

CLASSIFIED

File No. Dossier 25-5-7-2-SALMON-1  
Volume 15 From-De 820701 To-A 821031

CLASSIFIÉ

TITLE — TITRE:

BOUNDARIES — WATER — HIGH SEAS — ~~\_\_\_\_\_~~

INTERNATIONAL PACIFIC SALMON FISHERIES —  
COMMISSION ( ~~\_\_\_\_\_~~ )  
" " (CDA-USA)

SEMI ACTIVE

Retention period - Période de retention:

PUBLIC RECORDS APPROVALS  
NOS. 68/001, 69/063 AND  
73/004

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OF  
EXTERNAL AFFAIRS

MINISTÈRE  
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ACCESS

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c/o 0915/92

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DATED FROM  
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1-7-82

TO  
JUSQU' AU

31-10-82

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

1. WASHINGTON DEPARTMENT OF FISHERIES RELEASED THE FOLLOWING PRESS RELEASE ON THE CHUM SALMON PROBLEM IN PACIFIC.

2. QUOTE. OCTOBER 29, 1982, OLYMPIA, WASHINGTON. SCHMITTEN REBUKES CANADIANS. WASHINGTON DEPARTMENT OF FISHERIES DIRECTOR ROLLAND SCHMITTEN EXPRESSED HIS CONCERN OVER RECENT CANADIAN ACTIONS IN THE CHUM SALMON FISHERY IN WASHINGTON-BRITISH COLUMBIA WATERS.

- THE CANADIAN ACTION STEMS FROM A DISPUTE OVER CHUM SALMON FISHING BY WASHINGTON COMMERCIAL FISHERMEN IN THE VICINITY OF PT. ROBERTS AND THE SAN JUAN ISLANDS.

- "IF ANYONE SHOULD BE UPSET ABOUT THE CHUM HARVEST QUESTION, IT IS US," SCHMITTEN SAID. "THE CANADIANS HAVE MANAGED THEIR CHUM SALMON FISHERIES IN A MANNER WHICH IGNORED THE BASIC AGREEMENT BETWEEN THE PARTIES." THIS AGREEMENT, SIGNED NEARLY TWO MONTHS AGO, PROVIDES FOR SHARING CHUM SALMON HARVESTS AT 1971-74 BASE LEVELS.

- SCHMITTEN SAID THE CANADIAN GOVERNMENT ALLOWED THE HARVEST OF BETWEEN 230,000 AND 350,000 FRASER RIVER CHUM SALMON WHILE U.S. FISHERMEN CAUGHT APPROXIMATELY 30,000 FRASER RIVER FISH, INCLUDING THOSE IN THE RECENT DISPUTED OPENING. "WITHOUT A CONSERVATION CONSTRAINT, U.S. FISHERMEN COULD HAVE HARVESTED ABOUT 200,000 FISH UNDER OUR AGREEMENT. THE CANADIANS MANAGED THEIR FISHERIES AS THOUGH THERE WAS NO CONSTRAINT YET. NOW THEY ARE TELLING US IT IS OUR FISHERY THAT IS CAUSING A CONSERVATION PROBLEM ON FRASER RIVER CHUM SALMON," HE SAID.

- "WE STRONGLY BELIEVE IN CONSERVATION OF THIS RUN OF FISH," SCHMITTEN EXPRESSED. "HOWEVER, FOR WASHINGTON FISHERMEN TO ACCEPT THE FULL BURDEN OF CONSERVATION IS UNREASONABLE. THE CANADIANS TOTALLY FAILED TO TAKE OUR FISHERIES INTO ACCOUNT WHILE ALLOWING THEIR FISHERMEN TO HARVEST THE DISPUTED STOCKS."

- "I WILL BE WATCHING CANADIANS ACTIONS VERY CLOSELY," SCHMITTEN SAID. "IF THEY CONTINUE TO OVERFISH THIS RUN, I WILL NOT KEEP OUR FISHERMEN ON THE BEACH. WE WILL MANAGE OUR FISHERIES ON FRASER RIVER STOCKS ON THE BASIS OF THEIR MANAGEMENT ACTIONS, NOT THEIR WORDS."

- "WE ARE VERY HOPEFUL THE CANADIANS WILL RETURN TO THE NEGOTIATING TABLE TO RESOLVE OUR INTERCEPTION PROBLEMS," SCHMITTEN INDICATED. "A LONG-TERM AGREEMENT SHOULD PREVENT THIS TYPE OF MISUNDERSTANDING IN THE FUTURE." END QUOTE. 44

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ACTION  
SUITE A DONNER

FACSIMILE TRANSMISSION

FAX NO: ..... POL- **29** .....

