify the specification of the applicable restrictions. Seventh, provisions regarding boarding procedures and signals have been added to the "Facilitation of enforcement" section. Finally, certain portions of the "Treaty Indian fishing" section and the "Inseason adjustments" section have been changed to more clearly reflect current law.

This emergency rulemaking remains in effect for 45 days and may be extended for a second 45-day period.

3/12

4/12

These interim regulations also are being published for public review. All comments received will be considered when developing the final regulations. Following publication in the Federal Register, the final regulations will be effective for 1982 and subsequent years unless superseded or otherwise modified.

Status of the Salmon Resource in 1982

Current information on abundance of the major stocks of chinook and coho salmon available to the ocean fisheries in 1982 indicates (1) that some stocks continue to be depressed to such an extent that ocean harvests must be reduced to assure adequate survival to inside fisheries and spawning escapements, and (2) other stocks continue to be at or near optimum levels of population abundance. The status of stocks is discussed in detail in Chapter IV of the Report accompanying the 1982 FMP amendment. The management objectives set forth in the 1982 FMP amendment can only be achieved by carefully balancing a decrease of the ocean harvest in some areas with relatively less restrictive regulations in other areas. The Council and its advisors considered the status-of-stocks information included in the Report accompanying the 1982 amendment, along with many other factors, during their deliberations on the 1982 amendment. Except for those measures controlling commercial fishing south of Cape Blanco, which were not approved, the management measures adopted by the Council are considered to be consistent with the FMP objectives, as revised in the 1982 amendment, and with the requirements of the Magnuson Act.

Treaty Indian Obligations

Dissatisfaction on the part of some tribes with the level of returns of salmon to tribal "usual and accustomed" fishing areas prompted litigation in Federal District Court in 1981. One suit, *Hoh v. Baldrige*, involves three Washington coastal tribes (the Hoh, Quileute, and Quinalt), the Secretary of Commerce, and the State of Washington. The other suit, *Confederated Tribes v. Baldrige*, involves four Columbia River tribes (the Yakima, Umatilla, Warm Springs, and Nez Perce), the Secretary of Commerce, and the States of Oregon and Washington.

Hoh v. Baldrige

In this case, the U.S. District Court ruled that the tribes were entitled to take up to 50 percent of each run of coho salmon returning to each river where the tribes traditionally fished, but noted that

this rule is not inflexible. Strict compliance with such an order would require that ocean fisheries be managed in a manner which assures that returns of the weakest run be sufficient to allow a treaty Indian harvest equal to the non-Indian ocean harvest while meeting spawning escapement goals. If strictly applied, such a rule would preclude the non-Indian ocean fishery from taking its 50 percent share of salmon produced in many streams where runs are less than

The court also ordered the development of a long-range plan consistent with the equal-sharing rule for managing the various coastal runs relevant to the lawsuit. Despite continued effort, the parties have been unable to agree on all significant points. One of the major items yet to be agreed on is coho spawning escapement goals. The State of Washington has set strict numerical goals for coho spawning escapement based on the occurrence of average environmental conditions every year and on the use of the entire watershed of each stream as a rearing area, including the main stream. In turn, the State of Washington Department of Fisheries (WDF), in a minority report on the 1982 amendment, has opposed any approach to management of coho in the ocean north of Cape Falcon that will result in spawning escapements other than those which the State proposes. In contrast, however, optimum water flows can be expected to occur one year in five on the average, and experience has confirmed that coho are primarily reared in tributary streams, while few successfully rear in the main stem of coastal streams. Furthermore, rigid adherence to Washington State's coho spawning escapement goals will result in wasting fish which could otherwise be caught without jeopardizing reproduction of stocks and will cause unnecessary instabilities in the fishery. Management of all fisheries to achieve spawning escapement within a range of spawning escapement goals for each coastal stream, rather than a single numerical goal for each coastal stream, would maintain coho production at a favorable level while obtaining the data necessary to determine the optimum level of escapement and would also provide some stability to the fisheries operating on these stocks.

The State in its minority report contends that the Council's choice of an ocean coho quota which is derived from a range of spawning escapements is inconsistent with prior orders of the Federal Court endorsing State escapement goals. The Court's order of September 29, 1981, referred to in the WDF minority report, was intended to

encourage mutual agreement among the parties on escapement goals before the beginning of each season consistent with existing orders in *U.S. v. Washington*, primarily an order entered on August 31, 1977. In recognition of the fact that no judicially endorsed or established spawning escapement goals exist for the Washington coast, the Court on April 12, 1982, ordered the parties to the negotiations to continue deliberations in an effort to arrive at an agreement on spawning escapement policy for the duration of the agreement.

In the absence of any court-approved management plan and spawning escapement goals, the tribes and the Council, therefore, agreed on 1982 quotas for ocean coho that were intended to recognize the advantages of management to achieve spawning escapements within given ranges.

The reports of the Council's salmon plan development Team and in-Court testimony acknowledge that the ocean coho quota north of Cape Falcon will not allow achievement of State escapement goals this year. However, those same reports and testimony indicate that overfishing will not occur even if coho return in fewer numbers than anticipated; and this is true of the run which is expected to be the weakest (Queets River fall coho) as well as stronger runs. On the other hand, escapement goals recommended by the State combined with strict imposition of weakest-run management principles would have required reducing the 1982 ocean harvest to about half the 1981 harvest. Indeed, the primary difference between the State's recommended ocean quotas and those chosen by the Council emanates from a disagreement as to the number of fish which must escape to maximize the harvestable portion of each run. The State believes a greater number of fish must be allowed to escape to achieve optimum spawning escapement than do the tribes and the Council. However, by using a range of spawning escapement goals for coho, established by the tribes for the coastal streams, rather than the fixed goal set by the State, the allowable harvest was set at a higher level. Further, the tribes agreed to target on hatchery-produced coho in their Queets River fishery to the extent possible, which further increased the number of coho that could be taken by the ocean fisheries. This cooperative approach should prevent overfishing of any coho run, meet the treaty fishing right of the plaintiff tribes, and preserve a viable, although reduced, ocean fishery.

Confederated Tribes v. Baldridge

In this action, the U.S. District Court directed the Secretary to evaluate possible management measures for the FCZ off Alaska, Washington, and Oregon which would return more fall chinook salmon to the upper reaches of the Columbia River (bright fall chinook destined for the river above Bonneville Dam, or upriver brights). Analysis by the technical staffs of the Alaska and Northwest Regions of the NMFS indicates that a total closure of all U.S. ocean salmon fisheries north of Cape Falcon, off Oregon, Washington, and Alaska in State and Federal waters, would add an estimated 27,100 upriver brights to the 1981 run size of 93,900 upriver brights, for a total inriver run of about 121,000 fish. Of this additional 27,100 fish, only 4,600 would be attributable to a total closure of all ocean fishing off Washington and Oregon north of Cape Falcon. An ocean catch, sport and commercial, on the order of 200,000 chinook (other than upper Columbia River fall chinook) and 500,000 coho would be lost as a result of such an ocean closure. Even if 4,600 upriver brights were saved as a result of a total FCZ closure north of Cape Falcon, only 2,600 of those additional fish could be expected to escape above McNary Dam due to an unexplained but ever present interdam loss between Bonneville and McNary of about 50 percent.

NMFS also plans to tag upriver brights at Bonneville Dam using radio tags to investigate the cause of the loss of upriver brights between Bonneville and McNary Dams, which was about 50 percent in 1981. The goal is to discover the cause of the unaccounted for loss of upriver brights in this reach of the river, and correct it if possible.

The tribes have also questioned the propriety of the May chinook fishery off Washington and Oregon north of Cape Falcon because of its impact on upper Columbia River springs, summer, and fall chinook. Although these runs of chinook are not subjects of the lawsuit brought by the tribes, analysis by the Council indicates that summer chinook comprise less than three percent of the total May catch of chinook north of Cape Falcon, and that spring chinook contribute negligibly to any ocean fishing in that area; these salmon have already left the area on their way to the spawning grounds. Upriver fall chinook are not found in the ocean between Cape Falcon and the Canadian border in May.

Council proposals for 1982

In January 1982, the Council adopted for public review the draft 1982 FMP amendment, which contained five options for managing the commercial fishery and three options for the recreational fishery. The options ranged from more to less restrictive than 1981 management measures. That document, including the draft supplemental environmental impact statement, was widely distributed and was the subject of discussion at six public hearings held in the three coastal states and Idaho. As a result of these hearings, over 100 written comments on the draft amendment, and the analysis produced by the Council's salmon plan development team of the impacts of the options, the Council adopted the management measures contained in the 1982 amendment.

1982 Management Measures

The Council's approved management measures for commercial fishing in the area north of Cape Blanco and for recreational fishing along the entire coast are intended to achieve expected spawning escapements and treaty Indian allocations, while equitably apportioning the regulatory burden and minimizing shifts in fishing effort along the coast. The approved measures are a combination of fishing areas, seasonal restrictions, and quotas on the harvests.

North of Leadbetter Point, Washington. the recreational season for all species except coho runs from May 27 through 11. Recreational fishing for all species opens on June 12, with a coho quota of 115,000. Fishing for all species ends when the coho quota is taken. Minimum sizes are 24 inches for chinook and 16 inches for coho with a 2-fish bag limit. Commercial fishing for all species except coho begins on May 1 and ends on May 31. The all-species commercial season opens July 15 with a 204,000 coho quota. Fishing for all species ends when the coho quota is taken. Minimum sizes are 28 inches for chinook and 16 inches for coho.

From Leadbetter Point to Cape Falcon, Oregon. the recreational season for all species begins on June 12, with a coho quota of 100,000 fish. Fishing for all species ends when the coho quota is taken. Minimum sizes are 24 inches for chinook and 16 inches for coho. The commercial season for all species except coho runs from May 1 through May 31. The commercial season for all species runs from July 1 until the 89,000 coho quota is taken. Minimum sizes are 28 inches for chinook and 16 inches for coho.

From Cape Falcon to Cape Blanco, Oregon. the recreational season for all species opens June 12 and ends when the 114,000 coho quota is taken. No minimum size is imposed on this fishery, but anglers must keep and are limited to the first two fish taken each day. The commercial season for all species except coho runs from May 1 through June 15 with special gear required from June 1 through June 15. The all-species, commercial season opens July 1, with a coho quota of 488,000. Fishing for all species except coho using special gear begins when the coho quota is taken, and continues until September 8. An all-species-except-coho season using barbless hooks begins September 8 and continues through October 31. Minimum sizes are 28 inches for chinook and 16 inches for coho.

From Cape Blanco to the Oregon-California border, recreational fishing for all species begins on May 29 and continues until the 114,000 coho quota south of Cape Falcon is reached, after which time fishing for all species except coho continues through October 31. No minimum size limit applies, but anglers must keep and are limited to the first two fish taken each day. The 1981 management measures pertaining to open seasons, gear restrictions, and size limits for commercial fishing between Cape Blanco and the Oregon-California border remain in effect; hence, commercial fishing for all species except coho begins May 1 and ends May 31. The all-species season begins July 1 and ends on September 8 unless terminated sooner because the 1982 coho commercial quota south of Cape Falcon (488,000 fish) is reached. Fishing for all species except coho using special gear begins after the coho quota is taken and continues through September 8 between Cape Blanco and Cape Sebastian, Oregon. In this management area, a second all-species-except-coho season opens on September 9 and closes on October 31. Minimum sizes are 28 inches for chinook and 16 inches for coho.

For California, recreational fishing for all species begins February 13 and ends November 14. The bag limit is two salmon of any species with a 22-inch minimum length, except that one fish may be between 20 and 22 inches. Management measures pertaining to open seasons, gear restrictions, and size limits for commercial fishing will be the same as those for 1980 unless changed by subsequent amendment. For California north of Cape Vizcaino, the commercial season for all species except coho is from May 1 through May 15 and the all-species seasons run from May 16 through May 31 and July 16 through

7/12

6/12
September 30. The minimum sizes are 26 inches for chinook, and 22 inches for coho. From Cape Vizcaino southward, the commercial season for all species except coho opens May 1; the season for all species opens on May 16 and closes on May 31. A second all-species season opens on July 1 and closes on September 30. Minimum sizes are 26 inches for chinook and 22 inches for coho.

Inseason adjustments: All quotas are fixed quotas that may not be changed during the season except for the coho quotas between Leadbetter Point and Cape Falcon and from Cape Falcon, southward. These quotas may be adjusted when 75 percent of the quota is taken if the contribution of coho produced by private hatcheries significantly departs from preseason forecasts. Recoveries of coded wire tags during the season will provide a basis for making any needed adjustment of the preseason estimate of the catch of coho from private hatcheries. In addition, the coho commercial quota for the area south of Cape Falcon will be adjusted to take into account estimated coho losses associated with the late season, all-species-except-coho commercial fisheries in this area. The only other inseason management actions will be automatic closures when quotas are reached.

Treaty Indian fishing: Persons authorized to exercise the Makah Indian treaty ocean fishing right may fish in their adjudicated ocean area for all species from May 1 through October 31 but may not retain chinook smaller than 24 inches or coho smaller than 16 inches. Either fixed or hand-held lines or poles may be used. Except as noted, all other commercial salmon fishing regulations for the area north of Leadbetter Point apply to persons exercising the Makah treaty right to fish in the ocean.

Persons authorized to exercise treaty ocean fishing rights granted the Quileute, Hoh, and Quinault tribes may fish in their respective adjudicated ocean area for all species from May 1 through September 7 but may not retain chinook smaller than 26 inches or coho smaller than 16 inches. Either fixed or hand-held lines or poles may be used. During the time that all non-Indian ocean fisheries are closed north of Leadbetter Point, there will be a closure for all treaty fishermen within a six mile radius of the mouths of the Queets and Hoh rivers to conserve Hoh and Queets chinook and coho runs. Except as noted, all other commercial salmon fishing regulations for the area north of Leadbetter Point apply to persons exercising the Quileute, Hoh, or Quinault treaty right to fish in the ocean.

Supporting Documents and Data Sources

The salmon FMP and the 1982 amendment incorporate by reference a number of documents and data sources utilized in deriving salmon fishery management measures. These documents and data sources or copies thereof will be made available to interested parties at reasonable times and places, and at a reasonable cost (if personal copies are desired), upon request to: J. L. A. Larkins, Regional Director, NMFS, 7600 Sand Point Way N.E., BIN C18700, Seattle, Washington 98118; telephone 206-827-6150.

Classification

The Assistant Administrator has determined that the portion of the 1982 amendment to the FMP which has been approved is necessary and appropriate for conservation and management of the salmon fisheries resources off the coasts of Washington, Oregon, and California, and that it is consistent with the Magnuson Act, including the national standards, and other applicable law.

The amendment has been partially approved and comments thereon are requested for a 45-day period. Recognizing the critical need for specific regulations for the 1982 ocean salmon fisheries, the Assistant Administrator has determined that an emergency exists and these regulations are issued under section 305(e) of the Magnuson Act. He has determined that continued effect of all regulations now in force would not safeguard the resource; therefore, he determined it is necessary to promulgate these emergency regulations immediately.

The Assistant Administrator finds for good cause that the reasons for justifying promulgation of emergency regulations under section 305(e) of the Magnuson Act also make it impracticable and contrary to the public interest to provide notice and opportunity for comment upon, or to delay for 30 days the effective date of these emergency regulations, under the provisions of section 553 (b) and (d) of the Administrative Procedure Act.

The NOAA Administrator has determined that the rules implementing the 1982 amendment are not "major" rules under Executive Order (E.O.) 12291 requiring a regulatory impact analysis. A regulatory impact review/initial regulatory flexibility analysis (RIR/IRFA) has been prepared. This review focuses on the issues and problems in the fishery and contains an analysis of the expected impacts of the adopted management measures and alternative management options. Some issues could

only be partially analyzed because of data limitations. Nonetheless, the review supports the determination that these rules are not "major" under the E.O. 12291 criteria.

The NOAA Administrator has determined that the resource emergency which justifies the promulgation of emergency regulations under section 305(e) of the Magnuson Act also constitutes an emergency situation under section 2(a)(1) of E.O. 12291. Because it is imperative to implement the approved portion of the 1982 amendment immediately, it is impracticable to comply with section 3(c)(3), which requires that NOAA transmit to the Director of the Office of Management and Budget (OMB) a copy of every nonmajor rule, at least 10 days prior to publication. However, a copy of these emergency regulations and a copy of the RIR/IRFA have been transmitted to the Director of OMB.

The NOAA Administrator also has determined that the rules implementing the 1982 amendment will have a significant economic impact on a substantial number of small entities, for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601-12. The IRFA has been prepared in conjunction with the regulatory impact review. A summary of the IRFA follows:

The generally more restrictive management measures imposed on the ocean fisheries in 1982 will have adverse economic impacts on both commercial and recreational fishermen and industries dependent on the ocean fisheries. The RIR/IRFA estimates that losses in revenue in 1982 compared to 1981 for the areas covered by approved parts of this amendment will be \$1,754,000 to the Oregon trollers and \$1,520,000 to the Washington trollers. Estimated losses from reduced recreational fishing will be \$4,390,000 in Oregon and \$3,180,000 in Washington. No incremental losses to the ocean recreational fishery off California are expected since the regulations for that area are essentially identical to those for 1981. Appendix E, pages 8-10, to the 1982 FMP amendment describes the procedures used, and the assumptions made, to estimate these values.

The RIR/IRFA acknowledges but does not quantify gains that will result from increased harvests by fishermen fishing inshore waters, particularly treaty Indian fishermen, as a result of the 1982 regulations. It also does not attempt to quantify the benefits that will accrue to all of the fisheries including the ocean fisheries in future salmon cycles, as a result of increased spawning escapement over what would have

occurred if the ocean fisheries were allowed to harvest more salmon in 1982. Long-run benefits, resulting from maintenance and enhancement of the salmon runs are believed to more than offset the short-term adverse impacts of more restrictive regulations; that is why the Council placed first priority on meeting spawning escapement goals.

The final supplement to the environmental impact statement (SEIS) for this action, which supplements the original environmental impact statement and previous supplements prepared for the FMP, is on file with the Environmental Protection Agency. A notice of availability of this SEIS was published on April 30, 1982.

These regulations to implement the FMP, as amended, do not entail any Federal collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 50 CFR Part 661

Fish, Fisheries, Fishing, Indians.

Dated: May 14, 1982.

William H. Stevenson,
Deputy Assistant Administrator, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 661 is revised to read as follows:

1. The authority citation for Part 661 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Part 661 is revised to read as follows:

PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF CALIFORNIA, OREGON, AND WASHINGTON

Subpart A—General Measures

Sec.

- 661.1 Purpose.
- 661.2 Relation to other laws.
- 661.3 Definitions.
- 661.4 [Reserved]
- 661.5 Reporting requirements.
- 661.6 [Reserved]
- 661.7 General restrictions.
- 661.8 Facilitation of enforcement.
- 661.9 Penalties.

Subpart B—Management Measures

- 661.20 Commercial fishing.
- 661.21 Recreational fishing.
- 661.22 Inseason adjustments.
- 661.23 Treaty Indian fishing.
- 661.24 Experimental fisheries.
- 661.25 Scientific research.

Authority: 16 U.S.C. 1801 *et seq.*

Subpart A—General Measures

§ 661.1 Purpose.

The purpose of this part is to provide for the management of the salmon

fisheries off the coasts of Washington, Oregon, and California in the Fishery Conservation Zone (the FCZ, also known as the 3-to-200 mile zone) over which the United States exercises exclusive fishery management authority (i.e., the Pacific Fishery Management Council's Fishery Management Area). This part implements the Pacific Council's Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California, under authority conferred by the Magnuson Fishery Conservation and Management Act.

§ 661.2 Relation to other laws.

(a) This part does not apply to fishing for pink and sockeye salmon conducted under the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fishery of the Fraser River System, as amended by the Pink Salmon Protocol, in U.S. Convention Waters between 48° N. latitude and the provisional international boundary between the United States and Canada.

(b) This part recognizes that any State law which pertains to vessels registered under the laws of that State while in the Fishery Management Area, and which is consistent with the salmon management plan, including any State landing law, shall continue to have force and effect with respect to fishing activities addressed herein.

(c) Any person fishing subject to this part shall be bound by the international boundaries of the management subareas

described in § 661.3, notwithstanding any dispute or negotiation between the United States and any neighboring country regarding their respective jurisdictions, until such time as new boundaries are published by the United States.

§ 661.3 Definitions.