CLASSIFICATION: UNCLASSIFIED .....

DATE: NOVEMBER 3/82 .....

FROM: WHDG

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

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

NO. OF PAGES: 1 plus cover

SUBJECT: PACIFIC SALMON FISHERIES

AUTHORIZING OFFICER: BH DICKSON

SIGNATURE: *Bellamy Dickson*

ADDITIONAL COMMENTS OR INSTRUCTIONS:



| G. P. O.             |    |
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| 25-5-7-2-SALMON-1    | 1  |
| CC: 25-5-5-CAA-USA-2 | 2  |
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C O N F I D E N T I A L

FM EXTOTT LA01478 29OCT82

TO TOKYO

INFO BH FANDOOTT/HUNTER/STANFIELD DE OTZ

SFAX SEATL/MARTENS DE OTT

DISTR GPO GNG

---IPSFC REGS 1983

PLEASE PASS FOLLOWING TO STRAUSS ATTENDING INPFC MTG.

2. FANDO/HUNTER UNABLE TO CONTACT STATE/OES/DAWSON TO CONSULT  
RE PROPOSED LET SSEA TO CHAIRMAN IPSFC.

3. GRATEFUL YOU CONTACT DAWSON ON THIS SUBJ AND INFORM LAO OF  
OUTCOME SO THAT LET CAN BE SENT.

CCC/162 292231Z LA01478

FACSIMILE TRANSMISSION MESSAGE  
MESSAGE TRANSMISSION FACSIMILEADDRESSEE'S NAME  
RECEPTIONNAIRE/NOMA E H. CampbellSERVICE & BRANCH  
SERVICE ET DIRECTIONInternational Directorate

CITY/VILLE

OttawaANY SPECIAL INSTRUCTIONS FOR SENDING MESSAGE  
INSTRUCTIONS SPECIALES POUR ENVOI DE MESSAGEPls. pass to BALCON/External  
early Oct. 26.

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| FILE 25-5-7-2-SALMOX-1 |
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SENDER'S NAME  
EXPEDITEUR/NOMR. Morley / M. HunterSERVICE & BRANCH  
SERVICE ET DIRECTIONIntg'l Affairs

FLOOR/ETAGE

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TELEPHONE NUMBER

6809

COLLATOR #

NO. D'INTERCLASSEMENT

2000-005

NUMBER OF SHEETS TO FOLLOW

OCTOBER 25, 1982

P R E S S   R E L E A S E

CANADA - U.S. SALMON TALKS CANCELLED

Canadian government officials today cancelled salmon negotiations with the U.S.A. scheduled for this week in Vancouver, B.C.. This action was taken as a result of Washington State's decision to open a two-day commercial fishery, October 25 - 27, for chum salmon in areas around Point Roberts and the San Juan Islands. The majority of stocks in these areas are bound for the Fraser River. There have been no chum salmon fisheries this year in the Fraser River, and the net fisheries in Johnston Strait were closed last week for the balance of the season to conserve Fraser River stocks. Department of Fisheries and Oceans biologists estimate that the Fraser River escapement this year will be approximately 200,000 short of the escapement goal if no further fishing occurs. The Washington State fishery is expected to harvest another 30 to 50 thousand Fraser chums.

Last month the Department of Fisheries and Oceans and the Washington State Department of Fisheries agreed that fisheries at Point Roberts and the San Juan Islands would be managed in a manner consistent with meeting Fraser River chum escapement requirements. In the opinion of Canadian authority the openings announced by Washington State in these areas are not consistent with the intent of this agreement.



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FANDOTT/ HUNTER B H DE OTT

IMMEDIATE DELIVERY BY JOOONNN 28OCT82

GNG LAP LAE

YRTEL LAG 1420 18OCT82

PACIFIC SALMON INTERCEPTION AGREEMENT

ATTACHED IS EXPERTS ADVICE REQUESTED REPTEL.

HUNTER PLEASE TAKE COPY TO STRAUSS IN TOKYO.

INTERNATIONAL FISHERIES  
DIRECTORATE

OCT 29 1982

INTERNATIONAL FISHERIES  
DIRECTORATE

OCT 29 1982

Planned  
147 PM  
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TO MARTENS

RDm

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P 2 J 7  
003/27

MIINDT, MacGREGOR, HAPPEL, FALCONER & ZILALIF

s.23

ATTORNEYS AT LAW

JAY W. ZILALIF  
JAMES C. FALCONER  
HENRY HOWARD HAPPEL, III  
WM. PAUL MacGREGOR  
J. CARL MIINDT  
J. J. LEARY, JR.  
MATTHEW OSHEN  
FENTON P. WILKINSON  
KATHERINE ANN JANEWAY