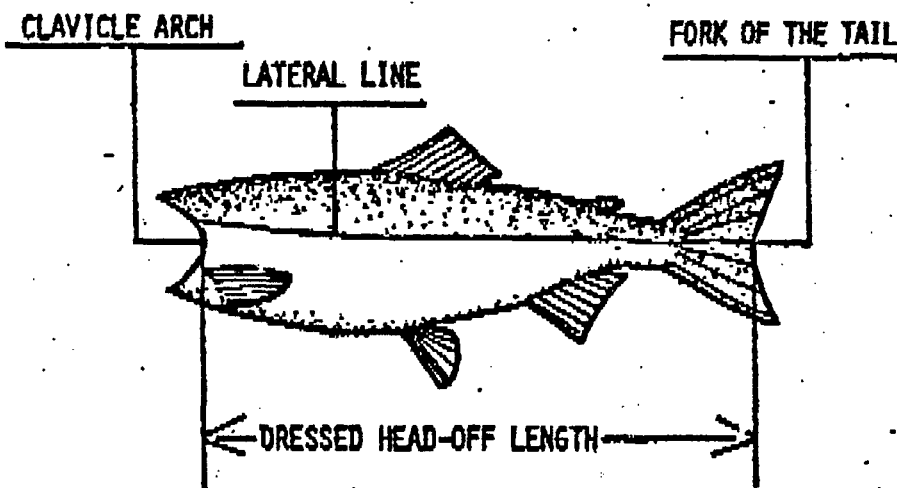
Authorized Officer means:

- (a) Any commissioned, warrant, or petty officer of the Coast Guard;
- (b) Any special agent of the National Marine Fisheries Service or other officer authorized by the Secretary;
- (c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Secretary of Transportation to enforce the provisions of the Magnuson Act; and
- (d) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Commercial fishing means fishing with troll fishing gear as defined in this section, or fishing for the purpose of sale or barter of the catch.

Council means the Pacific Fishery Management Council.

Dressed, head-off length of salmon means the shortest distance between the midpoint of the clavicle arch (see illustration) and the fork of the tail, measured along the lateral line while the fish is lying on its side, without resort to any force or mutilation of the fish other than removal of the head, gills, and entrails.



Dressed, head-off salmon means salmon that have been beheaded, gilled, and gutted without further separation of

vertebrae, and are either being prepared for on-board freezing, or are frozen and will remain frozen until landed.

Fishery Management Area means the fishery conservation zone (FCZ) off the coasts of Washington, Oregon, and California between 3 and 200 miles offshore, and bounded on the north by the Provisional International Boundary between the U.S. and Canada, and bounded on the south by the International Boundary between the U.S. and Mexico. The inner boundary of the Fishery Management Area is a line coterminous with the seaward boundaries of the States of Washington, Oregon, and California (the "8-mile limit"). The outer boundary of the Fishery Management Area is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured, or is a provisional or permanent international boundary between the United States and Canada or Mexico.

Fishing means:

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described in paragraph (a) through (c) of this definition.

Fishing vessel means any boat, ship, or other craft which is used for, equipped to be used for, or of a type that is normally used for fishing.

Freezer trolling vessel means a fishing vessel, equipped with troll fishing gear, which has a present capability for (a) on-board freezing of the catch, and (b) storage of the fish in a frozen condition until they are landed.

Land or landing means to begin offloading fish, to arrive in port with the intention of offloading fish, or to cause fish to be offloaded.

Magnuson Act means the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*

Recreational fishing means fishing with recreational fishing gear as defined in this section and not for the purpose of sale or barter.

Recreational fishing gear means conventional angling tackle consisting of a rod, reel, line, and hooks with bait or lure attached.

Regional Director means the Northwest Regional Director, National Marine Fisheries Service (7800 Sand Point Way, N.E., BIN C15700, Seattle, Washington 98115) or his designee.

Salmon means any anadromous species of the family Salmonidae and genus *Oncorhynchus*, commonly known

as Pacific salmon, including but not limited to:

Chinook (king) salmon—*Oncorhynchus tshawytscha*

Coho (silver) salmon—*Oncorhynchus kisutch*

Pink (humpback) salmon—

Oncorhynchus gorbuscha

Chum (dog) salmon—*Oncorhynchus keta*

Sockeye (red) salmon—*Oncorhynchus nerka*

• **Secretary** means the Secretary of Commerce, or a designee.

Single, barbless hook means a hook, with a single shank and point, with no secondary point or barb curving or projecting in any other direction. Hooks manufactured with barbs can be made "barbless" by forcing the point of the barb flat against the main part of the point.

Subarea means one of the six salmon management subdivisions of the Fishery Management Area, as follows:

(a) Subarea A:

(1) Northeastern boundary—that part of a line connecting the light on Tatoosh Island, Washington, with the light on Bonilla Point on Vancouver Island, British Columbia, southerly of the International Boundary between the U.S. and Canada (at 48°29'37" N. latitude, 124°43'33" W. longitude), and northerly of the point where that line intersects with the boundary of the U.S. territorial sea.

(2) Northern and northwestern boundary is a line connecting the following coordinates:

48°29'37.18" N. lat., 124°43'33.19" W. long.;

48°30'11" N. lat., 124°47'13" W. long.;

48°30'22" N. lat., 124°50'21" W. long.;

48°33'14" N. lat., 124°52'52" W. long.;

48°29'57" N. lat., 124°58'14" W. long.;

48°29'44" N. lat., 125°00'06" W. long.;

48°28'09" N. lat., 125°05'47" W. long.;

48°27'10" N. lat., 125°08'25" W. long.;

48°28'47" N. lat., 125°09'12" W. long.;

48°20'16" N. lat., 125°22'48" W. long.;

48°18'22" N. lat., 125°29'58" W. long.;

48°11'05" N. lat., 125°33'48" W. long.;

47°48'15" N. lat., 126°40'57" W. long.;

47°38'47" N. lat., 127°11'58" W. long.;

47°22'00" N. lat., 127°41'23" W. long.;

46°42'03" N. lat., 128°51'58" W. long.;

46°31'47" N. lat., 129°07'39" W. long.

(3) Southern boundary: a line extended due west from Leadbetter Point, Washington, at 46°38'10" N. latitude.

(b) Subarea B:

¹ The line joining these coordinates is the provisional international boundary of the U.S. FCZ as shown as NOAA/NO5 Charts #12450 and #12402.

(1) Northern boundary: a line extended due west from Leadbetter Point, Washington, at 46°38'10" N. latitude.

(2) Southern boundary: a line extended due west from Cape Falcon, Oregon, at 45°48'00" N. latitude.

(c) Subarea C:

(1) Northern boundary: a line extended due west from Cape Falcon, Oregon, at 45°48'00" N. latitude.

(2) Southern boundary: a line extended due west from Cape Blanco, Oregon, at 42°50'20" N. latitude.

(d) Subarea D:

(1) Northern boundary: a line extended due west from Cape Blanco, Oregon, at 42°50'20" N. latitude.

(2) Southern boundary: a line extended due west from the Oregon-California border at 42°00'00" N. latitude.

(e) Subarea E:

(1) Northern boundary: a line extended due west from the California-Oregon border at 42°00'00" N. latitude.

(2) Southern boundary: a line extended due west from Cape Vizcaino, California, at 39°43'30" N. latitude.

(f) Subarea F:

(1) Northern boundary: a line extended due west from Cape Vizcaino, California, at 39°43'30" N. latitude.

(2) Southern boundary: The United States-Mexico International Boundary, which is a line connecting the following coordinates:

32°35'22" N. lat., 117°27'49" W. long.;

32°37'37" N. lat., 117°49'31" W. long.;

31°07'58" N. lat., 118°38'18" W. long.;

30°32'31" N. lat., 121°51'58" W. long.

Total length of salmon means the shortest distance between the tip of the snout or jaw (whichever extends furthest while the mouth is closed) and the tip of the longest lobe of the tail, without resort to any force or mutilation of the salmon other than fanning or swinging the tail.

Troll fishing gear means fishing gear that consists of one or more lines that drag hooks with bait or lures behind a moving fishing vessel, and which lines are affixed to the vessel and are not disengaged from the vessel at any time during the fishing operation.

§ 661.4 (Reserved)

§ 661.5 Reporting requirements.

This part recognizes that catch and effort data necessary for implementation of this Fishery Management Plan is collected by the States of Washington, Oregon, and California under existing State data-collection provisions. No additional catch reports will be required of fishermen or processors as long as the

data collection and reporting systems operated by State agencies continue to provide the Secretary with statistical information adequate for management.

§ 661.6 [Reserved]

§ 661.7 General restrictions.

Except as otherwise provided by or pursuant to this part, the following restrictions apply to all salmon fishing in all subareas of the Fishery Management Area:

(a) No person shall use nets to fish for salmon in the Fishery Management Area, except that a hand-held net may be used to bring hooked salmon on board a vessel.

(b) No person shall fish for or take and retain any species of salmon:

(1) During closed seasons or in closed areas:

(2) Once any catch limit is attained;

(3) By means of gear or methods other than recreational fishing gear or troll fishing gear; or

(4) In violation of any field order issued under § 661.22.

(c) No person shall take and retain or possess aboard a fishing vessel any species of salmon which is less than the applicable minimum total length specified in §§ 661.20(c), 661.21(c), 661.23(a), or 661.23(b)(4).

(d) No person aboard a fishing vessel shall possess a salmon, for which a minimum total length is set by this part, in such a condition that its minimum total length is extended; or cannot be determined, except that "dressed, headoff salmon" may be possessed aboard a "freezer trolling vessel" (unless the adipose fin of such salmon has been removed—see paragraph (f) of this section).

(e) No person shall fail to return to the water immediately and with the least possible injury any salmon the retention of which is prohibited by this part.

(f) No person shall remove the head of any salmon caught in the Fishery Management Area, nor possess a salmon with the head removed, if that salmon has been marked by removal of the adipose fin to indicate that a coded wire tag has been implanted in the head of the fish.

(g) No person shall possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, export, or land, any species of salmon or salmon part which was taken and retained in violation of the Magnuson Act, this part, or any regulation issued under the Magnuson Act.

§ 661.8 Facilitation of enforcement.

(a) No person shall:

(1) Refuse to permit an Authorized Officer to board a fishing vessel subject

to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation issued under the Magnuson Act;

(2) Forcefully assault, resist, oppose, impede, intimidate, or interfere with any Authorized Officer in the conduct of any search or inspection described in paragraph (a)(1) of this section;

(3) Resist a lawful arrest for any act prohibited by this part; or

(4) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person knowing that such other person has committed any act prohibited by this part.

(b) *General.* Each person aboard a fishing vessel subject to this part shall immediately comply with instructions issued by an Authorized Officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for purposes of enforcing the Magnuson Act and this part.

(c) *Signals.* Upon being approached by U.S. Coast Guard cutter or aircraft, or other vessel or aircraft authorized to enforce the Magnuson Act, the operator of the fishing vessel shall be alert for signals conveying enforcement instructions. The VHF-FM radiotelephone is the normal method of communicating between vessels. Listen to VHF-FM channel 16 (emergency channel) for instructions to shift to another VHF-FM channel and receive boarding instructions. Visual methods or loudhailer may be used if the radio does not work. The following signals, extracted from U.S. Hydrographic Office publication H.O. 102 International Code of Signals, may be communicated by flashing light or signal flags:

(1) "L," meaning "You should stop your vessel instantly."

(2) "SQ3," meaning "you should stop or heave to; I am going to board you."

(3) "AA AA AA etc.," meaning "Call for unknown station or general call." The operator should respond by identifying his vessel by radio, visual signals or illuminating the vessel name or number.

(4) "RY-CY," meaning "You should proceed at slow speed. A boat is coming to you."

(d) *Boarding.* The operator of a vessel signaled to stop or heave to for boarding shall:

(1) Stop immediately and lay to or maneuver in such a way as to permit the boarding party to come aboard; and

(2) Take such other actions as necessary to ensure the safety of the boarding party.

§ 661.9 Penalties.

Any person or fishing vessel found to be in violation of this part will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Magnuson Act.

Subpart B—Management Measures

§ 661.20 Commercial fishing.

(a) *Open seasons and areas.* The Fishery Management Area is closed to commercial salmon fishing except as opened by this part or superseding regulations. All open fishing periods begin at 0001 hours and end at 2400 hours local time on the dates specified herein. Applicable quotas are specified in § 661.22(a)(1).

(1) Subarea A (U.S.-Canada border to Leadbetter Point, Washington):

(i) The season for all salmon species, except coho, begins on May 1 and ends on May 31; during this season, only the gear specified in § 661.20(b)(2) may be used.

(ii) The season for all salmon species, including coho, begins on July 15 and ends when the commercial coho quota is reached.

(2) Subarea B (Leadbetter Point, Washington, to Cape Falcon, Oregon):

(i) The season for all salmon species, except coho, begins on May 1 and ends on May 31; during this season, only the gear specified in § 661.20(b)(2) may be used.

(ii) The season for all salmon species, including coho, begins on July 1 and ends when the commercial coho quota is reached.

(3) Subarea C (Cape Falcon, Oregon, to Cape Blanco, Oregon):

(i) The season for all salmon species, except coho, begins on May 1 and ends on May 31; during this season, only the gear specified in § 661.20(b)(2) may be used.

(ii) The season for all salmon species, except coho, reopens on June 1 and ends on June 15; during this season, only the gear specified in § 661.20(b)(3) may be used.

(iii) The season for all salmon species, including coho, begins on July 1 and ends when the commercial coho quota is reached.

(iv) The season for all salmon species, except coho, continues from the date the commercial coho quota is reached and ends on October 31; during this season, only the gear specified in § 661.20(b)(3) may be used before September 6, and only the gear specified in § 661.20(b)(2) may be used after September 5.

(4) Subarea D (Cape Blanco, Oregon, to the Oregon-California border):

9/12

(i) The season for all salmon species, except coho, begins on May 1 and ends on May 31; during this season, only the gear specified in § 661.20(b)(2) may be used.

(ii) The season for all salmon species, including coho, begins on July 1 and ends on September 8 or when the commercial coho quota is reached, whichever occurs first.

(iii) In that part of Subarea D between Cape Blanco and Cape Sebastian (at 41°19'28" N. latitude), the season for all salmon species, except coho, continues from the date the commercial coho quota is reached and ends on September 8; during this season, only the gear specified in § 661.20(b)(3) may be used.

(iv) The season for all salmon species, except coho, begins on September 9 and ends on October 31.

(5) Subarea E (Oregon-California border to Cape Vizcaino, California):

(i) The season for all salmon species, except coho, begins on May 1 and ends on May 15; during this season, only the gear specified in § 661.20(b)(2) may be used.

(ii) The season for all salmon species, including coho, begins on May 16 and ends on May 31.

(iii) The season for all salmon species, including coho, begins on July 16 and ends on September 30.

(6) Subarea F (Cape Vizcaino, California, to U.S.-Mexico border):

(i) The season for all salmon species, except coho, begins on May 1 and ends on May 15; during this season, only the gear specified in § 661.20(b)(2) may be used.

(ii) The season for all salmon species, including coho, begins on May 16 and ends on May 31.

(iii) The season for all salmon species, including coho, begins on July 1 and ends on September 30.

(b) Gear restrictions. (1) No person shall engage in commercial salmon fishing using other than troll fishing gear (as defined in § 661.3) in the Fishery Management Area; however, in subareas E and F troll fishing gear need not be affixed to the fishing vessel as specified in § 661.3.

(2) No person shall engage in commercial salmon fishing in the Fishery Management Area using other than single barbless hooks as defined in § 661.3; or bait hooks with whole natural bait attached as the primary bait; or hooks on artificial salmon plugs not less than five (5) inches long in the following areas during the following periods:

Subarea	Season
A.....	May 1-31.
B.....	May 1-31.

Subarea	Season
C.....	May 1-31 and after Sept. 5 during season specified in § 661.20(a)(3)(iv).
D.....	May 1-31.
E.....	May 1-15.
F.....	May 1-15.

Gear commonly known as "spoons," "wobblers," "dodgers," and flexible plastic lures, are not considered artificial salmon plugs, and must be equipped with barbless hooks during the seasons described above.

(3) No person shall engage in commercial salmon fishing using other than hooks with whole natural bait or salmon plugs not less than five (5) inches long from June 1 to June 15 in subarea C, from the date the commercial coho quota is reached to September 8 in subarea C, or from the date the commercial coho quota is reached to September 8 in that part of subarea D between Cape Blanco and Cape Sebastian. Gear commonly known as "spoons," "wobblers," "dodgers," and flexible plastic lures, are not considered salmon plugs and are prohibited during the times specified in this § 661.20(b)(3).

(c) Length restrictions. Minimum total lengths of salmon and minimum dressed, head-off lengths of salmon are as follows:

Subarea	Species	Minimum total lengths (inches)	Minimum weights for dressed, head-off salmon (inches)
A and B	Chinook.....	28	81%
	Coho.....	18	12
C and D	Chinook.....	28	10%
	Coho.....	18	12
E and F	Chinook.....	28	10%
	Coho.....	22	18%
All subareas	Species other than Chinook and Coho	None	None

(d) Steelhead. No person engaged in commercial salmon fishing shall take and retain, or possess any steelhead (*Salmo gairdneri*) within the Fishery Management Area.

(e) Restriction on use of commercial troll fishing gear for recreational fishing. No person while on a fishing vessel with troll fishing gear on board shall use any part of that troll fishing gear to engage in recreational fishing for salmon.

§ 661.21 Recreational Fishing.

(a) Open seasons and areas. The Fishery Management Area is closed to recreational salmon fishing except as opened by this part or by superseding regulations. All seasons begin at 0001 hours and end at 2400 hours local time

on the dates specified herein. Available quotas are specified in § 661.22(a)(1).

(1) Subarea A (U.S.-Canada border to Leadbetter Point, Washington):

(i) The season for all salmon species, except coho, begins on May 29 and ends on June 11.

(ii) The season for all salmon species, including coho, begins on June 12 and ends when the recreational coho quota is reached.

(2) Subarea B (Leadbetter Point, Washington, to Cape Falcon, Oregon): The season for all salmon species, including coho, begins on June 12 and ends when the recreational coho quota is reached.

(3) Subarea C (Cape Falcon, Oregon, to Cape Blanco, Oregon): The season for all salmon species, including coho, begins on June 12 and ends when the recreational coho quota is reached.

(4) Subarea D (Cape Blanco, Oregon, to the Oregon-California border):

(i) The season for all salmon species, including coho, begins on May 29 and ends when the recreational coho quota is reached.

(ii) The season for all salmon, except coho, continues from the date the recreational coho quota is reached and ends on October 31.

(5) Subareas E and F (California): The season for all salmon species, including coho, begins on February 13 and ends on November 14.

(b) Gear restrictions. (1) No person shall engage in recreational salmon fishing in the Fishery Management Area using other than recreational fishing gear (as defined in § 661.3), to which may be attached not more than one artificial lure or natural bait, with no more than four single or multiple hooks.

(2) No person shall use more than one rod and line for recreational salmon fishing in subareas A, B, C, and D; however, there is no limit to the number of rods and/or lines used for recreational salmon fishing in subareas E and F.

(3) No person engaged in recreational fishing for salmon in subareas E and F may use weights of more than four (4) pounds attached directly to the line.

(4) Recreational fishing gear (as defined in § 661.3) must be held by hand by the angler while the angler is playing a hooked fish and reducing it to possession.

(c) Length restrictions. Minimum total lengths of salmon are as follows:

MINIMUM TOTAL LENGTHS (INCHES)

Subarea	Chinook	Coho	Other salmon
A and B	94	18	None
C and D	*None	*None	None
E and F	*22	*22	None

* In Subareas C and D, recreational anglers must retain the first two salmon taken.
* Except that one chinook or coho salmon per day may be kept under 22 inches but not less than 20 inches.

(d) *Daily bag limits.* No person shall fish for, or take and retain, or possess more than two salmon per day while recreationally salmon fishing in the Fishery Management Area. In subareas C and D, the first two salmon taken must be retained.

§ 661.22 Inseason adjustments.

(a) *Automatic season closures based on quotas.* (1) Salmon harvest quotas are as follows:

COHO QUOTAS

Subarea	Recreational	Commercial
A	716,000	204,000
B	1,100,000	129,000
C and D	1,114,000	458,000
E and F	*None	*None

* These are quotas subject to adjustments based on inseason evaluations of private hatchery contributions to the harvest or catches, to be made when 75% of any commercial or recreational quota is reached. See § 661.22(b).

* Coho salmon caught in subareas E and F will count towards the coho quota established for subareas C and D, up to those quotas if reached, only subareas C and D will close.

(2) When a quota for the commercial or the recreational fishery, or both, in any subarea or subareas of the Fishery Management Area is projected by the Regional Director to be reached on or by a certain date, the Secretary shall, by publishing a field order in the Federal Register, close the commercial or recreational fishery, or both, as of the date the quota will be reached in that subarea or subareas.

(b) *Adjustment of quotas.* (1) The estimated contributions of private hatchery coho to the quotas for subareas B, C, and D are:

	Subarea B	Subareas C and D
Commercial	10,000	129,000
Recreational	11,000	33,000

When 75% of any coho quota specified in § 661.22(a)(1) for subareas B, C, or D is reached, the Regional Director will review the estimated contributions of private hatchery coho, taking into account coded-wire tag data gathered during the season. If the contribution of private hatchery coho varies from the preseason estimates, the Secretary will modify the coho quotas for subareas B,

C, and D accordingly by publishing a field order in the Federal Register.

(2) On or before the time that 75% of the commercial coho quota specified in § 661.22(a)(1) for subareas C and D is reached, the Regional Director will estimate the number of coho salmon that will be hooked and released during the open seasons specified in §§ 661.20(a)(3)(iv) and (a)(4)(iii) and (iv), and the Secretary will reduce the commercial coho quota for subareas C and D accordingly by publishing a field order in the Federal Register.

(c) *Availability of Data.* The Regional Director will compile in aggregate form all data and other information relevant to the actions described in this section and shall make them available for public review during normal office hours at the Northwest Regional Office, National Marine Fisheries Service, 7800 Sand Point Way N.E., Seattle, Washington 98115.

(d) *Effective dates.* (1) Any field order issued under this section is effective on the date specified in the field order or on the date the field order is filed for public inspection with the Office of the Federal Register, whichever is later.

(2) Any field order issued under this section will remain in effect until the expiration date stated in the order, or until rescinded or superseded; *Provided, That*, no such field order has any effect beyond the end of the calendar year in which issued, at which time provisions of this part that were superseded by such field order again become effective until subsequently modified or superseded.

(e) Nothing contained in this part limits the authority of the Secretary to issue emergency regulations under section 305(a) of the Magnuson Act, if the Secretary determines that an emergency involving the salmon resource exists. Such emergency regulations are effective upon filing for public inspection with the Office of the Federal Register.

§ 661.23 Treaty Indian fishing.

(a) *Makah Tribe.* Persons authorized by the Makah Tribe to exercise fishing rights under the Treaty with the Makah may fish for all salmon species only in ocean areas where that Tribe is entitled by Federal judicial determination to exercise its treaty fishing rights, including that portion of subarea A north of 48°07'38" N. latitude (Sand Point) from 0001 hours on May 1 to 2400 hours on October 31. Minimum size limits are 24 inches for chinook salmon and 18 inches for coho salmon.

(b) *Quileute, Hoh, and Quinault Tribes.*—(1) *Quileute and Hoh.* Persons authorized by the Quileute and Hoh

Tribes to exercise fishing rights under the Treaty of Olympia may fish for all salmon species only in ocean areas where those Tribes are entitled by Federal judicial determination to exercise their treaty fishing rights, including that portion of subarea A south of 48°07'38" N. latitude (Sand Point) and north of 47°31'42" N. latitude (mouth of Queets River), from 0001 hours on May 1 to 2400 hours on September 7.

(2) *Quinalt Tribe.* Persons authorized by the Quinalt Tribe to exercise fishing rights under the Treaty of Olympia may fish for all salmon species only in ocean areas where that Tribe is entitled by Federal judicial determination to exercise its treaty fishing rights, including that portion of subarea A south of 47°40'06" N. latitude (Destruction Island) and north 45°53'03" N. latitude (Point Chehalis), from 0001 hours on May 1 to 2400 hours on September 7.

(3) *Closed areas.* Salmon fishing by persons specified in this paragraph (b), in those areas of the FCZ within a six-mile radius from the center of the midpoints of the baselines closing the mouths of the Queets and Hoh Rivers is prohibited during any period when subarea A is closed to all non-Indian salmon fishing.

(4) *Minimum size limits.* Minimum total lengths of salmon for persons specified in this paragraph (b) are chinook—26 inches; and coho—18 inches.

(c) *Exceptions.* Unless otherwise specified by this section, persons specified in paragraphs (a) and (b) of this section are subject to the provisions of this part, the Magnuson Act, and any other regulations issued under the Magnuson Act, except that the restrictions contained in § 661.20 (b)(1), (d) and (e) and § 661.21 (b) and (d) do not apply.

(d) The Secretary will give due consideration in promulgating emergency regulations to the treaty fishing rights of Indian tribes with Federally adjudicated usual and accustomed fishing grounds in the area affected by such regulations.

§ 661.24 Experimental fisheries.

(a) The Pacific Council may recommend to the Regional Director that experimental fisheries for research purposes be allowed in the Fishery Management Area, as may be proposed by the Council, the Federal Government, State Governments, and treaty Indian tribes having usual and accustomed fishing grounds in the Fishery Management Area.

12/12
(b) The Regional Director shall not allow any experimental fishery recommended by the Council unless he determines that the purpose, design, and administration of the experimental fishery are consistent with the goals and objectives of the Council's fishery management plan, the national standards (Section 301(a) of the Magnuson Act), and other applicable law.

(c) Each vessel participating in any experimental fishery recommended by the Council and allowed by the Regional Director is subject to all provisions of this part, except those portions necessarily relating to the purpose and

nature of the experimental fishery. These exceptions will be specified in a letter issued by the Regional Director to each vessel participating in the experimental fishery and that letter must be carried aboard each participating vessel.

§ 661.25 Scientific research.

Nothing in this part is intended to inhibit or prevent any scientific or oceanographic research in the fishery management area by a scientific research vessel. The Regional Director shall acknowledge any notification he might receive of any scientific or oceanographic research with respect to

salmon being conducted by a scientific research vessel, by issuing to the operator or master of that vessel a letter of acknowledgement, containing information on the purpose and scope (locations and schedules) of the activities. The Regional Director shall transmit copies of such letter to the Council, and to State and Federal administrative and enforcement agencies, to ensure that all concerned parties are aware of the research activities.

[FR Doc. 82-13468 Filed 5-18-82 4:28 pm]
BILLING CODE 3410-02-M

FILE/DIARY/CHRON

MESSAGE

PLACE LIEU	DEPARTMENT MINISTÈRE	ORIG. NO. N° D'ORIG.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
FM/DE SEATL	UAGR	5436	19MAY82		RESTRICTED

TO/A EXTOTE LAO SEA 003/19

INFO FANDOOT/HUNTER

REGAM FANDO VNCVR/ZYBLUT DE SEA

ACTION
SUITE A DONNER

DISTR. GNG

REF

SUB/SUB

---SALMON MANAGEMENT

COMMERCE SECRETARY BALDRIGE ACCEPTED PACIFIC FISHERIES MANAGEMENT COUNCIL (PFMC) RECOMMENDATIONS FOR SALMON MANAGEMENT IN FCZ WITH EXCEPTION OF AREA FROM CAPE BLANCO SOUTH FOR THE COMMERCIAL (TROLL) FISHERY. THE DEPARTMENT OF COMMERCE WILL DEVELOP ALTERNATIVE MEASURES FOR THE TROLL FISHERY IN THE SOUTHERN AREA SINCE COMMERCE IS CONCERNED WITH KLAMATH RIVER CHINOOK STOCKS. PFMC AND STATE OF CALIFORNIA HAVE BEEN UNABLE TO DEVELOP REGULATIONS WHICH ADEQUATELY ADDRESS THE CONCERNS OF THE DEPARTMENT OF COMMERCE.

2. AT PRESENT, THE FOLLOWING SITUATION PREVAILS:

RECREATIONAL FISHERY-1982 COUNCIL REGULATIONS APPLY OFF ALL THREE STATES.

TROLL FISHERY-1980 REGULATIONS APPLY OFF CALIFORNIA

1981 REGULATIONS APPLY FROM THE CALIFORNIA/OREGON BORDER TO
CAPE BLANCO

1982 COUNCIL REGULATIONS APPLY TO THE AREA NORTH OF CAPE BLANCO

3. IN A SEPARATE ACTION, THE OREGON FISH AND WILDLIFE COMMISSION WILL OPEN
STATE WATERS MAY 29 FOR SPORT CHINOOK FISHERY BETWEEN CAPE BLANCO AND THE

.../2

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APProuvé
SG F.D. MARTENS			SG F.D. MARTENS

-2-

WASHINGTON/OREGON LINE OFF THE MOUTH OF THE COLUMBIA. THIS ACTION TAKEN DESPITE RECOMMENDATIONS TO CONTRARY FROM OREGON DEPARTMENT OF FISH AND GAME (ODFANDG) AND DESPITE UNDERSTANDING BETWEEN WASHINGTON DEPARTMENT OF FISHERIES (WDF) AND ODFANDG, THAT STATE WATERS FROM CAPE BLANCO TO LEADBETTER POINT WOULD REMAIN CLOSED TO JUNE 12 AS CONSERVATION MEASURE. (SPORT CHINOOK FISHERY IS OPEN MAY 29 FOR AREA SOUTH OF CAPE BLANCO OFF OREGON AND NORTH OF LEADBETTER POINT OFF WASHINGTON.) OREGON ACTION IS UPSETTING TO WASHINGTON. IT LEAVES SMALL AREA OF STATE WATERS FROM OREGON/WASHINGTON BORDER TO LEADBETTER POINT AS ONLY AREA OFF WASHINGTON AND OREGON CLOSED TO SPORT CHINOOK FISHERY. IT COMPROMISES ATTEMPT AT CONSERVATION. IT IS SEEN BY WASHINGTON STATE AS INDICATION OF BAD FAITH. IT IS ANTAGONISTIC TO COLUMBIA RIVER TRIBES AND UNDERMINES THE EFFORTS OF WDF TO WORK WITH THE TRIBES CONCERNING TREATY FISHING OBLIGATIONS AND CONSERVATION. IN WASHINGTON STATE, WDF CAN MAKE FISHERY REGULATIONS FOR STATE WATERS. IN OREGON, THE FISH AND WILDLIFE COMMISSION MAKES THE REGULATIONS. NONETHELESS, WDF IS LEFT QUOTE HOLDING THE BAG UNQUOTE HAVING TO DECIDE WHICH COURSE OF ACTION IT SHOULD PURSUE INCLUDING INTER ALIA JOINING THE COLUMBIA RIVER TRIBES IN THEIR LEGAL SUIT AGAINST OREGON. A DECISION HAD NOT BEEN MADE WHEN LAST WE SPOKE TO SCHMITTEN. IN ANY EVENT, THE OPTIONS AVAILABLE ARE UNPLEASANT TO WDF WHO ARE UPSET WITH HAVING BEEN PLACED IN THE POSITION THEY NOW FIND THEMSELVES.



Fisheries
and Oceans

Pêches
et Océans

Information

Fin JK

A DRAFT FRAMEWORK AGREEMENT BETWEEN CANADA AND THE UNITED STATES FOR THE MANAGEMENT OF PACIFIC SALMON

25-5-7-2 Salmon -1

BACKGROUND INFORMATION

- Introduction
- Joint Report of the Negotiators
- Draft Framework Agreement
- Largest Ever Salmon Tagging Program in Northern B.C. and South East Alaska

INTRODUCTION

More than a decade of important, sometimes hostile, and always difficult negotiations with the United States on Pacific salmon may be drawing to a close this summer.

Since the last round of negotiations in Vancouver in mid-April, the Canadian and U.S. negotiators, Dr. Mike Shepard of Victoria and Dr. Lee Alverson of Seattle have produced a Joint Report on the negotiations and the text of a "Framework Agreement". Texts of these documents are reproduced in full in this special bulletin.

The agreement sets out a number of principles and obligations which would be undertaken by the two countries when they intercept stocks native to the other country.

Progress came quickly after the breakdown of negotiations in Vancouver in May 1981, when both sides were unable to agree on appropriate levels of fishing, particularly in northern B.C. and S.E. Alaska. The need for some management actions, especially to protect chinook salmon stocks originating in B.C. and Washington, and the desire of both countries to prevent escalation of interceptions, produced further consultations which resulted in interim management recommendations for 1981 and 1982.

The two governments approved the recommendations, implemented the recommended management measures in certain fisheries for 1981 and 1982, and instructed the negotiators to attempt to reach a long-term agreement by May 31, 1982. Now that the negotiators have produced the text of a draft framework agreement, a great deal of work remains to be done during the summer and fall of this year.

Since the draft framework agreement sets out the principles that will guide management programs, one of the urgent tasks is to develop the actual fisheries management programs that will govern intercepting fisheries in 1983 and 1984.

The design of these programs will require negotiation with the U.S.A. and consultation with industry. A team of officials from Vancouver and Ottawa are already planning the Canadian approach to negotiations, prior to discussions with industry advisors early in the fall.

Formal meetings with U.S. officials are likely to take place in October and if successful, the fisheries management programs developed will be a key factor in the evaluation of the overall agreement by the two governments.

On the basis of the results of the negotiations, the two Governments will evaluate the costs and benefits of the agreement. The main factor in this evaluation will be whether or not the fishing plans represent equity in the balance of interceptions, since the principle of equity, the right of each country to harvest an amount of salmon equivalent to its own production, is the single most important principle of the agreement.

The schedule for negotiations is not yet decided, but it is unlikely that discussions with industry advisors, which will precede formal meetings with U.S. officials, could commence before mid-September.

On other fronts, Department officials are working with their counterparts in the United States to work out the complex technical and administrative arrangements being negotiated to phase-in Canadian management of sockeye and pink salmon of the Fraser River and establish a new International Pacific Salmon Commission.

Under the terms of the 1930 Convention for the Preservation, Protection and Extension of the Sockeye Salmon Fisheries in the Fraser River System, the International Pacific Salmon Fisheries Commission (IPSFC) has had management responsibility for the sockeye and (since 1957) the pink salmon in

the Fraser River. Under the terms of the framework agreement, this management responsibility will return to Canada. Canada will set management objectives and conduct any enhancement programs for the stocks in question, while an international agency -- the Fraser River Panel -- will design regulations for the Canadian and U.S. fisheries on the approaches to the river to ensure that these Canadian objectives are met.

The panel will be part of a larger Pacific Salmon Commission that will be a forum for consultation and negotiation between the two countries on management questions in general, and interception limits in particular. The Pacific Salmon Commission will be charged with reviewing all aspects of management of intercepting fisheries in both countries, with reviewing the design of each country's enhancement projects to ensure their compatibility, and with making recommendations on research programs.

There has been greatly improved cooperation and increased understanding between the negotiating teams in recent months. Implementation of the 1981 and 1982 interim arrangements has given them invaluable experience in the management of intercepting fisheries.

DFO officials in Prince Rupert point to the benefits which accrued to Canadian fishermen in 1981 when restrictions were undertaken by Alaska on the intercepting fishery for sockeye salmon at Noyes Island last year. The U.S. catch was significantly less than it would have been had restrictions not been in place. Canadian fisheries on the Stikine and Taku Rivers were limited in 1981 and will be again in 1982, but the framework agreement provides that, in future, Canada will be receiving benefits, in terms of fish, for what the Canadian sections of these transboundary rivers produce. Canada has never received benefits from the significant production from the transboundary rivers.

Although optimistic, Canadian officials are not downplaying the difficulties that remain. Yet to be resolved is the issue of what benefits Canada will receive from fish

produced in the Canadian section of the Yukon river, one of the largest chinook and chum salmon producers in the world.

Optimism about an agreement with the U.S.A. is also tempered by the economic difficulties faced by the salmon industry, and by the serious declines in abundance that are taking place. However, there can be no doubt that the proposed framework agreement provides a solid foundation for cooperation between Canada and the U.S.A. to work together to rebuild stocks. The fishing plan negotiations that will take place in the fall of 1982 will be testing this foundation and building upon it. For example, a great deal of attention will be paid to the development of better management of the severely depressed stocks of chinook salmon from California to Alaska.

JOINT REPORT OF THE NEGOTIATORS

Background

On June 19, 1981, the Governments of Canada and the United States announced their intention to implement recommendations made by the negotiators with respect to the conduct of intercepting fisheries in 1981 and 1982, and agreed that the negotiators should attempt to conclude the negotiation of a comprehensive Pacific salmon agreement by May 31, 1982.

Framework Agreement

Since June 1981, the negotiators and officials of both countries have met on a number of occasions, together with state, provincial, tribal and fishing industry representatives, and have developed the text of a Framework Agreement, attached as an Annex to this report.

The negotiators believe that the text of the Framework Agreement represents significant progress towards final resolution of the issues. The Framework Agreement contains, inter alia, the following provisions:

1. An obligation on the part of both countries to manage their fisheries and enhancement programs to:
 - a. prevent overfishing and provide for optimum production; and,
 - b. provide for each country receiving benefits equivalent to its total salmon production.
2. Establishment of a Pacific Salmon Commission as the forum within which the fishery managers of the two countries would consult on the conduct of their fisheries and enhancement programs.

3. A requirement for the development of annual agreed fisheries regimes, involving setting the levels or extent of intercepting fisheries of both countries.
4. A requirement for the two parties to consult and cooperate in their enhancement and research programs.
5. A requirement for joint setting of escapement goals on transboundary rivers.
6. Arrangements for the provision of benefits to Canada from salmon produced in Canadian sections of transboundary rivers.
7. An annual entitlement of Fraser River sockeye and pink salmon to the United States for a period of years yet to be determined.
8. Termination of the present Fraser River Salmon Convention.

The Agreement should contain provisions for cooperative management and sharing of production of salmon originating in the Yukon River. These provisions have yet to be negotiated.

Proposals for Implementation

The negotiators believe that, before evaluating the Framework Agreement, the two Governments should give thorough consideration to questions of implementation. In particular, the negotiators recommend that, prior to November 30, 1982, the parties develop:

- a. agreed fisheries regimes applicable to intercepting fisheries of both countries during 1983 and 1984 (to be incorporated as an Annex to the Agreement). Such fishery regimes should contain specific commitments with respect to the management of intercepting fisheries, based on the obligations outlined in the Framework Agreement. They should also contain recommendations with respect to coordination of enhancement plans, the setting of escapement levels on transboundary rivers, and other aspects of salmon management outlined in the Framework Agreement.

The negotiators consider that in developing the fishery regimes, officials should employ the consultative procedures for conduct of fisheries and enhancement planning contained in the Framework Agreement.

- b. arrangements for the transfer of the management, technical and administrative responsibilities for Fraser River sockeye and pink salmon from the IPSFC to Canada and to the new Pacific Salmon Commission. The transfer of responsibilities should take place as early as possible but should be phased in a manner that ensures the effective conservation of the stocks and the utilization of the skills and experience of the staff of the existing Commission.
- c. proposals for research most urgently required in order to ensure that both countries receive the greatest benefits in the short term. The proposals should include arrangements for funding.
- d. proposals for administrative, financial and personnel arrangements for the establishment of the new Commission.

The negotiators **recommend** that, immediately after November 30, the Governments subject the draft Framework Agreement (including the fishing plans and understandings regarding other implementation arrangements) to their internal processes with a view to early ratification so that the new Commission can begin operation in 1983.

The negotiators note that although the procedures outlined in the Framework Agreement concentrate on the year-by-year consideration of fishery regimes and enhancement programs, full benefits from the Agreement are unlikely to be achieved unless such activities are developed within the context of a carefully phased long-term plan. In this regard, the negotiators believe that, on adoption of the Agreement and supplementary understandings, the two Parties should work together within the new Commission to develop long-term plans for cooperation in management, enhancement and fisheries adjustments aimed at increasing salmon production and at facilitating the orderly development of the fisheries of both sides in the future. If such long-term plans were developed, they would provide firm guidelines and direction for annual consideration of fishing regimes and enhancement programs within the Commission.

Arrangements for 1982

The negotiators note that although there were understandable "start-up" difficulties, the interim arrangements for the 1981 fishing season worked to the general satisfaction of both sides. As background for completion of the Framework Agreement and the development of fishery regimes for 1983 and 1984, the negotiators believe that it is essential, in 1982, to maintain the atmosphere of cooperation and progress that existed in 1981. The negotiators urge that the fisheries administrations in the two countries place the highest priority on conducting their fisheries in 1982 in conformity with the mutual understandings regarding interim arrangements worked out over the past year.

Conclusion

The negotiators firmly believe that the Framework Agreement, together with the successful conclusion and implementation of the other steps set out in this report, will greatly improve the management of the Pacific salmon resources of Canada and the U.S.A. They believe that the agreement will provide a real opportunity and incentive to rebuild and enhance depleted stocks, to conduct essential research and thereby provide greater benefits to the fishing industries that rely on salmon.

**DRAFT AGREEMENT BETWEEN CANADA AND THE UNITED STATES OF AMERICA
FOR THE MANAGEMENT OF PACIFIC SALMON**

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

Considering the interests of both
Parties in the conservation and rational
management of Pacific salmon stocks and in
the promotion of optimum production of such
stocks;

Recognizing that States in whose waters
salmon stocks originate have the primary
interest in and responsibility for such
stocks;

Recognizing that salmon originating in
the waters of each Party are intercepted in
substantial numbers by the nationals and
vessels of the other Party, and that the
management of stocks subject to interception
is a matter of common concern;

Desiring to cooperate in the management,
research and enhancement of Pacific salmon
stocks;

Have agreed as follows:

Article I

DEFINITIONS

1. Enhancement - an activity that will lead to the increase of salmon stocks through man-made improvements to natural habitats or through application of artificial fish culture technology.
2. Fishery - the activity of harvesting or seeking to harvest salmon.
3. Fishery regimes - the fishing limitations and arrangements adopted by the Parties pursuant to Article IV, paragraph 6.
4. Interception - the harvesting of salmon originating in the waters of one Party by a fishery of the other Party.