1920 BANK OF CALIFORNIA CENTER  
SEATTLE, WASHINGTON 98104  
206-424-5950

October 27, 1982

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

The Honorable F. D. Martens, Consul  
Canadian Consulate General  
412 Plaza 600  
Sixth and Stewart  
Seattle, Washington 98101-1286

Re: Rights of Action/International Pacific  
Salmon Fisheries Convention

Dear Mr. Martens:

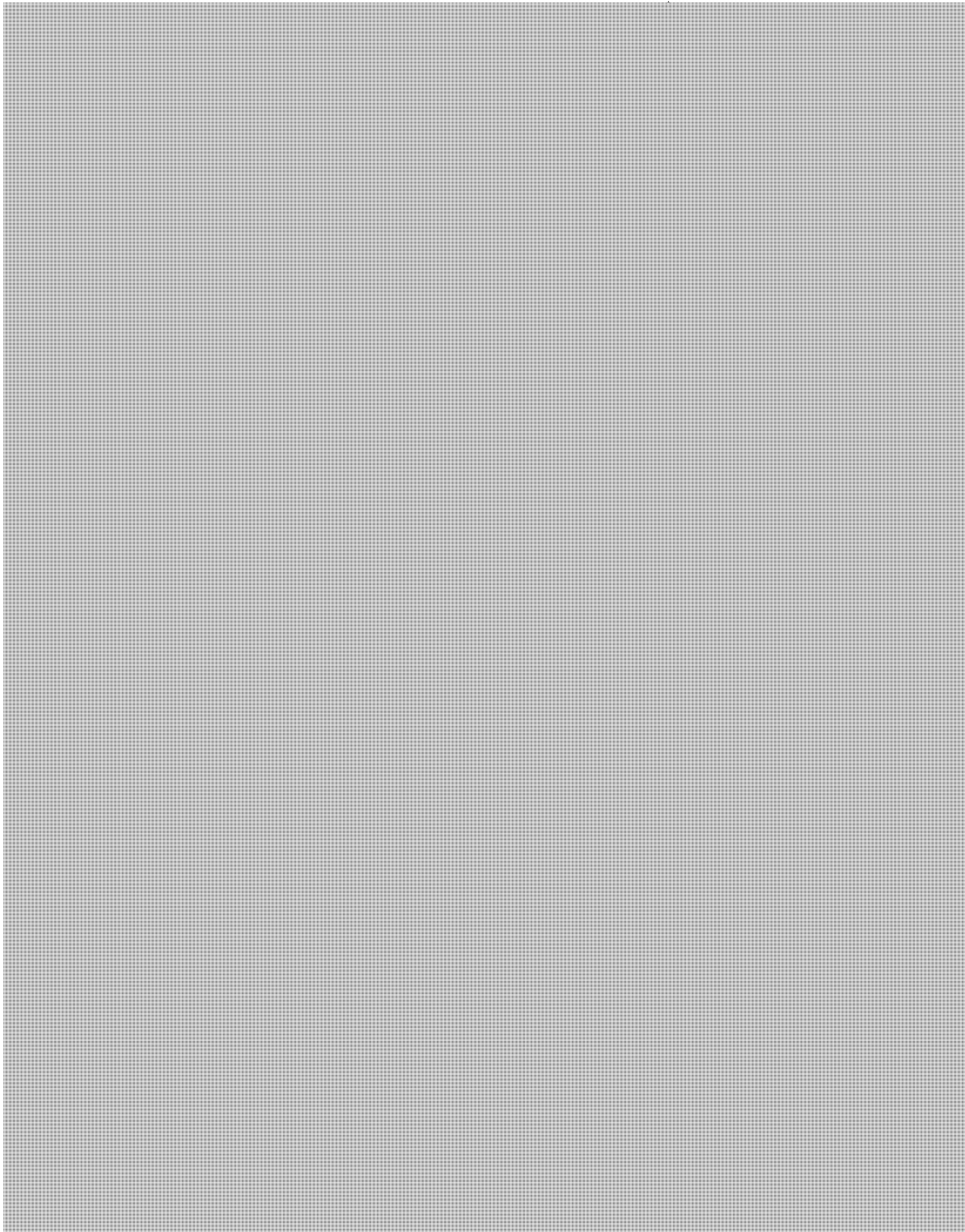


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The Honorable F.D. Martens, Consul  
October 27, 1982  
Page 2

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MUNDT, MA. GREGOR, HATEL  
FALCONER & ZULAU

003/27





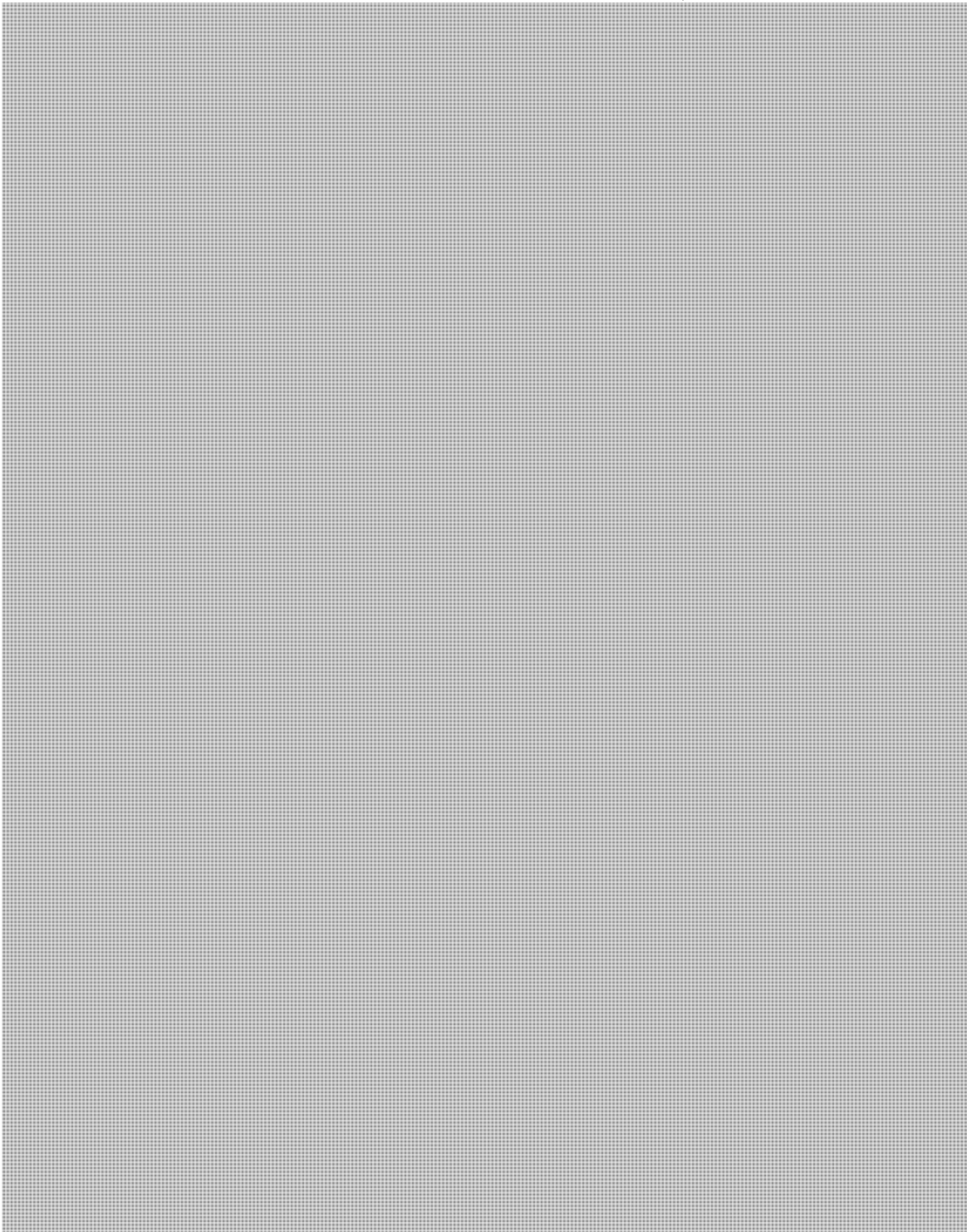
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The Honorable F.D. Martens, Consul  
October 27, 1982  
Page 3