5. Overfishing - fishing patterns which result in escapements significantly less than those required to produce maximum sustainable yields.

6. Stocks subject to this Agreement - Pacific salmon stocks which originate in the waters of Canada or the United States and

- (1) are subject to interception by either Party;
- (2) affect the management of stocks of either Party; or
- (3) affect biologically the stocks of either Party.

7. Transboundary river - a river that rises in Canada and flows to the sea through the United States.

Article II

COMMISSION AND PANELS

1. The Parties shall establish a Pacific Salmon Commission, hereinafter referred to as "the Commission", to be composed of two national sections, a Canadian Section and a United States Section.
2. The Commission shall have legal personality and shall enjoy in its relations with other organizations and in the territories of the Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Commission and its officers shall enjoy in the territory as a Party shall be subject to agreement between the Commission and the Party concerned.
3. The Commission shall consist of not more than eight Commissioners, of whom not more than four shall be appointed by each Party.

Each Party may also appoint not more than four alternate Commissioners, to serve in the absence of any Commissioner appointed by that Party.

4. The Commissioners and alternate Commissioners shall hold office at the pleasure of the Party by which they were appointed.

5. At the first meeting of the Commission one section shall select from its members a Commission Chairman, and the other section shall select from its members a Vice-Chairman, each of whom shall hold office for the calendar year in which the Agreement enters into force and for such portion of the subsequent year as the Commission may determine. Thereafter the Chairman and Vice-Chairman shall hold office for a term of 12 months and shall be selected by their respective sections. The section which selects the first Chairman shall be determined by lot and thereafter the offices of Chairman and Vice-Chairman shall alternate between the sections. If either office becomes vacant before the end of a term, the appropriate section shall select a replacement for the remainder of the term.

6. Each section shall have one vote in the Commission. A decision or recommendation of the Commission shall be made only with the approval of both sections.

7. Subject to the approval of the Parties, the Commission shall make such by-laws and procedural rules, for itself, for the Panels established pursuant to paragraph 18, and for the committees established pursuant to paragraph 17, as may be necessary for the exercise of their functions and the conduct of their meetings.

8. The Commission may make recommendations to or advise the Parties on any matters relating to the Agreement.

9. Unless otherwise agreed by the Parties, the seat of the Commission shall be at New Westminster, British Columbia.

10. The Commission shall hold an annual meeting and may hold other meetings at the request of the Chairman or of either Party. The Chairman shall notify the Commissioners of the time and place of meetings. Meetings may be held at the seat of the Commission or at such other place as may be determined in accordance with the by-laws and procedural rules of the Commission.

11. Each Party shall pay the expenses of its own section.

12. The Commission shall prepare an annual budget of joint expenses and submit it to the Parties for approval. The Parties shall bear the costs of the budget in equal shares unless otherwise agreed, and shall pay their shares as the by-laws may specify after the budget has been approved by both Parties.

13. The Commission shall authorize the disbursement of funds contributed by the Parties pursuant to paragraph 12, and may enter into contracts and acquire property necessary for the performance of its functions.

14. The Commission shall submit to the Parties an annual report on its activities and an annual financial statement.

15. The Commission shall appoint an Executive Secretary, who, subject to the supervision of the Commission, shall be responsible for the general administration of the Commission.

16. The Commission may engage staff or authorize the Executive Secretary to do so. The Executive Secretary shall have full authority over the staff subject to the direction of the Commission. If the office of the Executive Secretary is vacant, the Commission shall determine who shall exercise that authority.

17. The Commission shall establish a Committee on Research and Statistics and a Committee on Finance and Administration. The Commission may eliminate or establish committees as appropriate.

18. The Commission shall establish Panels as specified in Annex 1. The Commission may recommend to the Parties the elimination or establishment of Panels as appropriate.

19. The Panels shall provide information and make recommendations to the Commission with respect to the functions of the Commission and carry out such other functions as the Agreement may specify or as the Commission may direct.

20. In cases where fisheries intercept stocks for which more than one Panel is responsible, the appropriate Panels shall meet jointly to carry out the functions specified in paragraph 19. If the Panels cannot agree, each may make an independent report to the Commission.

21. Each Panel shall consist of not more than six members from each Party. Each Party may designate alternate Panel members to serve in the absence of any Panel member appointed by that Party.

22. Except as otherwise provided in the Agreement, paragraphs 4, 5, 6, 10 and 11 apply, mutatis mutandis, to each Panel.

Article III

PRINCIPLES

1. With respect to stocks subject to this Agreement, each Party shall conduct its fisheries and its salmon enhancement programs so as to:

- (a) prevent overfishing and provide for optimum production; and
- (b) provide for each Party to receive benefits equivalent to the production of salmon originating in its waters.

2. In fulfilling their obligations pursuant to paragraph 1, the Parties shall cooperate in management, research and enhancement.

3. In fulfilling their obligations pursuant to paragraph 1, the Parties shall take into account:

- (a) the desirability in most cases of reducing interceptions;
- (b) the desirability in most cases of avoiding undue disruption of existing fisheries; and
- (c) annual variations in abundance of the stocks.

[4. Except as agreed by the Parties, neither Party shall initiate new intercepting fisheries or expand the rate of interception in existing fisheries.] *

*[1 This language is tentative and is to be reviewed by the negotiators.

Article IV

CONDUCT OF FISHERIES

In order to facilitate the implementation of Articles III, VI and VII:

1. On or before _____ in each year, or on such other date as the Parties may agree, each Party shall submit a report on its fishing activities in the previous year to the other Party and to the Commission. The Commission shall forward the reports to the appropriate Panels.

2. The Panels shall consider the reports submitted pursuant to paragraph 1 and shall provide their views to the Commission. The Commission shall review the reports of the Panels and shall provide its views to the Parties.

3. On or before _____ in each year, or on such other date as the Parties may agree, the State of origin shall submit preliminary information for the ensuing year to the other Party and to the appropriate Panel, including:

- (a) the estimated size of the run;
- (b) the interrelationship between stocks;
- (c) the spawning escapement required;
- (d) the estimated total allowable catch;
- (e) its intentions concerning management of fisheries in its own waters; and
- (f) its domestic allocation objectives whenever appropriate.

4. The Panel shall examine the information submitted pursuant to paragraph 3 and report its views to the Commission with respect to fishery regimes for the following year.

5. The Commission shall thereupon review the reports of the Panels and shall recommend fishery regimes to the Parties.

6. On adoption by both Parties, the fishery regimes referred to in paragraph 5 shall be attached to this Agreement as Annex II.

7. Each Party shall establish and enforce regulations to implement the fishery regimes adopted by the Parties. Each Party, in a manner to be determined by the Commission, shall notify the Commission and the other Party of these regulations and shall promptly communicate to the Commission and to the other Party any in-season modifications.

Article V

SALMON ENHANCEMENT PROGRAMS

1. Salmon enhancement programs that may be established by the Parties shall be conducted subject to the provisions of Article III.

2. On or before _____ in each year, or on such other date as the Parties may agree, each Party shall provide to the other Party and to the appropriate Panel information pertaining, inter alia, to:

- (a) operations of and plans for existing projects;
- (b) plans for new projects; and
- (c) its views concerning the other Party's salmon enhancement projects.

3. The Panels shall examine the information and provide their views to the Commission in light of the obligations set forth in Article III.

4. The Commission shall thereupon review the reports of the Panels and may make recommendations to the Parties.

Article VI

FRASER RIVER

1. This Article applies to Fraser River sockeye and pink salmon harvested in the area specified in Annex III.

2. Notwithstanding the provisions of Article IV, paragraph 7, upon approval by the Commission of the fishery regime for the stocks covered by this Article, the Fraser River Panel shall propose regulations to the Commission for the harvest of salmon referred to in paragraph 1.

3. The Fraser River Panel shall review with other appropriate Panels the fishery regimes and the information provided pursuant to Article IV, paragraph 3, with respect to salmon other than Fraser River sockeye and pink salmon before proposing regulations pursuant to paragraph 2. The Fraser River Panel and the Commission shall ensure that regulatory proposals and recommendations, to the extent practicable, meet the requirements of the Parties with respect to the management of stocks other than Fraser River sockeye and pink salmon.

4. In implementing this Article, the Fraser River Panel and the Commission shall take into account the domestic allocation objectives of the parties and the entitlement

of the United States with respect to salmon referred to in paragraph 1, as specified in Annex IV.] *

5. On the basis of the proposals made by the Panel, the Commission shall recommend regulations to the parties (timing) for approval. The regulations shall become effective upon approval by the Party in whose waters such regulations are applicable.

6. During the fishing season, the Fraser River Panel may make orders for the adjustment of fishing times and areas stipulated in the annual regulations in response to variations in anticipated conditions. The Parties shall give effect to such orders in accordance with their respective laws and procedures.

7. The responsibilities of the Fraser River Panel with respect to the conduct of investigations and the collection of information shall be as specified in Annex IV.

8. The Parties shall not regulate their fisheries in areas outside the area specified in Annex III in a manner that would prevent achievement of the objectives of the fishery regime for the salmon referred to in paragraph 1.

*[1 This language is tentative and is to be reviewed by the negotiators.

Article VII

TRANSBOUNDARY RIVERS

[1. This Article applies to salmon originating in transboundary rivers.

2. Notwithstanding Article IV, paragraph 3(c), whenever the salmon originate in the Canadian portion of a transboundary river the appropriate Panel shall provide its views to the Commission on the spawning escapement to be provided for all the salmon stocks of the river if either section of the Panel so requests.

3. On the basis of the views provided by the Panel pursuant to paragraph 2, the Commission shall recommend spawning escapements to the Parties.

4. The entitlements of the Parties with respect to salmon referred to in paragraph 1 shall be as specified in Annex V.

5. Whenever salmon originate in the Canadian portions of transboundary rivers, the Parties may initiate, or conduct, salmon enhancement projects on the rivers only upon consent of the Commission and according to the terms of that consent.] *

*[1 This language is tentative and is to be reviewed by the negotiators.

Article VIII

STEELHEAD

In fulfilling their functions, the Panels and Commission shall take into account the conservation of steelhead.

Article IX

RESEARCH

1. The Parties shall conduct research to investigate:

(a) the migratory and exploitation patterns, the productivity and the status of stocks of common concern; and

(b) the extent of interceptions.

2. The Commission may make recommendations to the Parties regarding the conduct and coordination of research.

3. Subject to normal requirements, each Party shall allow nationals, equipment and vessels of the other Party conducting research approved by the Commission to have access to its waters for the purpose of carrying out such research.

U.S. Proposal

Article X

DOMESTIC ALLOCATION

[1. In fulfilling their functions under this Agreement, the Commission and the Panels shall take into account the domestic allocation objectives of the Parties.

2. Nothing in this Agreement shall be construed to derogate from obligations of the United States with respect to domestic resource allocation. Nor shall the Agreement be construed to affect the relationships among U.S. domestic management entities.] *

*[] This language is tentative and is to be reviewed by the negotiators.

Article XI

TECHNICAL DISPUTE SETTLEMENT

1. Either Party may submit to the Chairman of the Commission, for referral to a Technical Dispute Settlement Board, any dispute concerning estimates of the number of salmon intercepted and claims of overfishing. The Commission may submit other technical matters to the Chairman for referral to a Board. The Board shall be established and function in accordance with the provisions of Annex VI.

2. Except as provided in paragraph 3, the findings of the Board shall be final and without appeal.

3. Either Party may, by application in writing to the Chairman of the Commission, request reconsideration of a finding of a Board, provided that such request is based on information not previously considered by the Board and not previously known to or reasonably discoverable by the Party requesting such reconsideration. The Chairman shall, if possible, refer the request to the Board which made the finding. Otherwise, the Chairman shall refer the request to a new Board constituted in accordance with the provisions of Annex VI.

Article XII

ANNEXES

1. All references to this Agreement shall be understood to include the Annexes.

2. The Commission, whenever appropriate, shall review the Annexes and may make recommendations to the Parties for their amendment.

3. The Annexes may be amended by the Parties through an Exchange of Notes.

4. The Commission shall publish the texts of the Annexes whenever amended.

Article XIII

IMPLEMENTATION

Each Party shall:

- (a) enact and enforce such legislation as may be necessary to implement this Agreement;
- (b) require reports from its national and vessels of catch, effort and related data for all stocks governed by this Agreement and make such data available to the Commission; and
- (c) exchange fisheries statistics and any other relevant information on a current and regular basis in order to facilitate the implementation of this Agreement.

Article XIV

ENTRY INTO FORCE AND
TERMINATION OF AGREEMENT

1. This Agreement is subject to ratification. It shall enter into force upon the exchange of instruments of ratification at _____.

2. At the end of the third year after entry into force and at any time thereafter, either Party may give notice of its intention to

terminate this Agreement. The Agreement shall terminate one year after notification.

[3. Upon the entry into force of this Agreement, the Convention between Canada and the United States of America for the Protection, Preservation and Extension of the Sockeye Salmon Fishery in the Fraser River System, as amended, signed May 26, 1930, shall be terminated.] *

*[] This language is tentative and is to be reviewed by the negotiators.

Annex I

PANELS

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

- (a) a Southern Panel for salmon originating in rivers with mouths situated 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 III; and
- (c) a Northern Panel for salmon originating in rivers with mouths situated north of Cape Caution.

Annex II

FISHERY REGIMES

To be negotiated.

Annex III

FRASER PANEL AREA

To be completed.

Annex IV

FRASER RIVER

With respect to Article VI, paragraph 4, the United States shall be entitled to an annual average of 125,000 sockeye and 200,000 pinks for a period of [8-Cl [20-US] years after the entry into force of this Agreement. These quantities shall be in addition to any benefits that may accrue to the United States pursuant to Article III, paragraph 1(b).

Annex V

TRANSBOUNDARY RIVERS

[1. Notwithstanding Article III, paragraph 1(b), with respect to salmon originating in transboundary rivers, except those with mouths situated in the Bering Sea (and the Arctic Ocean), the Canadian entitlement in 1983 and 1984 shall be 250,000 salmon per year, and thereafter 62.5 percent of the harvest of the stocks originating in the Canadian portion of the rivers.

2. The entitlement referred to in paragraph 1 shall reflect the proportional contribution from the stocks originating in Canadian waters by species.

3. Notwithstanding Article III, paragraph 1(b) and paragraph 1 of this Annex, the entitlement of the Parties to production from enhancement facilities in the Canadian sections of transboundary rivers shall be negotiated on a case-by-case basis.] *

*[] This language is tentative and is to be reviewed by the negotiators.

Annex VI

TECHNICAL DISPUTE SETTLEMENT

To be completed.

LARGEST EVER SALMON TAGGING PROGRAM PROCEEDS IN NORTHERN B.C. AND SOUTH EAST ALASKA

As described in this special bulletin, an agreement between Canada and the United States on the management of Pacific salmon is close to fruition. One of the important elements will be its emphasis on the significance of research in better determining the extent of salmon interceptions.

As part of an interim arrangement on interception limitation that is in effect in 1982, Canadian and U.S. scientists are conducting a cooperative program of salmon tagging in northern B.C. and southern South East Alaska.

Between June and October 1982, a tag-and-recovery program is being conducted to determine the contribution of Alaskan and B.C. sockeye and pinks to northern B.C. and S.E. Alaskan fisheries and how these contributions vary through the fishing season. Fish will be tagged in the fishing areas where interception of fish bound for the other country is suspected, and tags will be recovered in commercial fisheries and spawning escapements. While the 1982 tagging program is the first of several planned research programs following initiation of a long-term interception limitation agreement, this year's results will be the basis for the initial settlement of disputes regarding interceptions of sockeye and pink in these areas. It undoubtedly will be subject to considerable scrutiny by fishermen of both countries. Consequently, the Department of Fisheries and Oceans has developed a detailed program designed to ensure that tag-and-recovery efforts are sufficient to provide accurate results. The Department has also communicated closely with American project managers to ensure compatibility of programs, standardized tags and application procedures, and to allow for exchanges of observers between countries.

The program is the largest tagging program for adult salmon ever conducted on the Pacific coast and the likelihood of its successful completion relies on co-operation between the industry and the Department. For example, the intentional withholding of tags recovered during a commercial fishery or misreporting of fish caught with and/or without tags can cause errors which are undetectable during analyses. It should be noted that in a mark recovery program, non-reporting of tags has a significantly greater chance of resulting in an underestimation of stock contribution to fisheries than of resulting in an overestimation. The Department will intensively sample commercial fisheries both on the fishing grounds and at ports of landing. Self-addressed tag recovery envelopes will be distributed to fishermen. The Department will also sponsor a lottery for tags returned with complete information on species, date and location of recapture. All tags recovered by fishermen and turned over to samplers on the fishing grounds or mailed in will be included in the lottery.

The following tables outline the tagging and stream-recovery efforts planned for the Canadian program. Since the Canadian recovery program can sample the majority of the total Canadian northern sockeye and pink escapement by following the latter table, the Canadian program emphasizes the tagging portion of our program.

The American plan calls for releasing a minimum of 5,000 sockeye tags at Noyes Island, 3,000 sockeye tags at Cape Fox and 1,500 sockeye tags in Upper Clarence Strait (area 106). The combined number of pink tags released at Noyes Island and Cape Fox is expected to be 60,000 with an additional 7,500 pink tags released in each of Cordova Bay, upper areas of District 101, and Lower Clarence Strait (area 102 - Gravina Island).

In addition to sampling of commercial catches in southeast Alaska, the National Marine Fisheries Services (NMFS) will intensively sample sockeye escapements for tag recoveries. The Alaskan Department of Fish and Game (ADFG) will sample pink escapement in 280 streams. NMFS will construct counting weirs on six major sockeye spawning streams. These weirs will be in addition to two weirs (Hugh Smith Lake and McDonald Lake) currently operated by ADFG. A further 12 streams will have mark-recovery programs conducted in them for sockeye escapement estimation. Escapement sampling of sockeye will therefore occur in 20 of 55 known sockeye producers in southeastern Alaska; these 20 streams account for approximately 75 per cent of the total Alaskan sockeye production. ADFG sampling of pink escapement will occur in 280 of the 789 recognized pink producers in S.E. Alaska; these 280 streams reportedly contribute up to 90 per cent of the total production of even-year pink salmon. Surveys on these streams will consist of stream walks and an expected cumulative dead-pitch of 100,000 carcasses to search for tags. Levels of effort outlined here are sufficient to ensure that interception rates estimated from this program are within 10 per cent of the true values.

Vessel allocations for tagging in mixed stock fisheries and expected numbers of tags released:

Fishery	Target Species	Gear	Fishing Period	No. Vessels	No. of Tags (1)
Langara	sockeye	seine	June 7-July 31	1	4,800
	pink	seine	July 12-Aug. 28	1	10,500
Dundas	sockeye	seine	June 14-July 31	2	8,400
	pink	seine	July 19-Aug. 28	1	9,000
Tracey Bay	sockeye	seine	June 7-July 31	1	4,800
	pink	seine	July 19-Aug. 28		9,000
Bernie Is.	sockeye	seine	June 7-July 31	1	4,800
	pink	seine	July 19-Aug. 28		9,000
Porcher Is.	sockeye	seine	June 14-July 31	1	4,800
	pink	seine	July 19-Aug. 14	1	6,000
Area 5-1	pink	seine	July 19-Aug. 28	1	9,000
Area 1	pink	troll	July 12-Aug. 21	5	52,500

Vessel allocations for terminal tagging and expected numbers of tags released.
Seine vessels will be used as sampling gear

Terminal Area	Target Species	Tagging Period	No. of Tags (1)
Portland Inlet	sockeye	June 20-July 31	3,600
- Khutzeymateen	pink	Aug. 9-Sept 11	2,500
- Kwinamass	pink	Aug. 9-Sept 11	2,500
Skeena River	sockeye	June 20-Aug. 21	5,400
	pink	Aug. 16-Sept 24	3,000
Masset Inlet	pink	Aug. 23-Sept 24	2,500

(1) Numbers of tags was estimated by using three days as the average tagging week and 200 sockeye and 500 pink tagged per day per seiner, but 350 pinks per troll day.

Escapement sampling locations and target numbers of fish to be sampled.
Tagging within certain tributaries of the Skeena and Nass rivers may be necessary to improve estimates of the escapement while reducing the number of fish sampled for tags.

Escapement Area	Species	Sampling Dates	Target Escapement	No. of Samples
Nass River	sockeye			
- Mezladin fence		July 5-Sept 9	160,000	15,000
- Damdochax L.		Sept 19-Oct. 8	10,000	7,000 (1)
- Fred-Wright L.		Aug. 30-Sept 18	15,000	8,000 (1)
Skeena River	sockeye			
- Babine fence		July 12-Oct. 1	800,000	60,000
Kwinamass R.	pink	Aug. 23-Sept 18	100,000	15,000
Khutzeymateen R.	pink	Aug. 23-Sept 18	50,000	7,500
Lakelse R.	pink	Sept 20-Oct. 8	400,000	80,000 (1)
Kitwanga R.	pink	Sept 20-Oct. 1	50,000	10,000 (1)
Babine R.	pink	Aug. 16-Sept 18	400,000	80,000
Yakoun R.	pink	Sept 20-Oct. 15	300,000	35,000
Fraser R..	sockeye			
- Adams R.		Oct. 5-Nov. 15	1,500,000	150,000 (2)

(1) Indicates likely streams for in-stream tagging.

(2) In-stream escapement survey conducted by the International Pacific Salmon Fisheries Commission.

TAG DESCRIPTION AND TAG PLACEMENT

A Peterson disc tag will be employed, having the following specifications which were agreed upon by a joint U.S.-Canada technical group:

- 7/8 inch diameter, bright red colour
- number sequences will include one letter (X, Y, Z) and a four or five digit number
- the following addresses will appear, one above and one below the tag number:

P.O. Box 2085	415 Main Street
Vancouver, B.C.	Ketchikan, AK
V6B 9Z9	99901

Tags will be inserted on the left side of the fish below the dorsal fin and secured with a single knot which has been standardized between American and Canadian tagging supervisors. Numbered sequences of tags have been randomly assigned to American and Canadian tagging crews to prevent detectable series of tags being allocated to either country. Canadian tagging vessels are identifiable by a yellow Fisheries Research flag.

INDEPENDENT METHODS FOR VALIDATION OF INTERCEPTION ESTIMATES

Three stock identification techniques (scale pattern analysis, electrophoresis, and parasite tags) will be assessed as methods for validation of tagging estimates and/or future monitoring tools. Scale pattern analysis of sockeye will be evaluated by the ADF and G Stock Separation laboratory. Catch and escapement sampling in Canada will be conducted in accordance with their specifications. Copies of all scale impressions, data collection and analyses will be provided to Canada. Electrophoresis of sockeye will be conducted by Dr. F.M. Utter (NMFS - Seattle) and Dr. B. Riddell (DFO-Nanaimo). Tissue samples will be collected from mix-stock fisheries and from the escapement. Escapement samples will be used to assess the utility of this

technique to differentiate populations. Populations within five Canadian rivers (Taku, Stikine, Nass, Skeena, Adams) and up to 20 Alaskan sockeye populations will be sampled. If escapement samples indicate significant between-population variation, the fishery samples will be processed and stock compositions of the fisheries estimated. The existence of between-population variation in parasitic fauna in sockeye will be investigated by Dr. L. Margolis (DFO-Nanaimo).

REPORTING TIMETABLE

Independent reports prepared by American and Canadian investigators will be prepared by December, 1982.

Project Management

More detailed information regarding this program can be obtained from the project office: Northern Tagging Program, 417 - 2nd Ave. West, Room B-06, Prince Rupert, B.C. (624-9868). Fisheries personnel responsible for the program are:

Brian Riddell	Lloyd Webb
Pacific Biological Stn	1090 West Pender
Nanaimo, B.C.	Vancouver, B.C.
(758-5202)	(666-2685)

In-season management of the program is being conducted on contract to LGL Ltd - Environmental Research Associates, represented in the Prince Rupert office by Peter Craig (Project Co-ordinator), John Taylor (Tagging Co-ordinator) and Bob Buchannan (Recovery Co-ordinator).

Gouvernement
du Canada

MEMORANDUM

NOTE DE SERVICE

G.C. Vernon
Assistant Deputy Minister
Economic Development and Marketing

C.W. Shinnors
Director General
Pacific Region

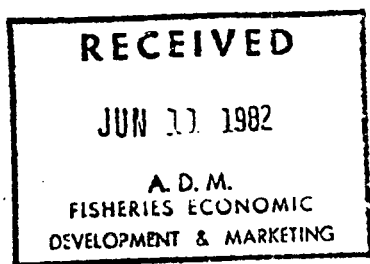
SUBJECT
OBJET

Pacific Salmon Agreement

SECURITY - CLASSIFICATION - DE SÉCURITÉ	
OUR FILE / NOTRE RÉFÉRENCE	
1031-1/400	
YOUR FILE / VOTRE RÉFÉRENCE	
DATE	May 19, 1982

I agree with the work program designed to facilitate implementation of a salmon agreement as outlined in Mr. A. Campbell's memo of April 29, 1982 to you. I do have some concerns that the steering committee and working group be kept relatively small and to personnel that are more directly involved with the salmon agreement. The steering committee as proposed in Mr. Campbell's memo is too large and would be very difficult to convene with everyone present due to the work load of these individuals. I would suggest that the group be pared to; an individual from External Affairs; D/G International/ D/G Fishing Operations, Pacific and Freshwater Fisheries; and D/G Fisheries Management, Pacific Region.

I agree that the steering committee should meet to discuss the items brought up in Mr. Campbell's memo; i.e. make-up of the working group, work plans, future roles of negotiators, etc.



C.W. Shinner's

ACTION
SUITE A DONNER

UNCLASSIFIED

FM WSHDC UNGR2698 19MAY82

TO EXTOTT LAO

INFO FINOTT/IER/SHENSTONE FANDOOTT/CAMPBELL/APPLEBAUM/SMITH

DISTR UAL LAP LAPM LAE GNP GNG ECO TWR ETA

---OCEAN SALMON FISHERIES

FEDERAL REGISTER 18MAY CARRIES EMERGENCY REGULATIONS TO IMPLEMENT ON INTERIM BASIS 1982 AMENDMENT TO FISHERY MANAGEMENT PLAN FOR OCEAN SALMON FISHERIES OFF COASTS OF WASHINGTON. OREGON AND CALIFORNIA. COMMENTS ON PLAN AMENDMENT AND ON INTERIM PLAN ARE REQUESTED BUT NO/NO DEADLINE IS SPECIFIED. AMENDMENT AND REGS ARE INTENDED TO QUOTE PREVENT OVER-FISHING, TO APPORTION EQUITABLY OCEAN HARVEST BETWEEN COMMERCIAL AND RECREATIONAL FISHERIES, TO ALLOW MORE SALMON TO SURVIVE OCEAN FISHERIES AND REACH IN SHORE FISHERIES, TO MEET USA OBLIGATIONS TO TREATY INDIAN FISHERIES AND TO ACHIEVE SPANNING ESCAPEMENT REQUIREMENTS UNQUOTE. INTERIM RULE IS EFFECTIVE 14MAY UNTIL 28JUN. REGS MAY BE EXTENDED FOR SECOND 45-DAY PERIOD.

2. COPY OF REGS FAXED TO YOU TODAY.

UUU/275 192029Z UNGR2698

205329
25-5-7-2-Salmon-1
DOSSIER

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
À

The Canadian Embassy
WASHINGTON

SECURITY
Sécurité

UNCLASSIFIED

FROM
De

The Under-Secretary of State
for External Affairs (LAO), OTTAWA

DATE

May 18, 1982

REFERENCE
Référence

SUBJECT
Sujet

Pacific Salmon Interception Agreement

NUMBER Numéro		LAO-635	
205589			
FILE	DOSSIER		
OTTAWA			
25-5-7-2-SALMON-1			
MISSION			

ENCLOSURES
Annexes

1

DISTRIBUTION

GNG
TWR

FANDO/
Hunter/
Kowal/
Legal
Services/
Goldberg

FANDO/
Vancouver
Zyblut

... Please pass a copy of the attached
to Christine Dawson, Department of State.

Under-Secretary of State
for External Affairs

April 23, 1982

INDEX

Preamble

1. Definitions
2. Commission and Panels
3. Principles
4. Conduct of Fisheries
5. Salmon Enhancement Programs
6. Fraser River
7. Transboundary Rivers
8. Steelhead
9. Research
10. Domestic Allocation
11. Technical Dispute Settlement
12. Annexes
13. Implementation
14. Entry Into Force and Termination

Annexes

- I Panels
- II Fishery Regimes
- III Fraser Panel Area
- IV Fraser River
- V Transboundary Rivers
- VI Technical Dispute Settlement

- 1 -

AGREEMENT BETWEEN CANADA AND THE UNITED STATES OF AMERICA
FOR THE MANAGEMENT OF PACIFIC SALMON

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

Considering the interests of both Parties in the
conservation and rational management of Pacific salmon
stocks and in the promotion of optimum production of such
stocks;

Recognizing that States in whose waters salmon
stocks originate have the primary interest in and
responsibility for such stocks;

Recognizing that salmon originating in the waters
of each Party are intercepted in substantial numbers by the
nationals and vessels of the other Party, and that the
management of stocks subject to interception is a matter of
common concern;

Desiring to cooperate in the management, research
and enhancement of Pacific salmon stocks;

Have agreed as follows:

- 2 -

Article I

DEFINITIONS

1. Enhancement - an activity that will lead to the increase of salmon stocks through man-made improvements to natural habitats or through application of artificial fish culture technology.
2. Fishery - the activity of harvesting or seeking to harvest salmon.
3. Fishery regimes - the fishing limitations and arrangements adopted by the Parties pursuant to Article IV, paragraph 6.
4. Interception - the harvesting of salmon originating in the waters of one Party by a fishery of the other Party.
5. Overfishing - fishing patterns which result in escapements significantly less than those required to produce maximum sustainable yields.

- 3 -

6. Stocks subjects to this Agreement - Pacific salmon stocks which originate in the waters of Canada or the United States and

- (1) are subject to interception by either Party;
- (2) affect the management of stocks of either Party;
- or
- (3) affect biologically the stocks of either Party.

7. Transboundary river - a river that rises in Canada and flows to the sea through the United States.

- 4 -

Article II

COMMISSION AND PANELS

1. The Parties shall establish a Pacific Salmon Commission, hereinafter referred to as "the Commission", to be composed of two national sections, a Canadian Section and a United States Section.

2. The Commission shall have legal personality and shall enjoy in its relations with other organizations and in the territories of the Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Commission and its officers shall enjoy in the territory of a Party shall be subject to agreement between the Commission and the Party concerned.

3. The Commission shall consist of not more than eight Commissioners, of whom not more than four shall be appointed by each Party. Each Party may also appoint not more than four alternate Commissioners, to serve in the absence of any Commissioner appointed by that Party.

- 5 -

4. The Commissioners and alternate Commissioners shall hold office at the pleasure of the Party by which they were appointed.

5. At the first meeting of the Commission one section shall select from its members a Commission Chairman, and the other section shall select from its members a Vice-Chairman, each of whom shall hold office for the calendar year in which the Agreement enters into force and for such portion of the subsequent year as the Commission may determine. Thereafter the Chairman and Vice-Chairman shall hold office for a term of twelve months and shall be selected by their respective sections. The section which selects the first Chairman shall be determined by lot and thereafter the offices of Chairman and Vice-Chairman shall alternate between the sections. If either office becomes vacant before the end of a term, the appropriate section shall select a replacement for the remainder of the term.

6. Each section shall have one vote in the Commission. A decision or recommendation of the Commission shall be made only with the approval of both sections.

7. Subject to the approval of the Parties, the Commission shall make such by-laws and procedural rules, for itself, for the Panels established pursuant to

- 6 -

paragraph 18, and for the committees established pursuant to paragraph 17, as may be necessary for the exercise of their functions and the conduct of their meetings.

8. The Commission may make recommendations to or advise the Parties on any matters relating to the Agreement.

9. Unless otherwise agreed by the Parties, the seat of the Commission shall be at New Westminster, British Columbia.

10. The Commission shall hold an annual meeting and may hold other meetings at the request of the Chairman or of either Party. The Chairman shall notify the Commissioners of the time and place of meetings. Meetings may be held at the seat of the Commission or at such other place as may be determined in accordance with the by-laws and procedural rules of the Commission.

11. Each Party shall pay the expenses of its own section.

12. The Commission shall prepare an annual budget of joint expenses and submit it to the Parties for approval. The Parties shall bear the costs of the budget in equal shares unless otherwise agreed, and shall pay their shares

- 7 -

as the by-laws may specify after the budget has been approved by both Parties.

13. The Commission shall authorize the disbursement of funds contributed by the Parties pursuant to paragraph 12, and may enter into contracts and acquire property necessary for the performance of its functions.

14. The Commission shall submit to the Parties an annual report on its activities and an annual financial statement.

15. The Commission shall appoint an Executive Secretary, who, subject to the supervision of the Commission, shall be responsible for the general administration of the Commission.

16. The Commission may engage staff or authorize the Executive Secretary to do so. The Executive Secretary shall have full authority over the staff subject to the direction of the Commission. If the office of the Executive Secretary is vacant, the Commission shall determine who shall exercise that authority.

17. The Commission shall establish a Committee on Research and Statistics and a Committee on Finance and

- 8 -

Administration. The Commission may eliminate or establish committees as appropriate.

18. The Commission shall establish Panels as specified in Annex I. The Commission may recommend to the Parties the elimination or establishment of Panels as appropriate.

19. The Panels shall provide information and make recommendations to the Commission with respect to the functions of the Commission and carry out such other functions as the Agreement may specify or as the Commission may direct.

20. In cases where fisheries intercept stocks for which more than one Panel is responsible, the appropriate Panels shall meet jointly to carry out the functions specified in paragraph 19. If the Panels cannot agree, each may make an independent report to the Commission.

21. Each Panel shall consist of not more than 6 members from each Party. Each Party may designate alternate Panel members to serve in the absence of any Panel member appointed by that Party.

22. Except as otherwise provided in the Agreement, paragraphs 4, 5, 6, 10 and 11 apply, mutatis mutandis, to each Panel.

- 9 -

Article III

PRINCIPLES

1. With respect to stocks subject to this Agreement, each Party shall conduct its fisheries and its salmon enhancement programs so as to:

- (a) prevent overfishing and provide for optimum production; and
- (b) provide for each Party to receive benefits equivalent to the production of salmon originating in its waters.

2. In fulfilling their obligations pursuant to paragraph 1, the Parties shall cooperate in management, research and enhancement.

3. In fulfilling their obligations pursuant to paragraph 1, the Parties shall take into account:

- (a) the desirability in most cases of reducing interceptions;

- 10 -

(b) the desirability in most cases of avoiding undue disruption of existing fisheries; and

(c) annual variations in abundance of the stocks.

4. [Except as agreed by the Parties, neither Party shall initiate new intercepting fisheries or expand the rate of interception in existing fisheries.]

- 11 -

Article IV

CONDUCT OF FISHERIES

In order to facilitate the implementation of Articles III, VI and VII:

1. On or before _____ in each year, or on such other date as the Parties may agree, each Party shall submit a report on its fishing activities in the previous year to the other Party and to the Commission. The Commission shall forward the reports to the appropriate Panels.

2. The Panels shall consider the reports submitted pursuant to paragraph 1 and shall provide their views to the Commission. The Commission shall review the reports of the Panels and shall provide its views to the Parties.

3. On or before _____ in each year, or on such other date as the Parties may agree, the State of origin shall submit preliminary information for the ensuing year to the other Party and to the appropriate Panel, including:

- 12 -

- (a) the estimated size of the run;
- (b) the interrelationship between stocks;
- (c) the spawning escapement required;
- (d) the estimated total allowable catch;
- (e) its intentions concerning management of fisheries in its own waters; and
- (f) its domestic allocation objectives whenever appropriate.

4. The Panel shall examine the information submitted pursuant to paragraph 3 and report its views to the Commission with respect to fishery regimes for the following year.

5. The Commission shall thereupon review the reports of the Panels and shall recommend fishery regimes to the Parties.

6. On adoption by both Parties, the fishery regimes referred to in paragraph 5 shall be attached to this Agreement as Annex II.

- 13 -

7. Each Party shall establish and enforce regulations to implement the fishery regimes adopted by the Parties. Each Party, in a manner to be determined by the Commission, shall notify the Commission and the other Party of these regulations and shall promptly communicate to the Commission and to the other Party any in-season modifications.

- 14 -

Article V

SALMON ENHANCEMENT PROGRAMS

1. Salmon enhancement programs that may be established by the Parties shall be conducted subject to the provisions of Article III.

2. On or before _____ in each year, or on such other date as the Parties may agree, each Party shall provide to the other Party and to the appropriate Panel information pertaining, inter alia, to:

(a) operations of and plans for existing projects;

(b) plans for new projects; and

(c) its views concerning the other Party's salmon enhancement projects.

3. The Panels shall examine the information and provide their views to the Commission in the light of the obligations set forth in Article III.

4. The Commission shall thereupon review the reports of the Panels and may make recommendations to the Parties.

- 15 -

Article VI

FRASER RIVER

1. This Article applies to Fraser River sockeye and pink salmon harvested in the area specified in Annex II.
2. Notwithstanding the provisions of Article IV, paragraph 7, upon approval by the Commission of the fishery regime for the stocks covered by this Article, the Fraser River Panel shall propose regulations to the Commission for the harvest of salmon referred to in paragraph 1.
3. The Fraser River Panel shall review with other appropriate Panels the fishery regimes and the information provided pursuant to Article IV, paragraph 3 with respect to salmon other than Fraser River sockeye and pink salmon before proposing regulations pursuant to paragraph 2. The Fraser River Panel and the Commission shall ensure that regulatory proposals and recommendations, to the extent practicable, meet the requirements of the Parties with respect to the management of stocks other than Fraser River sockeye and pink salmon.

- 16 -

4. [In implementing this Article, the Fraser River Panel and the Commission shall take into account the domestic allocation objectives of the Parties and the entitlement of the United States with respect to salmon referred to in paragraph 1, as specified in Annex IV.]

5. On the basis of the proposals made by the Panel, the Commission shall recommend regulations to the Parties (timing) for approval. The regulations shall become effective upon approval by the Party in whose waters such regulations are applicable.

6. During the fishing season, the Fraser River Panel may make orders for the adjustment of fishing times and areas stipulated in the annual regulations in response to variations in anticipated conditions. The Parties shall give effect to such orders in accordance with their respective laws and procedures.

7. The responsibilities of the Fraser Panel with respect to the conduct of investigations and the collection of information shall be as specified in Annex IV.

8. The Parties shall not regulate their fisheries in areas outside the area specified in Annex II in a manner that would prevent achievement of the objectives of the fishery regime for the salmon referred to in paragraph 1.

- 17 -

Article VII

TRANSBOUNDARY RIVERS

[1. This Article applies to salmon originating in transboundary rivers.

2. Notwithstanding Article IV, paragraph 3(c), whenever the salmon originate in the Canadian portion of a transboundary river the appropriate Panel shall provide its views to the Commission on the spawning escapement to be provided for all the salmon stocks of the river if either section of the panel so requests.

3. On the basis of the views of the Panel pursuant to paragraph 2, the Commission shall recommend spawning escapements to the Parties.

4. The entitlements of the Parties with respect to salmon referred to in paragraph 1 shall be as specified in Annex V.

5. Whenever salmon originate in the Canadian portions of transboundary rivers, the Parties may initiate, or conduct, salmon enhancement projects on the rivers only upon

- 18 -

consent of the Commission and according to the terms of that
consent.]

X

- 19 -

Article VIII

STEELHEAD

In fulfilling their functions, the Panels and Commission shall take into account the conservation of steelhead.

- 20 -

Article IX

RESEARCH

1. The Parties shall conduct research to investigate:
 - (a) the migratory and exploitation patterns, the productivity and the status of stocks of common concern; and
 - (b) the extent of interceptions.
2. The Commission may make recommendations to the Parties regarding the conduct and coordination of research.
3. Subject to normal requirements, each Party shall allow nationals, equipment and vessels of the other Party conducting research approved by the Commission to have access to its waters for the purpose of carrying out such research.

- 21 -

U.S. Proposal

Article X

DOMESTIC ALLOCATION

[1. In fulfilling their functions under this Agreement, the Commission and the Panels shall take into account the domestic allocation objectives of the Parties.

2. Nothing in this Agreement shall be construed to derogate from obligations of the United States with respect to domestic resource allocation. Nor shall the Agreement be construed to affect the relationships among U.S. domestic management entities.]

- 22 -

Article XI

TECHNICAL DISPUTE SETTLEMENT

1. Either Party may submit to the Chairman of the Commission, for referral to a Technical Dispute Settlement Board, any dispute concerning estimates of the number of salmon intercepted and claims of overfishing. The Commission may submit other technical matters to the Chairman for referral to a Board. The Board shall be established and function in accordance with the provisions of Annex VI.
2. Except as provided in paragraph 3, the findings of the Board shall be final and without appeal.
3. Either Party may, by application in writing to the Chairman of the Commission, request reconsideration of a finding of a Board, provided that such request is based on information not previously considered by the Board and not previously known to or reasonably discoverable by the Party requesting such reconsideration. The Chairman shall, if possible, refer the request to the Board which made the finding. Otherwise, the Chairman shall refer the request to a new Board constituted in accordance with the provisions of Annex VI.