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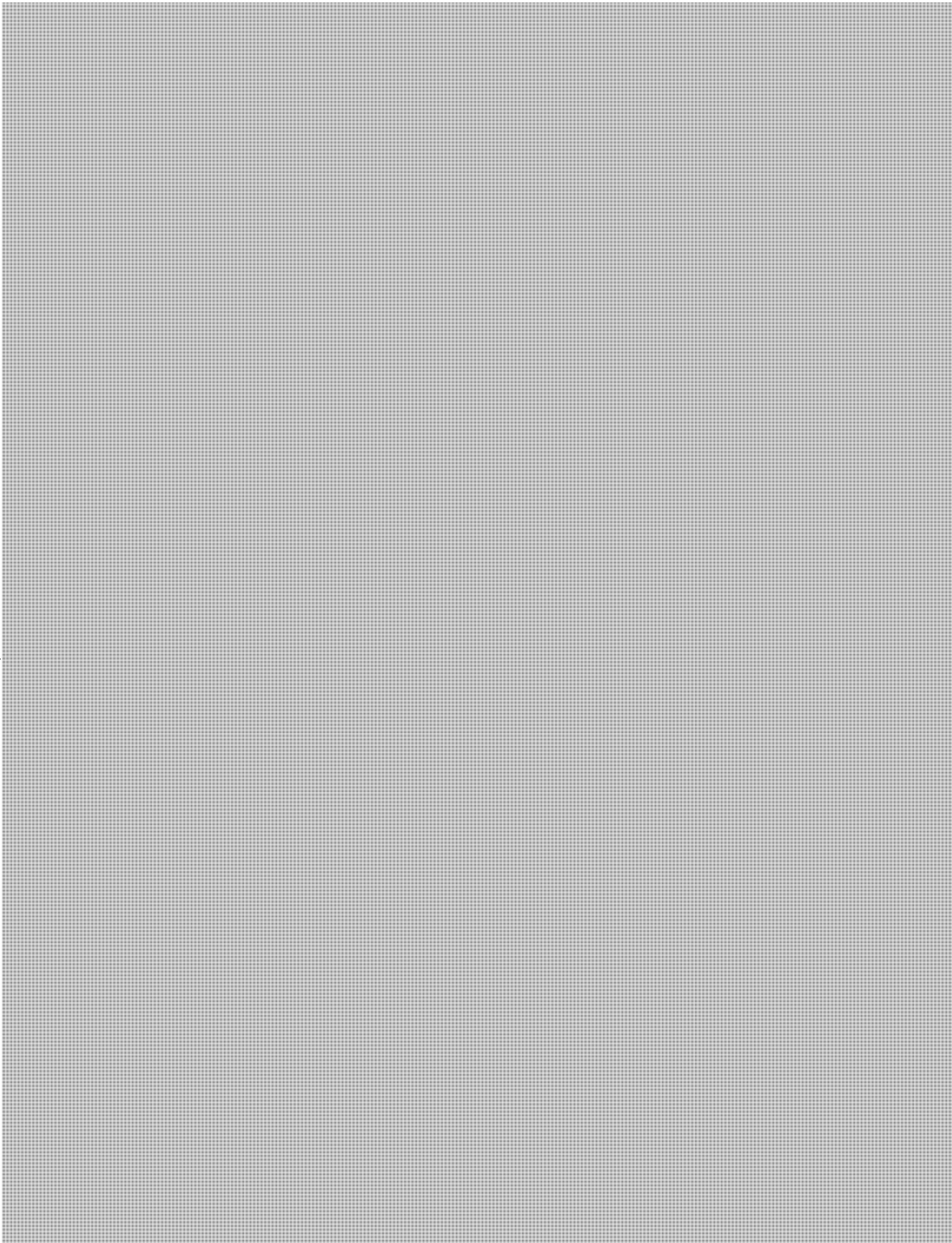
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The Honorable F.D. Martens, Consul  
October 27, 1982  
Page 4

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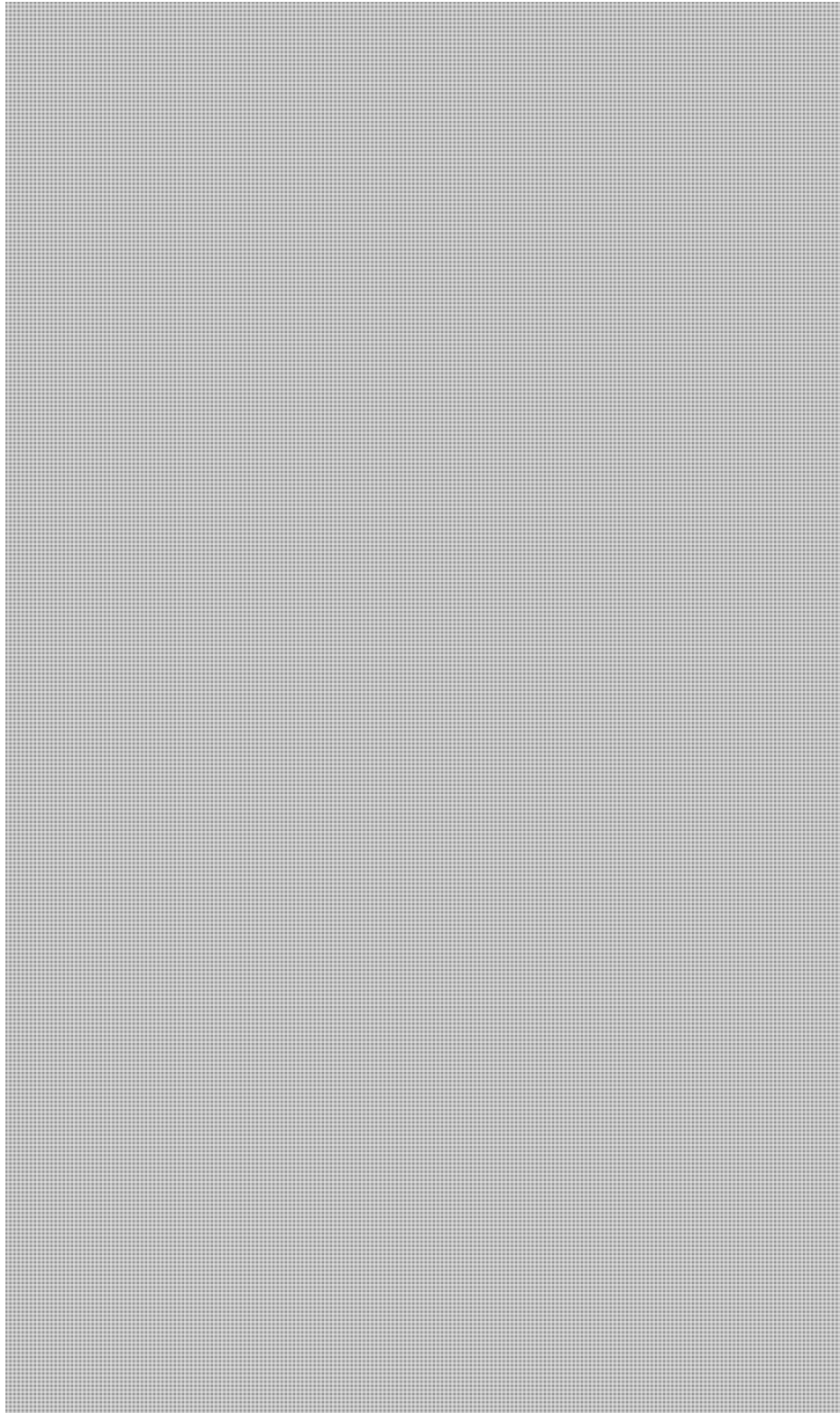


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The Honorable F.D. Martens, Consul  
October 27, 1982  
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FALCONER & ZULAUF

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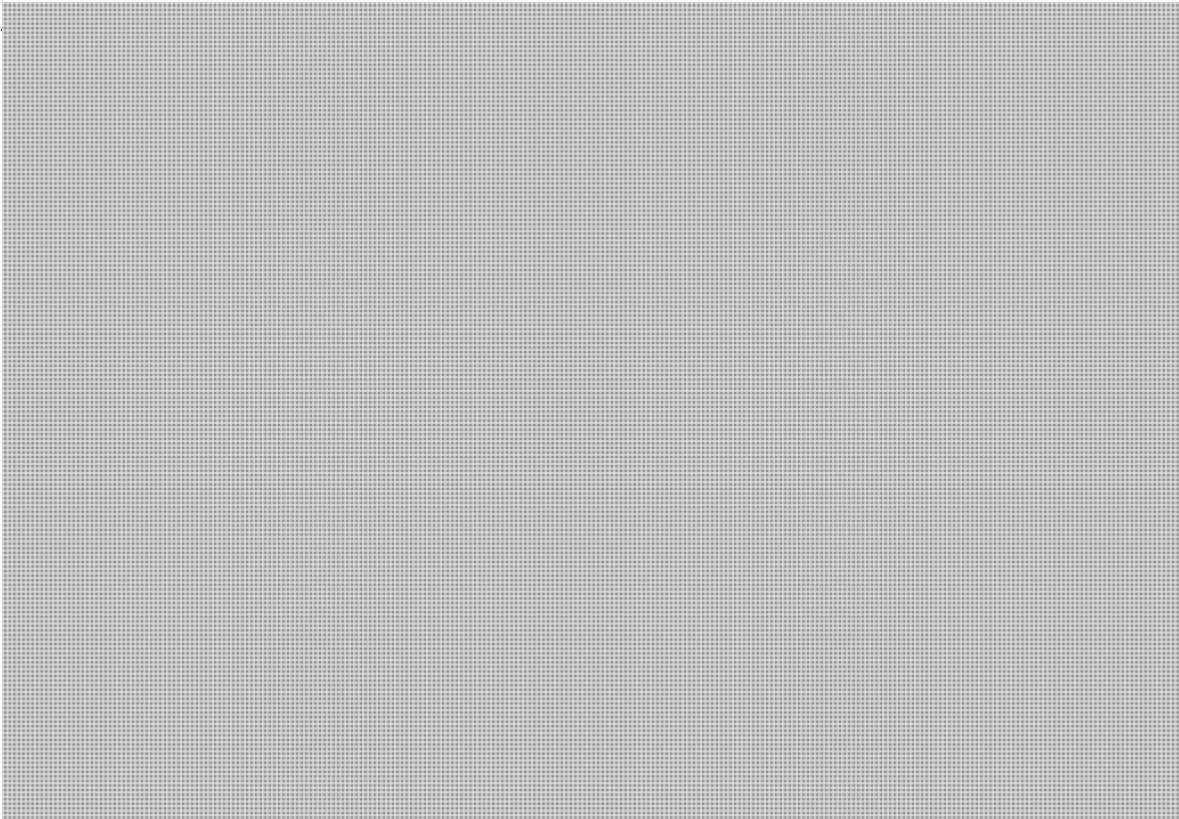