- 23 -

Article XII

ANNEXES

1. All references to this Agreement shall be understood to include the Annexes.
2. The Commission, whenever appropriate, shall review the Annexes and may make recommendations to the Parties for their amendment.
3. The Annexes may be amended by the Parties through an Exchange of Notes.
4. The Commission shall publish the texts of the Annexes whenever amended.

- 24 -

Article XIII

IMPLEMENTATION

Each Party shall:

- (a) enact and enforce such legislation as may be necessary to implement this Agreement;
- (b) require reports from its national and vessels of catch, effort and related data for all stocks governed by this Agreement and make such data available to the Commission; and
- (c) exchange fisheries statistics and any other relevant information on a current and regular basis in order to facilitate the implementation of this Agreement.

- 25 -

Article XIV

ENTRY INTO FORCE AND TERMINATION
OF AGREEMENT

1. This Agreement is subject to ratification. It shall enter into force upon the exchange of instruments of ratification at _____.

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

3. [Upon the entry into force of this Agreement, the Convention between Canada and the United States for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System, as amended, signed May 26, 1930, shall be terminated.]

- 26 -

ANNEX I

PANELS

Pursuant to Article II, paragraph 16, the
Commission shall establish the following panels:

- (a) a Southern Panel for salmon originating in rivers with mouths situate south of Cape Caution, except for the salmon specified in sub-paragraph (b);
- (b) a Fraser River Panel for Fraser River sockeye and pink salmon harvested in the area specified in Annex III; and
- (c) a Northern Panel for salmon originating in rivers with mouths situate north of Cape Caution.

- 27 -

ANNEX II

FISHERY REGIMES

- 28 -

ANNEX III

FRASER PANEL AREA

- 29 -

ANNEX IV

FRASER RIVER

With respect to Article VI, paragraph 4, the United States shall be entitled to an annual average of 125,000 sockeye and 200,000 pinks for a period of [8-C] [20-US] years after the entry into force of this Agreement. These quantities shall be in addition to any benefits that may accrue to the United States pursuant to Article III, paragraph 1(b).

- 30 -

ANNEX V

TRANSBOUNDARY RIVERS

[1. Notwithstanding Article III, paragraph 1(b), with respect to salmon originating in transboundary rivers, except those with mouths situate in the Bering Sea [and the Arctic Ocean], the Canadian entitlement in 1983 and 1984 shall be 250,000 salmon per year, and thereafter 62.5 percent of the harvest of the stocks originating in the Canadian portion of the rivers.

2. The entitlement referred to in paragraph 1 shall reflect the proportional contribution from the stocks originating in Canadian waters by species.

3. Notwithstanding Article III, paragraph 1(b) and paragraph 1 of this Annex, the entitlement of the Parties to production from enhancement facilities in the Canadian sections of transboundary rivers shall be negotiated on a case-by-case basis.]

- 31 -

ANNEX VI

TECHNICAL DISPUTE SETTLEMENT

Number of Copies. In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-13112 Filed 5-13-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

High Seas Salmon Fishery off Alaska; Harvest Limit and Proposed Closure

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

ACTION: Notice of salmon harvest limit and proposed closure.

SUMMARY: The Secretary of Commerce proposes to close the Southeast Alaska salmon fishery in the fishery conservation zone for ten days, beginning at 12:01 A.M., June 7 local time and continuing through 11:59 P.M., June 16, 1982. The proposed closure is necessary to conserve chinook salmon stocks that contribute to the Alaska, Oregon, and Washington salmon fisheries, and to coordinate with a similar closure in the Canadian fishery zone. The 1982 Southeast Alaska chinook salmon harvest guideline is 255,500 chinook salmon.

DATE: Comments on the proposed closure must be submitted on or before May 21, 1982.

ADDRESS: Comments should be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, 907-586-7221.

SUPPLEMENTARY INFORMATION: Salmon fishing in the FCZ off Alaska is managed under the Fishery Management Plan for the High Seas Salmon Fishery (FMP), which was developed by the North Pacific Fishery Management Council (Council) and implemented by NOAA through regulations appearing at 50 CFR Part 674 (46 FR 57299, November 23, 1981). Section 674.23 describes procedures to adjust seasons and areas through field orders. The Council, the State of Alaska Board of Fisheries

(Board), NOAA, and the Alaska Department of Fish and Game (ADF&G) attempt to manage the southeast Alaska commercial ocean salmon fishery as a single unit throughout the State's territorial waters and the FCZ.

Serious conservation action to protect chinook salmon began in southeast Alaska in the mid-1970s. Directed net fisheries for chinook were eliminated in 1976. A 28-inch minimum size limit for chinook salmon was imposed in the Alaskan troll fishery in 1978, matching the size limits in Oregon and Washington. The southeast Alaskan chinook salmon catch was brought under a quota which has been steadily reduced each year since 1980. The 1980 quota was 120,000 chinook, representing an 18 and 13 percent reduction from the 1978 and 1979 harvests of 392,000 and 366,000 chinook, respectively. The 1981 harvest was reduced to 268,000 chinook, a 16 percent reduction from the 1980 quota and a 32 percent reduction from the 1978 harvest. The recommended 1982 harvest guideline of 255,500 chinook is a five percent reduction from the 1981 harvest, a 20 percent reduction from the original 1980 quota and a 35 percent reduction from the 1978 harvest.

Despite these significant conservation actions already taken in the Alaskan fisheries, chinook salmon spawning escapements into Canadian rivers and the Columbia River have not improved, and in some cases have continued to decline.

The Council and Board recognized the need for further conservation actions in the Alaskan fishery at this time, but were concerned about the impacts of such actions on Alaskan salmon fishermen. Many Alaskan salmon fishermen who reside in rural communities in southeastern Alaska are heavily dependent on the troll fishery for their economic well being; they lack alternative sources of income. Past, present, and immediate future sacrifices by these fishermen may be justified if their sacrifices result in higher escapements of major stocks that later contribute to the Alaskan fisheries. Their sacrifices cannot be justified if chinook salmon saved in Alaska are transferred to fisheries outside the United States or to unexplained interdam losses.

Before recommending the 1982 chinook salmon harvest level, the Council and Board reviewed extensive reports on the coastwide status of chinook salmon stocks and the fisheries that harvest these stocks. Public testimony from fishing groups, processors, and individuals was received by the Council and Board at their January and March joint meetings.

A draft supplemental environmental impact statement (DSEIS), describing and analyzing various alternative 1982 management strategies for the southeast Alaska salmon fisheries, was adopted by the Council at the January meeting and was published on February 19, 1982; comments were received through March 22, 1982.

The Council and the Board met March 23-24, 1982, and jointly recommended that (1) the chinook salmon optimum yield (OY) range for 1982 should remain at 243,000-272,000 fish for the Alaskan commercial salmon fisheries east of Cape Suckling; (2) the 1982 southeast Alaska salmon fisheries should be managed for a harvest of 255,500 chinook salmon; (3) inseason closures necessary to achieve the 255,500 fish harvest guideline should be coordinated with an expected closure in the Canadian fishery zone to maximize the transfer of chinook to Canadian spawning streams and to Pacific northwest streams, including the Columbia River; and (4) the chinook salmon harvest guideline for the 1983 southeast Alaska commercial fisheries will be further reduced to the lower end of the OY range, or 243,000 fish, (a) if significant actions are taken by the Canadian Government to conserve chinook in Canadian fisheries and to pass southward the Alaskan savings of chinook, and (b) if Columbia River resource agencies demonstrate satisfactory progress to identify and to correct the unacceptably high inter-dam losses of adult "bright" fall chinook that occurred in 1980 and 1981.

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator) concurs with the recommendation of the Council and Board and intends to manage the 1982 southeast Alaska salmon fishery in the FCZ by means of inseason closures to achieve a total chinook salmon harvest of 255,500 fish. The Assistant Administrator intends to coordinate this inseason closure with the State of Alaska and Canada. To implement this policy, the Alaska Regional Director, National Marine Fisheries Service (Regional Director), in consultation with ADF&G, has determined on behalf of the Secretary that a 10-day closure of the southeast Alaska ocean salmon fishery (all species) in the FCZ from June 7 through June 16 is a necessary initial step to limit the total season harvest to 255,500 chinook salmon, to complement an inseason closure of State of Alaska waters during the same time period (June 7-June 16) and to coordinate with a two-week closure of the northern British Columbia salmon troll fishery

(June 23). In making this determination, the Regional Director accepts the findings of the Council and Board that the condition of chinook salmon resource is worse than anticipated when the FMP was implemented, and that this condition requires this closure.

This closure will not be effective until publication of a final notice of closure, according to the procedure specified at 50 CFR 674.23. Public comments concerning the need for the proposed closure may be submitted to the Regional Director at the address stated above through May 21, 1982. For the reasons set forth above and because the dates of the Canadian closure were not announced until April 23, 1982, the Regional Director finds good cause to

waive part of the 30-day comment period specified at 50 CFR 674.23.

Because the 1982 harvest goal of 255,500 chinook salmon falls within the OY range of 243,000-272,000 chinook salmon stated in the current FMP, a 1982 amendment to the FMP is not necessary.

The DSEIS, published February 19, 1982 (47 FR 7488), analyzing various alternative 1982 management strategies, was prepared primarily in the event that the Council recommended a 1982 harvest guideline outside the OY range, which would have required an FMP amendment. Since the Council did not recommend a 1982 amendment, a Final Supplement Environmental Impact Statement (FSEIS) will not be prepared. An FSEIS for Amendment 2 to the FMP, which established the current OY range,

was filed with the environmental Protection Agency (EPA) on May 1, 1981.

This action is taken under the authority of regulations specified at 50 CFR 674.23, and is taken in compliance with Executive Order 12291. It is covered by the Regulatory Flexibility Analysis prepared for the authorizing regulations.

(16 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Part 674

Fisheries.

Dated: May 10, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-13245 Filed 5-13-82; 8:45 am]

BILLING CODE 3510-22-M

M. Guertin

ACTION
SUITE A DONNER

M.F.

RECEIVED
Economic Law and Treaty Division
Department of External Affairs

MAY 14 1982

RECU
Direction du Droit économique
et des traités
Ministère des Affaires étrangères

UNCLASSIFIED

FM OSLO WGGR4098 13MAY82

TO EXTOTT LAE

INFO FANDOOTT

DISTR GEB

REF YOURLET LAE 262 17MAR

25-5-7-2-SALMON

one

NARC
V12

ERC Acc
94-200
Box 982

---CONVENTION FOR CONSERVATION OF SALMON IN NORTH ATLANTIC OCEAN
DURING VISIT TO ICELAND MAY2-7 I DELIVERED FULL POWERS TO MFA.
2.SO FAR WE HAVE ONLY PHOTOSTAT OF CTNVENTION BUT I WAS TOLD THAT
CERTIFIED COPY WILL BE MADE AVAILABLE THROUGH DEPOSITORY AS
INDICATED IN ARTICLE 21 OF CONVENTION.
3.MFA EXPRESSED CONSIDERABLE SATISFACTION IN CONCLUSION OF
CONVENTION AND OF CDN ROLE LEADING TO ITS CONCLUSION

WARDROPER

UUU/061 131029Z WGGR4098

UNCLASSIFIED

FM OSLO WGGR4099 13MAY82

TO EXTOTT GEB

INFO FANDOOTT

DISTR LAO

---PACIFIC SALMON FISHING

25-5-7-2	DOSSIER - Salmon-1

DURING VISIT TO ICELAND MAY2-7 DISCUSSIONS WITH MIN OF FISHERIES AND GOVERNOR OF CENTRAL BANK OF ICELAND REVEALED THEIR CONSIDERABLE CONCERN ABOUT OVER-INVESTMENT LEADING TO OVER-CAPACITY OF FISHING FLEET. I RECALLED SEEING REPORT IN FINANCIAL POST SOME MONTHS AGO ABOUT STUDY MADE IN BC LEADING TO RECOMMENDATION FOR DRASTIC CURTAILMENT OF SALMON FISHING FLEET THERE. I WAS REQUESTED TO OBTAIN THIS REPORT. PLEASE FORWARD THREE COPIES IF OBTAINABLE

WARDROPER

UUU/061 131029Z WGGR4099



WITH THE COMPLIMENTS
OF THE
CANADIAN CONSULATE
GENERAL

AVEC LES HOMMAGES
DU
CONSULAT GÉNÉRAL
DU
CANADA

18 May 1982

An interesting but depressing article
for your records.

25-5-7-2-Salmon -1	
F. D. Marcens	
Seattle, Washington	

001889

THE WEEKLY

MAY 5, 1982

The Fish That Got Away

Thanks to false promises and competing demands for irrigation and hydropower, the Columbia salmon may be headed for extinction

by Bruce Brown

THE CHUNKS OF PONDEROSA PINE whitened in the spring snow as I lit the kindling underneath. A puff of aromatic smoke rose, and then the fire caught with a hoarse cough. Squatting on one of the river rocks that rimmed the pit, I peeled an orange and waited.

In a few minutes the snow thinned enough to reveal the outlines of the Tieton Valley again. A thousand feet above me on either side stood a line of basalt cliffs, which suggested a variety of phantasmagorical forms: a man sleeping with his mouth open, a Saul Steinberg dog, a leaping fish. Below, steep slopes of broken scree plunged directly to the banks of the river where I had just pitched our tent.

Pine, oak, Douglas fir, greasewood, and bitterroot were scattered across the cliffs, as were the silvered trunks of trees that had lost their hold. Along the twisting river itself, cottonwoods and willows grew lush and tall. Even under a light dusting of snow, the swelling buds and tiny new leaves filled the valley with rich yet subtle color. It was late April, and this might be the last snow of the season.

Throwing another log on the fire for my wife, Lane, when she returned, I started for the river. Icy, exuberant, and absolutely pellucid, the Tieton drains a remote section of the southeastern Cascades. Heading between Mount Adams and Mount Rainier, it flows through deep canyons for 50 miles to meet the Naches River on the desert north of Yakima. The Naches is the largest tributary of the Yakima River, and the Yakima is in turn the largest Washington tributary of the Columbia.

As I clambered across the rocks to the edge of the river, I startled a dipper, or water ouzel. The slatey little bird flew off low over the water with a piece of moss for its nest. It splashed into a pool on the other side, and then disappeared around the bend. This was a good sign, for dippers like to eat salmon eggs, and I had come to the Tieton to look for wild salmon. Specifically, I was hoping to see at least one of the Pacific salmon *Oncorhynchus tshawytscha*, known as spring Chinook or king salmon.

Weighing as much as 125 pounds, Chinook are the largest of the five species of Pacific salmon. "Springs" take their name

from the season of their spawning migration. They return from the ocean to the rivers of their birth on the early spring freshets, hold through the summer in deep pools cooled by meltwater from high snow fields, and then spawn in the fall with the other Chinook. Since they do not eat once they leave saltwater, spring Chinook must store enough fat in their flesh to live for half a year. This is what makes them the choicest of the Chinook, and, some say, the choicest of all salmon.

A century ago, there were more Chinook in the Columbia system than any other river on earth. More than 40-million pounds of Chinook were taken annually by white commercial fishermen on the Columbia in the days when they did not even bother fishing for lesser species. Biologists estimate that the Yakima River originally supported an annual run of 500,000 fish, based on early Indian catches of 160,000 fish. Many of these were spring Chinook native to Yakima headwater rivers such as the Tieton, Bumping, American, and Naches.

It was on the Tieton that future U.S. Supreme Court Justice William O. Douglas walked to strengthen his legs, and in the process learned a good deal about salmon. In the first volume of his autobiography, *Go East, Young Man*, Douglas recounted how a Yakima Indian taught him to spear Chinook in the upper Tieton near McAllister Meadows. Douglas studied salmon stalking assiduously, but he got more dunkings than fish: "I looked across the river," he recalled after one such unexpected swim. "My



A prize Columbia catch—80 years ago.

Indian friend was there, doubled up with laughter."

Walking along the Tieton in the late afternoon sunlight eight decades later, I quickly found two places that looked promising for salmon. The first was a deep hole that ran along the base of a cliff for 50 yards, and the second was a riffle where the bulk of the river cascaded through a white slot. The pool, which likely undercut the cliff to a degree, was a perfect place for Chinook to hold, and the plunging slot immediately upriver would reveal any migrating fish. I crossed the Tieton and climbed to the top of a basalt cliff that was faceted like a crazy cut gem.

Although evening was coming on, my Polaroid glasses and high perch let me

scan the river's depths, and survey the valley as well. Three black hawks circled up into the once-again blue Eastern Washington sky, the smoke from the campfire shifted back and forth with the wind, and a handful of cars passed by on the road to White Pass. There were no salmon though. Not even a hint. Somewhat chilled by an hour on the rock, I returned to camp, where Lane was boiling river water. She said she had visited the nearby Windy Point Campground, but was unable to get water for cooking. "The pump don't work 'cause the vandals took the handles," she deadpanned.

After a dinner of ramen soup spiced with miso, eggs, and dried beef, we decided to go back to the river in the dark. Chinook salmon are very conscious of light, and I have found that they often prefer to run at night, especially before spawning has dulled their senses and drained away their life. Pulling up our hip boots, we waded out in 001890 the Tieton with staff and flashlight. Becau

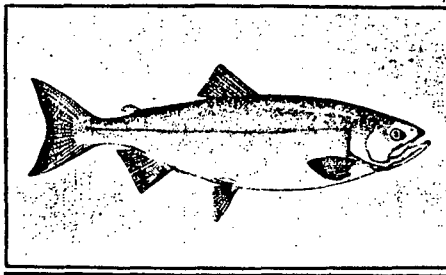
Bruce Brown is the author of *Mountain in the Clouds: A Search for the Wild Salmon*, which will be published by Simon and Schuster this fall.

of the power in their long spotted backs, Chinook are loud swimmers, often sounding like the report of a large caliber pistol when they drive forward. And once you become aware of a river's rhythm, you can detect a Chinook's passage by much more subtle changes in the flow of sound. Lane and I stood together under the stars for a long time, but all we heard was the sad breath of an occasional car passing down the valley.

Early records indicate that the spring Chinook first appeared in the Yakima River in March, and reached their peak in April and May. There should by rights be thousands of the creatures in the inky water, their dusty rose gill crescents pumping softly, their broad straight tails propelling them forward. The main reason there weren't was probably the U.S. Bureau of Reclamation dam a couple of miles upriver. Unladdered Rimrock Dam, which was completed in 1926, cut the Chinook off from their choicest headwater retreats and flooded McAllister Meadows. In 1977, a year of extreme drought in the Northwest, the Bureau of Reclamation closed the river off completely, killing the eggs the fish had already laid on the riverbed, and preventing them from continuing to spawn downriver. Since most wild Chinook probably return from the ocean at five years, age, we were now seeing the cost of irrigating the Yakima Valley that summer.

Additional fish kills have occurred on the Tieton when the Bureau of Reclamation has run the lake behind the dam dry. In 1979, for instance, the Bureau killed an estimated 6-million Kokanee (or landlocked sockeye salmon) when it drew Rimrock Lake down from 198,000 acre-feet of water to 200. According to *The Seattle Post-Intelligencer*, "the salmon were sucked through an outlet tunnel at the dam and spit out to die in the river below." Although it did not apologize for the kokanee kill, the Bureau did attempt to use the incident as a lever to expand its own authority. "Most of the fishermen know that agriculture water comes first," a Bureau spokesman said. "But until we get some [water] storage built and get some water dedicated to fish, there isn't much we can do."

The "storage" the Bureau has in mind is an enlargement of its irrigation dam on the Bumping River. Including Rimrock, the Bureau today operates five dams in the headwaters of the Yakima, all in violation of



laws designed to perpetuate the salmon. None of the five dams is laddered to allow the fish to pass over it, as Washington law has required since the first year of statehood. Laws requiring that "a flow of water sufficient to support game fish and food fish populations be maintained at all times" have been similarly violated as the Bureau has shut off all water to the rivers below its dams at least 50 times since the first diversion was built on the Bumping River in 1907. Nor has the Bureau provided the "compensation" for these losses to the public resource as required by state law.

Early on, three Bureau dams on the east side of Snoqualmie Pass caused the extinction of the Yakima River sockeye, along with several coho salmon populations. Over the next half-century, the Bureau's disregard for the free food at its feet had reduced the spring Chinook to one-twentieth of their former number. Now, as Lane and I headed back to our camp in silence, it appeared that it had finally administered the *coupe de grace* on the Tieton.

We were awakened before sunrise the next morning by the screech of metal against metal. Sticking our heads out of the tent flap, we saw that a car had hit the guard rail on the highway bridge over the Tieton, and come to rest facing the wrong way. The driver, a woman in her 30s, was quite drunk.

After we helped push the car off the bridge, she told me, "I'm a convicted felon, and I'm carrying a gun... I'm not even supposed to be in Yakima County." She said she lived in Lewis County on the other side of White Pass, and had come to Yakima to see her child. To make matters worse, she had 30 pounds of frozen beef with her, and the car, which was wrecked too badly to drive, belonged to someone else.

While we fed her breakfast and she tried to give us various pieces of frozen meat, the woman told us people had been hungry this past winter in Packwood, where she lived. "All the forestry workers lost their jobs, and a lot of people lived by poaching deer. They

wouldn't shoot the does though," she protested without provocation. "That's the s.o.b.s from Tacoma, who don't know a doe from a cow."

Salmon & nutrients

In the long run, wild salmon are worth more to the Northwest than electrical generation or any of the other uses that are presently competing with the fish for water in the Columbia and elsewhere.

The reason is simple. In a region where leaching rains are the dominant meteorological phenomenon, wild salmon are nature's main means of reversing the flow and returning nutrients from the ocean to the land.

By running into their natal streams to spawn in incredible numbers, they have provided a major source of food for virtually every riparian carnivore (man included), and the basis for the recolonization of barren ground in the wake of the glaciers.

Wild salmon are, in short, an engine of general enrichment for which there is no substitute. To allow their destruction is the equivalent, in banking terms, of living off the principal rather than the interest of a savings account.

It means the long-term ecological impoverishment of the region, and its residents.
—B.B.

"Too bad there aren't any salmon to eat in Packwood," I said, thinking of the great runs of spring Chinook in the upper Cowlitz River before Tacoma City Light built an unladdered dam on that tributary of the lower Columbia.

"Salmon?" the woman asked incredulously. "There ain't no salmon within a hundred miles of Packwood, dead or alive."

A few minutes later, she hitched a ride up toward White Pass with a cardboard box full of frozen meat, and the gun hidden under her coat. We, meanwhile, packed our gear and drove the other way down the Tieton Valley, continuing our search for the wild spring Chinook. Having failed in their headwater haunts, we decided to try the lower Yakima River, where a number of irrigation dams force the fish to leap falls.

This tactic followed the practice of the Indians, who established their great fisheries wherever falls or rapids occurred along the Columbia. The most famous of these was at Kettle Falls. "The falls are most beautiful, the whole river falling over a ledge of quartz into a sort of cauldron in which the water

bubbles and boils in a most remarkable fashion," Charles Wilson noted in 1860. "The fishery, however, is the great sight and certainly is the most wonderful one I ever saw. The salmon arrive at the foot of the falls in great numbers and proceed to leap them; all day long you see one continual stream of fish in the air...."

The Indians caught the salmon with baskets on poles, which were ingeniously rigged to close under the weight of the fish. Working from flimsy wooden platforms cantilevered over the roiling river, the Indians took thousands of salmon a day, according to early records. "See-pays," the Salmon Chief, divided the catch equally among all (children got the same share as adults), and enforced the Indians' ancient fishing restrictions and rituals designed to perpetuate the resource. Dried, smoked, pulverized, allowed to ferment into a kind of "cheese," and (best of all) eaten fresh, salmon provided the economic base and staple of the entire region.

Salvaging the salmon

Salmon serve as an excellent environmental barometer for the Northwest. Where they do well, one may assume rivers and streams are in good shape. Where they do poorly or have disappeared, serious water degradation has certainly occurred.

A myriad of human actions can affect salmon (from spraying weed killer on the lawn to paving a vacant lot), but some have greater impact than others. On the Columbia River at present, for instance, changes in three areas of human activity could have a vital effect on the future of the salmon. They are:

- Expanding the salmon's range. Roughly half the dams in Washington presently lack fish ladders. These dams have substantially reduced the salmon's range, and in some cases have completely eradicated certain species. Dams like the five Bureau of Reclamation projects in the upper Yakima should either be laddered or blown out. Other candidates for removal are Dworshak and Hells Canyon dams on the Snake River.

- Reducing the hatchery drain on wild salmon. Many hatcheries in Washington, Oregon, and Idaho are unable to return their own seed, and must therefore be supplied with eggs from other places where the fish's chance of survival is better. To insure that hatcheries have a positive effect on the resources, a number should be closed, including the Washington Department of Fisheries' Klickitat hatchery and Ringold rearing pond.

- Easing the salmon's migration. A variety of screening devices should be installed on all power dams to prevent young salmon from being sucked into the turbines. All dams should also be required to pass enough water to support salmon at the various stages of their lives. This means, among other things, that extra water should be released in the spring to "flush" young salmon on their way to the sea, and in the fall when adult salmon are trying to spawn.

—B.B.

Kettle Falls was flooded during the 1930s by the largest Bureau of Reclamation dam of them all: Grand Coulee. Built without ladders or other devices to pass salmon over its 550-foot height, Grand Coulee closed more than 1,000 miles of the upper Columbia to salmon in order to "run the great factories and water the land," as Woody Guthrie sang in his advertising jingle for Bonneville Power, *Roll On, Columbia*. Popularly acclaimed as "the mightiest thing ever built by a man," Grand Coulee was also the single most destructive human act toward salmon ever, killing the richest portion of the Columbia runs, and altogether eliminating the famous "June hog" Chinook that used to run into Canada.

It is interesting to note that the U.S. Army Corps of Engineers' original 1932 report recommending the dam did not make one mention

of the fish that were the most conspicuous feature of the Columbia Basin. Nor was the loss of the salmon calculated into the economic justification for what the Corps' report admitted was an economically "marginal" irrigation project. Federal and state fisheries authorities made some timorous protests over



Salmon exploded by dam-action.

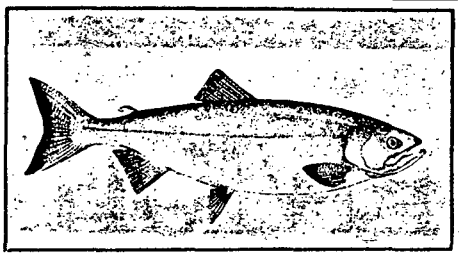
the plans to dam the Columbia at Grand Coulee, but they were overwhelmed by the popular clamor for jobs that characterized the Depression years, and finally quieted by the promise of three salmon hatcheries to be built downriver from Grand Coulee.

At the time, salmon hatcheries operated on a dozen or more rivers in Washington, but it is doubtful that even one of them was helping increase the size of the salmon runs. In fact, the hatcheries actually constituted a heavy drain on the resource, since they depended on eggs of fish that would have otherwise spawned in the wilds, where their chances of survival were generally better. Due to their problems with disease and their simple inability to produce a return of fish, many hatcheries were terminated during the 1930s, especially in Canada, where the artificial propagation of sockeye was discontinued entirely.

There was no reason to believe the three hatcheries built on the Wenatchee, Entiat, and Methow rivers could do a better job, but the U.S. Fish and Wildlife Service's self-aggrandizing hatchery accommodation created the impression that the salmon runs would not be lost. This bit of deception was crucial to the success of the Bureau's plans for Grand Coulee, for it is unlikely that the dam would have been built if people had generally understood it meant the destruction of the greatest source of free food on the Pacific Coast at a time when people were actually starving.

A little more than a decade after Grand Coulee was completed, the three salmon hatcheries failed and were quietly converted to other uses. This did not diminish the popularity of either dam-building or hatchery construction in lieu of wild salmon lost, however. Declaring that it now had the experience to effect "the proper handling of the fish problem," the Corps of Engineers pressed for its goal of a 10-dam hydroelectric complex on the mainstream Columbia. Following World War II, the Federal Power Commission licensed dams at McNary, The Dalles, and Rocky Beach on the Columbia, as well as Ice Harbor on the Snake. Dams were also authorized on the Cowlitz River, the last unspoiled lower Columbia tributary of any consequence, and the Deschutes River, which occupied a similar position on the Oregon side of the river.

Dismayed by the state of the Columbia salmon fishery, which had fallen from 42-million pounds in 1883 to 8-million pounds in 1954, the state of Washington decided to make a stand over the Cowlitz, which drains the area between Mount St. Helens and Mount Rainier in south central Washington. The fight over Tacoma City Light's plan to dam the Cowlitz was the first—and only—time the state of Washington attempted to prevent construction of a major dam for the sake of salmon. For eight years the Washington departments of Fisheries and Game blocked Mayfield Dam through a series of state court victories, but after a lackluster presentation by new state



Attorney General John O'Connell (who had advocated the dam before his election), the U.S. Supreme Court ruled in favor of Tacoma City Light, and the dam.

The Court's Cowlitz decision, which was to have wide ramifications in water development, essentially extended the Bureau of Reclamation's federal immunity from state law to public utilities and private corporations. According to the ruling, state law could not be enforced on the recipient of a special purpose license from the federal government. Since no federal agency with responsibility for wildlife could do anything but comment on Federal

Power Commission actions, the door was thrown wide. The power interests could decide for themselves what would be done about the salmon. During the 1960s and 1970s, this meant more dams, more hatcheries, and fewer fish.

The Indian watched the water, not me. Across the gravel bar, the Yakima River rolled over the lip of the Sunnyside irrigation dam. It was about 60 yards wide and six feet high, a shimmering ribbon of sun-dazzled blue.

"They run at the dam along a path," he said, shifting in the seat of his four-wheel drive truck. "There's a ledge out there in the river below the fish ladder. I think it may be undercut. The salmon follow it diagonally across to that little rocky island there, and then split off and go for the face of the dam."

"They jump it straight?"

"If they can."

My companion said he had not caught a salmon yet this year, but that he had seen one taken here at the face of the dam in mid-April.

It was a spring Chinook, caught with a rod and reel spinner setup. As we talked, another Indian with a rod waded out into the area near the rocky island. He was wearing a cowboy hat and hip waders. "I don't know about those," the Indian in the truck said. "I had to drag a guy out once who had a pair on. They filled up with water and took him down."

We watched the Indian—together with a half-dozen white fishermen on the other side of the river—cast across the face of the dam a while longer. They had wonderfully graceful motions, but netted no fish for it. No fish jumped at the dam either, despite the fact that salmon like to leap falls in daylight. It appeared we were going to have to look elsewhere for our fish. Eating a quick lunch on the riverbank, we decided to head south along the Satus Creek into the Horse Heaven Hills. From there we would cross into the upper Klickitat and come down to meet the Columbia in the gorge near John Day Dam. It would be a long drive, but I was determined to see at least one Columbia River spring Chinook.

The importance of the spring Chinook now is simple, if pathetic. The last time the spring Chinook run in the Columbia totalled even 10 percent of the glory years was 1978, when 127,000 of the fish returned to the Columbia and its tributaries (this return was accomplished by closing the river fishery almost entirely). Not once in subsequent years has the return been more than 62,000. Since Chinook generally return to spawn at four or five years, age, the returns from the last "good" year are due this spring and next. If there is no jump in the run now, the base of the Chinook population will have fallen another 50 percent, to roughly 5 percent of the original.

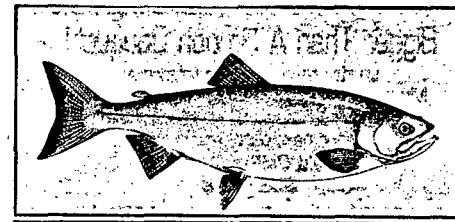
Recognizing their extreme plight, the U.S. Fish and Wildlife Service began an official review in 1978 to determine whether the remaining Columbia River salmon should be listed on the federal government's threatened or endangered species lists. Fish and Wildlife found that the 18 dams that now block the mainstream Columbia and Snake were killing large numbers of salmon, primarily through nitrogen super-

saturation (which can explode the eyes of adult salmon) at low flows, and hacking up the juveniles in the turbines at high flows. On bad years the dams were actually killing nearly all of some runs, as was the case when 95 percent of the Snake Chinook run died trying to get out of the reservoir behind the Lower Granite Dam in 1977. "Spring Chinook, summer Chinook, sockeye, and summer steelhead are at critical levels in population structure and maintenance," the study team concluded.

Predictably, the Washington Department of Fisheries opposed listing the Columbia salmon for greater protection. In June 1979, Director of Fisheries Gordon Sandison attacked the proposal on the grounds that it would result in curtailed fishing, especially by trollers working off the coast. (This was of course the whole point of listing.) Other agencies joined Fisheries, complaining that taking steps to make sure enough fish survived "would not only complicate, but disrupt ongoing cooperative activities taking place on habitat protection and maintenance." While the various state and federal agencies were arguing among themselves whether or not the salmon of the Columbia were threatened, the runs staggered and slumped. After the run of 127,000 spring Chinook in 1978, there were 48,000 in 1979, 53,000 in 1980, and 62,000 in 1981. For 1982, Fisheries biologists predict another dismal run of approximately 50,000 fish. This means that the springs are now hanging by a single thread: the 1983 run.

The Reagan Administration chose this moment to axe the proposal to list the Columbia salmon. Late last year, Dale Evans, head of environmental services for the U.S. National Marine Fisheries Service in Portland, quietly announced that the threatened and endangered species review of Columbia salmon had been tabled. In the two-inch-long story that appeared in the Seattle press, Evans suggested that enough was already being done for the fish. He said authorities would continue to study the situation, and wait to see the effect of the Steelhead and Salmon Enhancement Act (which will probably never be funded) and the Northwest Regional Power Act. "We have nothing to indicate there has been any turnaround since the threatened and endangered review began," said National Marine Fisheries spokesman Einer Wold. "We're putting our faith in hatcheries.... You might say we're basing our optimism on the come."

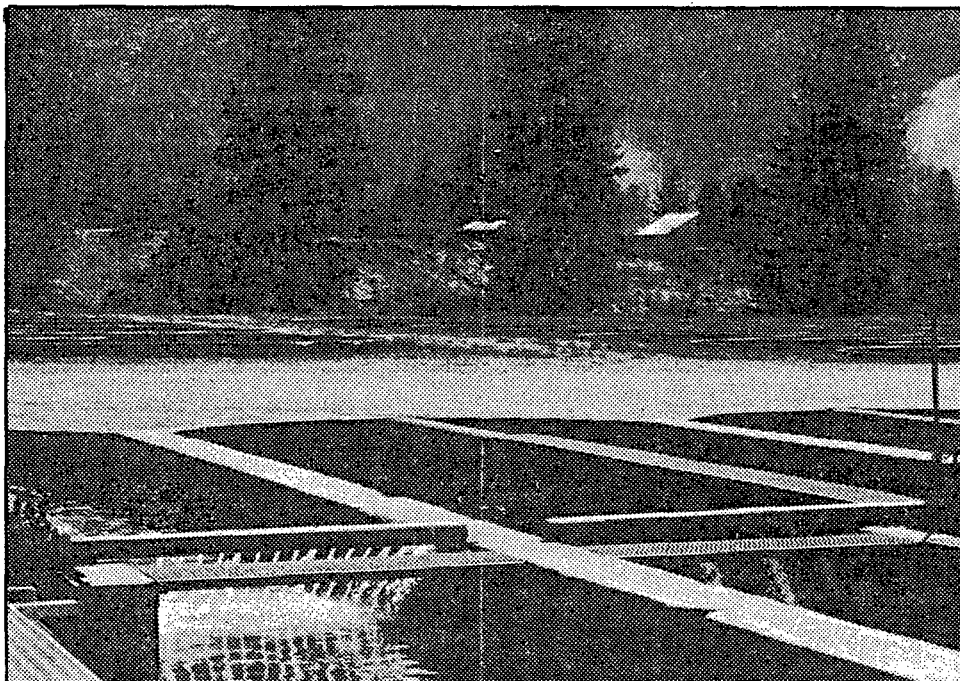
There is more than an echo of the tragedy at Grand Coulee in the fisheries agencies' modern preference for building hatcheries rather than confronting the causes of the Columbia's grief. Today's hatcheries are, of course, sometimes more effective than their predecessors. On the Cowlitz River, the \$20-million salmon hatchery built by Tacoma City Light to compensate for Mayfield and Mossyrock dams has produced extremely strong returns of spring Chinook during the last two years, despite the facility's poor prior record, and the considerable damage done to the lower Cowlitz by Mount St. Helens' eruption. On the Wind River, another lower Columbia tributary on the Washington side, a hatchery has succeeded in introducing a good-sized run of spring Chinook where there were none before. Overall hatchery performance has not been particularly good in recent years, however. The



Washington Department of Fisheries chronically fails to meet production goals at its hatcheries, and several recent studies in Washington and Oregon have found that increased hatchery releases have not been increasing the size of the returns. In Oregon, for instance, a study by the state Department of Fish and Wildlife revealed that between 1965 and 1980 returns of hatchery coho dropped 9 percent while hatchery releases more than doubled from 21-million to 47-million coho annually. The Columbia has shown the same pattern, especially at hatcheries located farther upstream. Of the five hatcheries the Washington Department of Fisheries operates above McNary (the fourth dam from the mouth), three are "zero escapement" facilities incapable of returning their own seed.

This means that salmon eggs or fry must be transferred in from somewhere else—either the wilds or another hatchery—where their chances of survival are better. The egg drain at Ringold rearing ponds alone was nearly 1-million last year, and the total for the three has run several times this in recent years. The state's other two mid-Columbia hatcheries have been able to generate some returns, but generally not of the magnitude expected. For instance, Fisheries' Wells spawning channel, which the Douglas County PUD paid for in compensation for Wells Dam, was built to accommodate 6,000 fish. Last year approximately 500 fish returned to spawn, which was good compared to the 12-year record of the facility.

continued on page 41



A Columbia River hatchery: cruel consolation prizes.

In recent months, a good bit of the existing Columbia River hatchery program has come under attack from the Reagan Administration's aggressive Office of Management and Budget. At issue are 26 hatcheries built with funds from the Mitchell Act, which was supposed to offset the damage done by early dams on the mainstem Columbia. Having failed in an earlier attempt to cut the funding outright, Reagan's people have decided to phase out federal support over a three-year period, with a one-third cut every year. With the first cuts due this fall, the National Marine Fisheries Service has recommended to the Washington Department of Fisheries that it mothball four

of its Columbia hatcheries, including Ringold ponds.

Washington Director of Fisheries Rollie Schmitt has decided to fight the closures and is reported headed for Washington, D.C., to lobby the Washington Congressional delegation. At the same time, the state is pressing the Columbia dam owners for increased flows at the time of migration, and the installation of screens and bypasses to prevent young salmon from being sucked through the turbines. Several owners of mainstream Columbia dams are, for their part, stoutly resisting efforts to make them invest more in salmon protection, preferring to study the matter a little longer.

The Pacific Northwest Power Planning Council (which was given regional planning authority by the Regional Power Act) is working on a resolution to the impasse, which is expected this fall. Meanwhile, time and the river are slipping away.

We caught our first glimpse of the river in question around three o'clock in the afternoon. The long sunlight streaked over Mount Hood and etched the Byzantine cliffs of the Columbia Gorge. Down, down, down deeper than I ever expected lay the smooth vein of the Columbia. It was hot now—at least in the 70s—and we saw wild blue lupine and black-eyed Susans on the bluffs among the grazing beef cattle. Speeding west with the sunroof cranked open, we passed the ersatz Stonehenge near Cliffs, Maryhill, with its French chateau and peacocks, and headed on toward The Dalles.

My idea was to go to the eye of the needle, to look for the salmon at one of the big mainstem Columbia dams themselves. The Dalles Dam turned out to be closed to visitors when we got there, but I did my out-of-town reporter routine and got permission to tour the fish-counting facilities on the Oregon side. A young Corps of Engineers employee named Jim Byrd took us out onto the dam and up to the head of the long fish ladder, where a middle-aged woman sat in a viewing station.

Immediately below her the lake behind the dam fed into the fish ladders through a narrow, 14-inch-deep gap. A pair of spotlights were trained on white screens, which were intended to silhouette passing fish. We watched for several minutes, but saw nothing. Then suddenly there was a dark shape in the opening. The water was murky green, but it was plainly a spring Chinook of perhaps 25 pounds. The salmon hung for a moment between ladder and lake, and then was gone. ■

LAO H. STRAUSS/rb/6-2643

Distr: s.23

LAO-566

GNG
TWR

diary
circ
div
file

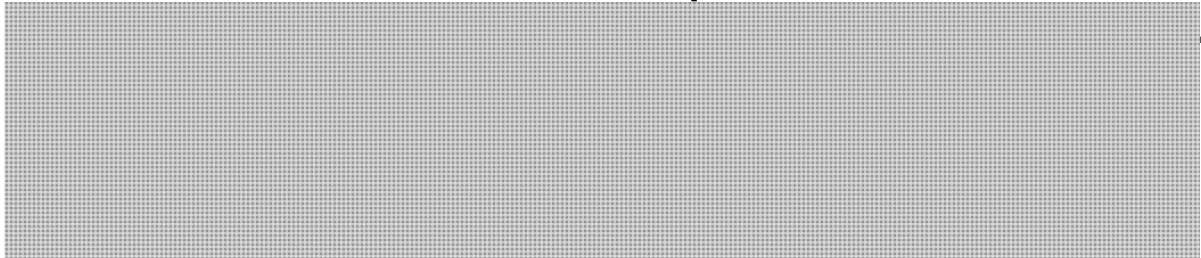
CONFIDENTIAL

Ottawa, K1A 0G2

May 3, 1982

200379	
FILE	DOSSIER
25-5-7-2-SALMON-1	

Dear Mr. Hunter,



Yours truly,
Original Signed by
L. S. CLARK
Original signé par
L. S. Clark
Director
Legal Operations Division

Mr. M. Hunter,
Director,
International Fisheries Relations Branch,
Department of Fisheries and Oceans,
240 Sparks Street,
Ottawa, Ontario.

cc: Mr. M. Goldberg, Legal Services FANDO
Mr. D. L. Kowal, Chief, Fishing Services Branch, FANDO
Mr. B. Steinbock, Intl. Trade & Dev. Branch, FANDO

Page 1896

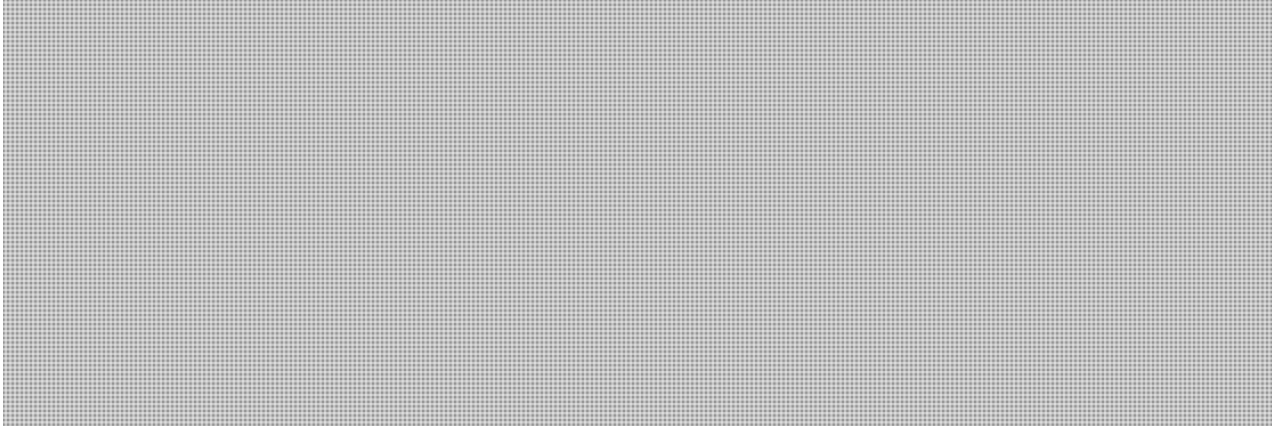
**is withheld pursuant to section
est retenue en vertu de l'article**

23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

6. Draft s.23
April 23

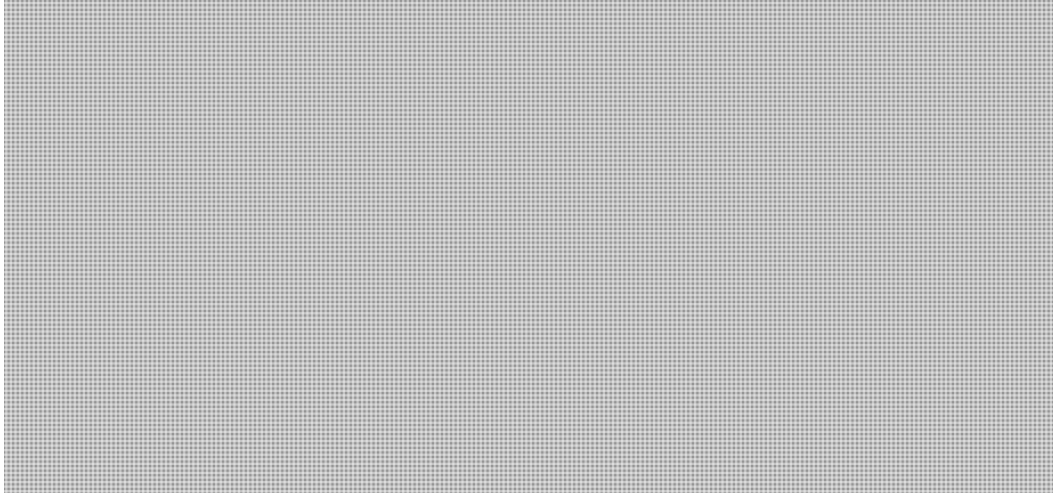
ARTICLE VII



DRAFT
DAWSON
4/20/82

s.23

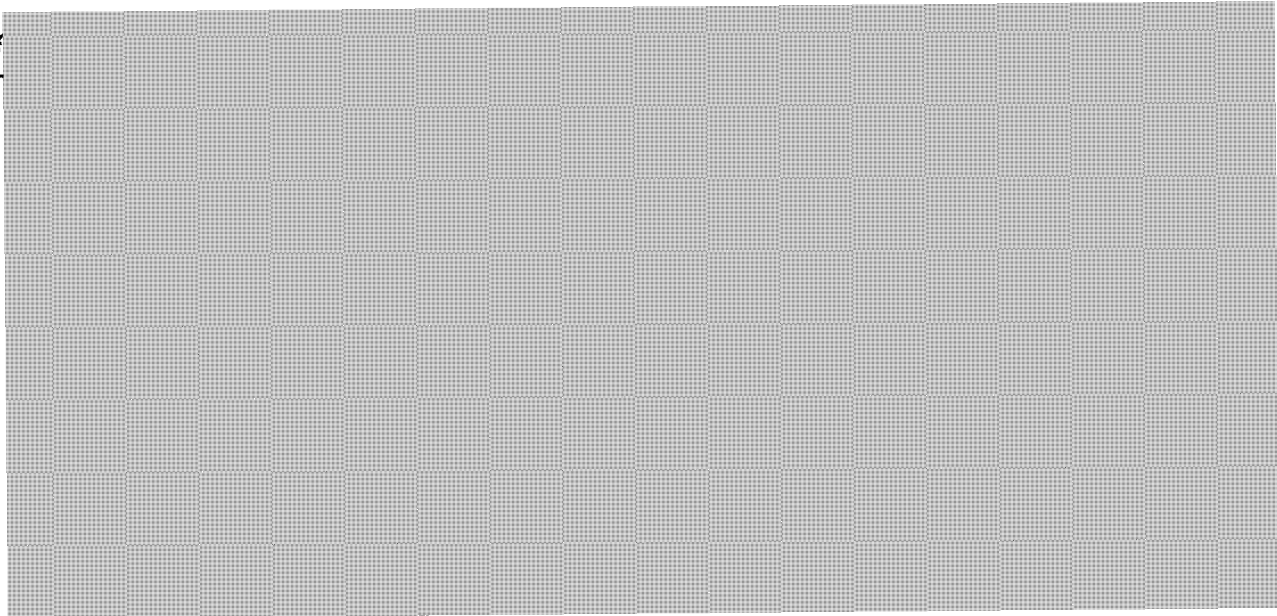
ARTICLE V11



s.23

U.S. PROPOSAL

ARTICLE 4X



CONFIDENTIAL

April 23, 1982

INDEX

Preamble

1. Definitions
2. Commission and Panels
3. Principles
4. Conduct of Fisheries
5. Salmon Enhancement Programs
6. Fraser River
7. Transboundary Rivers
8. Steelhead
9. Research
10. Domestic Allocation
11. Technical Dispute Settlement
12. Annexes
13. Implementation
14. Entry Into Force and Termination

- 1 -

PACIFIC SALMON AGREEMENT

PREAMBLE

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

Considering the interests of both Parties in the
conservation and rational management of Pacific salmon
stocks and in the promotion of optimum production of such
stocks;

Recognizing that States in whose waters salmon
stocks originate have the primary interest in and
responsibility for such stocks;

Recognizing that salmon originating in the waters
of each Party are intercepted in substantial numbers by the
nationals and vessels of the other Party, and that the
management of stocks subject to interception is a matter of
common concern;

Desiring to cooperate in the management, research
and enhancement of Pacific salmon stocks;

Have agreed as follows:

- 2 -

Article I

DEFINITIONS

- 3 -

Article II

COMMISSION AND PANELS

1. The Parties shall establish a Pacific Salmon Commission, hereinafter referred to as "the Commission", to be composed of two national sections, a Canadian Section and a United States Section.

2. The Commission shall have legal personality and shall enjoy in its relations with other organizations and in the territories of the Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Commission and its officers shall enjoy in the territory of a Party shall be subject to agreement between the Commission and the Party concerned.

3. The Commission shall consist of not more than eight Commissioners, of whom not more than four shall be appointed by each Party. Each Party may also appoint not more than four alternate Commissioners, to serve in the absence of any Commissioner appointed by that Party.

- 4 -

4. The Commissioners and alternate Commissioners shall hold office at the pleasure of the Party by which they were appointed.

5. At the first meeting of the Commission one section shall select from its members a Commission Chairman, and the other section shall select from its members a Vice-Chairman, each of whom shall hold office for the calendar year in which the Agreement enters into force and for such portion of the subsequent year as the Commission may determine. Thereafter the Chairman and Vice-Chairman shall hold office for a term of twelve months and shall be selected by their respective sections. The section which selects the first Chairman shall be determined by lot and thereafter the offices of Chairman and Vice-Chairman shall alternate between the Sections. If either office becomes vacant before the end of a term, the appropriate section shall select a replacement for the remainder of the term.

6. Each section shall have one vote in the Commission. A decision or recommendation of the Commission shall be made only with the approval of both sections.

7. Subject to the approval of the Parties, the Commission shall make such by-laws and procedural rules, for itself, for the Panels established pursuant to

- 5 -

paragraph 18, and for the Committees established pursuant to paragraph 17, as may be necessary for the exercise of their functions and the conduct of their respective meetings.

8. The Commission may make recommendations to or advise the Parties on any matters relating to the Agreement.

9. Unless otherwise agreed by the Parties, the seat of the Commission shall be at New Westminster, British Columbia, Canada.

10. The Commission shall hold an annual meeting and may hold other meetings at the request of the Chairman or of either party. The Chairman shall notify the Commissioners of the time and place of meetings. Meetings may be held at the seat of the Commission or at such other place as may be determined in accordance with the by-laws and procedural rules of the Commission.

11. Each Party shall pay the expenses of its own section.

12. The Commission shall prepare an annual budget of joint expenses and submit it to the Parties for approval. The Parties shall bear the costs of the budget in equal shares unless otherwise agreed, and shall pay their shares

- 6 -

as the by-laws may specify after the budget has been approved by both Parties.

13. The Commission shall authorize the disbursement of funds contributed by the Parties pursuant to paragraph 12, and may enter into contracts and acquire property necessary for the performance of its functions.

14. The Commission shall submit to the Parties an annual report on its activities and an annual financial statement.

15. The Commission shall appoint an Executive Secretary, who, subject to the supervision of the Commission, shall be responsible for the general administration of the Commission.

16. The Commission may engage staff or authorize the Executive Secretary to do so. The Executive Secretary shall have full authority over the staff subject to the direction of the Commission. If the office of the Executive Secretary is vacant, the Commission shall determine who shall exercise that authority.

17. The Commission shall establish a Committee on Research and Statistics and a Committee on Finance and

- 7 -

Administration. The Commission may eliminate or establish committees as appropriate.

18. The Commission shall establish Panels as specified in Annex I. The Commission may recommend to the Parties the elimination or establishment of Panels as appropriate.

19. The Panels shall provide information and make recommendations to the Commission with respect to the functions of the Commission and carry out such other functions as the Agreement may specify or as the Commission may direct.

20. In cases where fisheries intercept stocks for which more than one Panel is responsible, the appropriate Panels shall meet jointly to carry out the functions specified in paragraph 19. If the Panels cannot agree, each may make an independent report to the Commission.

21. Each Panel shall consist of not more than 6 members from each Party. Each Party may designate alternate Panel members to serve in the absence of any Panel member appointed by that Party.

22. Except as otherwise provided in the Agreement, paragraphs 4, 5, 6, 10 and 11 apply, mutatis mutandis, to each Panel.

- 8 -

Article III

PRINCIPLES

1. With respect to the stocks subject to this Agreement, each Party shall conduct its fisheries and its salmon enhancement programs so as to provide for:

- (a) adequate spawning escapement and optimum production; and
- (b) each Party receiving benefits equivalent to the production of salmon originating in its waters.

2. In fulfilling their obligations pursuant to paragraph 1, the Parties shall take into account:

- (a) the desirability in most cases of reducing interceptions;
- (b) the desirability in most cases of avoiding undue disruption of existing fisheries; and
- (c) annual variations in abundance of the stocks.

- 9 -

3. [Except as agreed by the Parties, neither Party shall initiate new intercepting fisheries or expand the rate of interception in existing fisheries.]

4. With respect to stocks subject to this Agreement, the Parties shall cooperate in management, research and enhancement programs.

- 10 -

Article IV

CONDUCT OF FISHERIES

In order to facilitate the implementation of Articles III, VI and VII:

1. On or before _____ in each year, or on such other date as the Parties may agree, each Party shall submit a report on its fishing activities in the previous year to the other Party and to the Commission. The Commission shall forward the reports to the appropriate Panels.

2. The Panels shall consider the reports submitted pursuant to paragraph 1 and shall provide their views to the Commission. The Commission shall review the reports of the Panels and shall provide its views to the Parties.

3. On or before _____ in each year, or on such other date as the Parties may agree, the State of origin shall submit preliminary information for the ensuing year to the other Party and to the appropriate Panel, including:

- 11 -

- (a) the estimated size of the run;
- (b) the interrelationship between stocks;
- (c) the spawning escapement required;
- (d) the total allowable catch;
- (e) its intentions concerning regulation of fisheries in its own waters; and
- (f) its domestic allocation objectives wherever appropriate. x

4. The Panel shall examine the information exchanged pursuant to paragraph 3 and report its views to the Commission with respect to fishery regimes for the following year.

5. The Commission shall thereupon review the reports of the Panels and shall recommend fishery regimes to the Parties.

6. On adoption by both Parties, the fishery regimes referred to in paragraph 5 shall be attached to this Agreement as Annex III.

- 12 -

7. Each Party shall establish and enforce regulations to achieve the fishery regimes referred to in paragraph 6. Each Party, in a manner to be determined by the Commission, shall notify the Commission and the other Party of these regulations and shall promptly communicate to the Commission and to the other Party any in-season modifications.

Article V

SALMON ENHANCEMENT PROGRAMS

1. Salmon enhancement programs that may be established by the Parties shall be considered subject to the provisions of Article III.
2. On or before _____ in each year, or on such other date as the Parties may agree, each Party shall provide to the other Party and to the appropriate Panel information pertaining, inter alia, to:
 - (a) operations of and plans for existing projects;
 - (b) plans for new projects; and
 - (c) its views concerning the other Party's salmon enhancement projects.
3. The Panel shall examine the information and provide its views to the Commission in the light of the obligations set forth in Article III.
4. The Commission shall thereupon review the report of the Panel and may make recommendations to the Parties.

- 14 -

Article VI

FRASER RIVER

1. This Article applies to Fraser River sockeye and pink salmon harvested in the area specified in Annex II.
2. Notwithstanding the provisions of Article IV, paragraph 7, upon acceptance by the Commission of the fishery regime for the stocks covered by this Article, the Fraser River Panel shall propose regulations to the Commission for the harvest of stocks covered by this Article.
3. The Fraser River Panel shall review with other appropriate Panels the fishery regimes and management objectives of the Parties with respect to salmon other than Fraser River sockeye and pink salmon before proposing regulations pursuant to paragraph 2. The Fraser River Panel and the Commission shall [seek to] ensure that regulatory proposals and recommendations meet the requirements of the Parties with respect to the management of stocks other than Fraser River sockeye and pink salmon.

- 15 -

4. [In fulfilling their functions under this Agreement, the Fraser River Panel and the Commission shall take into account the domestic allocation objectives of the Parties and the entitlement of the United States with respect to stocks referred to in paragraph 1, as specified in Annex _____.]

5. On the basis of the proposals made by the Panel, the Commission shall recommend regulations to the Parties (timing) for approval. The regulations shall become effective upon approval by the Party in whose waters such regulations are applicable.

6. During the fishing season, the Fraser River Panel may make orders for the adjustment of fishing times and areas stipulated in the annual regulations in response to variations in anticipated conditions. The Parties shall give effect to such orders in accordance with their respective laws and procedures.

7. Paragraph dealing with responsibilities of Panel for field work to be developed.

8. The Parties shall not regulate their fisheries in areas outside the area specified in Annex II in a manner that would prevent achievement of the objectives of the fishery regime for the stocks covered by this Article.

Article VII

TRANSBOUNDARY RIVERS

- [1. This Article applies to salmon stocks originating in rivers rising in Canada and flowing to the sea through the United States whenever salmon stocks originate in the Canadian portion of the rivers, hereinafter referred to as transboundary rivers.
2. Notwithstanding Article IV, paragraph 3(c), the Panels shall provide their views to the Commission on the spawning escapement to be provided for any transboundary river stocks that either section of the Panel may designate.
3. On the basis of the views of the Panels, the Commission shall recommend to the Parties the spawning escapement to be provided for the transboundary river stocks.
4. The entitlements of the Parties with respect to stocks referred to in paragraph 1 shall be specified in Annex V.

- 17 -

5. .[Paragraph on cooperation in joint enhancement to
be developed.]

X

- 18 -

Article VIII

STEELHEAD

In fulfilling their functions, the Panels and Commission shall take into account the conservation of steelhead.

- 19 -

Article IX

RESEARCH

1. The Parties shall conduct research to investigate:
 - (a) the migratory and exploitation patterns, the productivity and the status of stocks of common concern; and
 - (b) the extent of interceptions by the fishermen of each country.
2. The Commission may make recommendations to the Parties regarding the conduct and coordination of research.
3. Subject to normal requirements, the Parties shall allow nationals, equipment and vessels of the United States and Canada conducting research approved by the Commission to have access to their waters for the purpose of carrying out such research.

- 20 -

Article X

DOMESTIC ALLOCATION

- 21 -

Article XI

TECHNICAL DISPUTE SETTLEMENT

- 22 -

Article XII

ANNEXES

1. [All references to this Agreement shall include the Annexes.]
2. The Commission, whenever appropriate, shall review the Annexes and may make recommendations to the Parties for their amendment.
3. The Annexes may be amended by the Government of Canada and the President of the United States of America through an Exchange of Notes.
4. The Commission shall publish the texts of the Annexes whenever amended.

- 23 -

Article XIII

IMPLEMENTATION

Each Party shall:

- (a) enact and enforce such legislation as may be necessary to implement this Agreement;
- (b) require reports from its national and vessels of catch, effort and related data for all stocks governed by this Agreement and make such data available to the Commission; and
- (c) exchange fisheries statistics and any other relevant information on a current and regular basis in order to facilitate the implementation of this Agreement.

- 24 -

Article XIV

ENTRY INTO FORCE AND TERMINATION
OF AGREEMENT

1. This Agreement is subject to ratification. It shall enter into force upon the exchange of instruments of ratification at _____.

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

3. (Termination of IPSFC to be developed.)

ANNEX 5

1. With respect to the benefits referred to in Article III, paragraph 1(b), the Canadian entitlement in 1983 and 1984 shall be 250,000 salmon each year.
2. The entitlement referred to in paragraph 1 shall reflect the proportional contribution from the stocks by species in the catches.
3. For 1985 and annually thereafter, the Commission shall review evidence on the contribution from the stocks in the catches, and shall recommend adjustments to the Canadian entitlements based on such review so that the Canadian entitlement shall be [62.5% of] the total harvest of the stocks.
4. Notwithstanding the provisions of paragraphs 1-3, the entitlement of the Parties to production from enhancement facilities in the Canadian sections of the rivers shall be negotiated on a case-by-case basis.]

ANNEX

U.S. Fraser River Entitlement: 125,000 sockeye
salmon and 200,000 pink salmon, annual average. Term
[Canadian proposal - 8 years] [United States proposal -
20 years].

LAO H.STRAUSS/rb/6-2643

Distr:

DEA
GNG
TWR
LAE

ACC	272762
FILE	25-5-7-2-SALMON-1

diary
circ
div
file✓

Ottawa, K1A 0G2

May 3, 1982

CONFIDENTIAL

Dear Mr. Goldberg,

...

I enclose herewith for your review and comment
a draft annex titled Technical Dispute Settlement.

Yours ~~only~~, Signed by
L. S. CLARK
Original signé par

L. S. Clark
Director,
Legal Operations Division

Mr. M. Goldberg, Q.C.
Legal Services,
Department of Fisheries and Oceans,
240 Sparks Street,
Ottawa, Ontario

cc: Mr. M. Hunter)
Mr. B. Steinbock) Department of Fisheries and Oceans
Mr. D. L. Kowal)

DRAFT ANNEX

s.23

TECHNICAL DISPUTE SETTLEMENT