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The Honorable F.D. Martens, Consul  
October 27, 1982  
Page 6

P 7.77  
MUNDT, MacGREGOR, HAPPEL,  
FALCONER & ZULAUF  
003/27



Very truly yours,

MUNDT, MacGREGOR, HAPPEL,  
FALCONER & ZULAUF

J. Carl Mundt

JCM:tlr

CONFIDENTIAL

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27OCT82

EXTOTT LAO

SEA 003/27

IMMEDIATE

FANDOOT/ HUNTER B H DE OTT

IMMEDIATE DELIVEN BY 1000HHH 28OCT82

GNG LAP LAE

YRTEL LAG 1420 18OCT82

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TO MARTENS

001542

P 277  
003/27

s.23

MINDT, MACGREGOR, HAPPEL, FALCONER & ZILALIF  
ATTORNEYS AT LAW

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JAMES C. FALCONER  
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206-454-2650

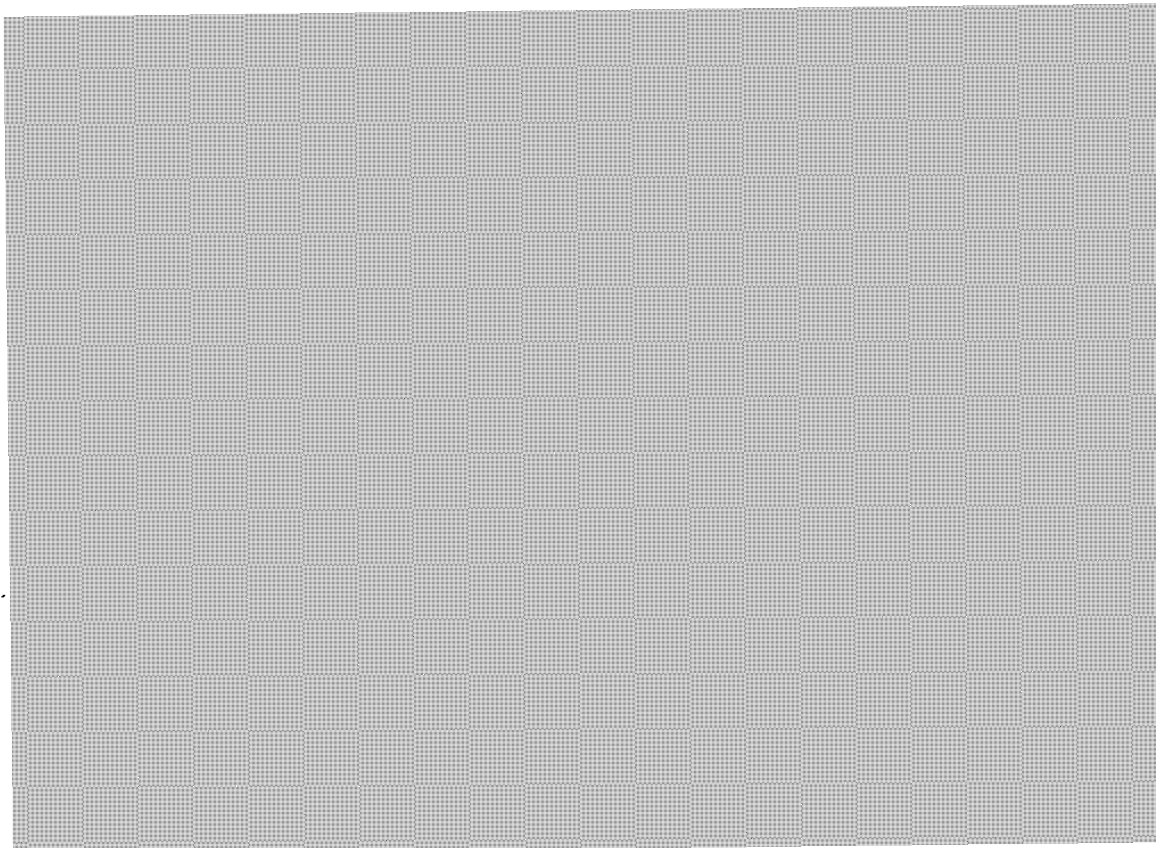
October 27, 1982

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The Honorable F. D. Martens, Consul  
Canadian Consulate General  
412 Plaza 600  
Sixth and Stewart  
Seattle, Washington 98101-1286

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Salmon Fisheries Convention

Dear Mr. Martens:

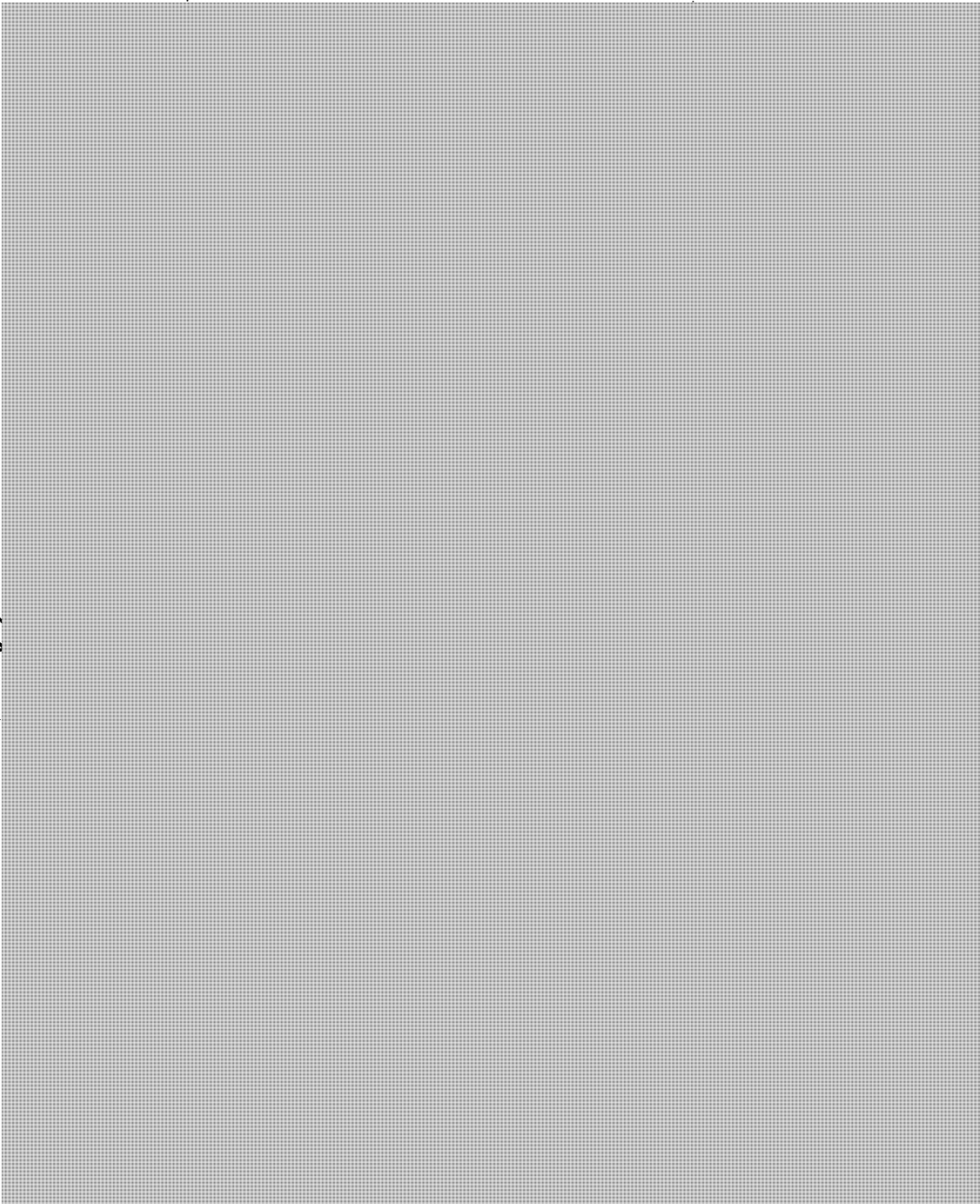


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The Honorable F.D. Martens, Consul  
October 27, 1982  
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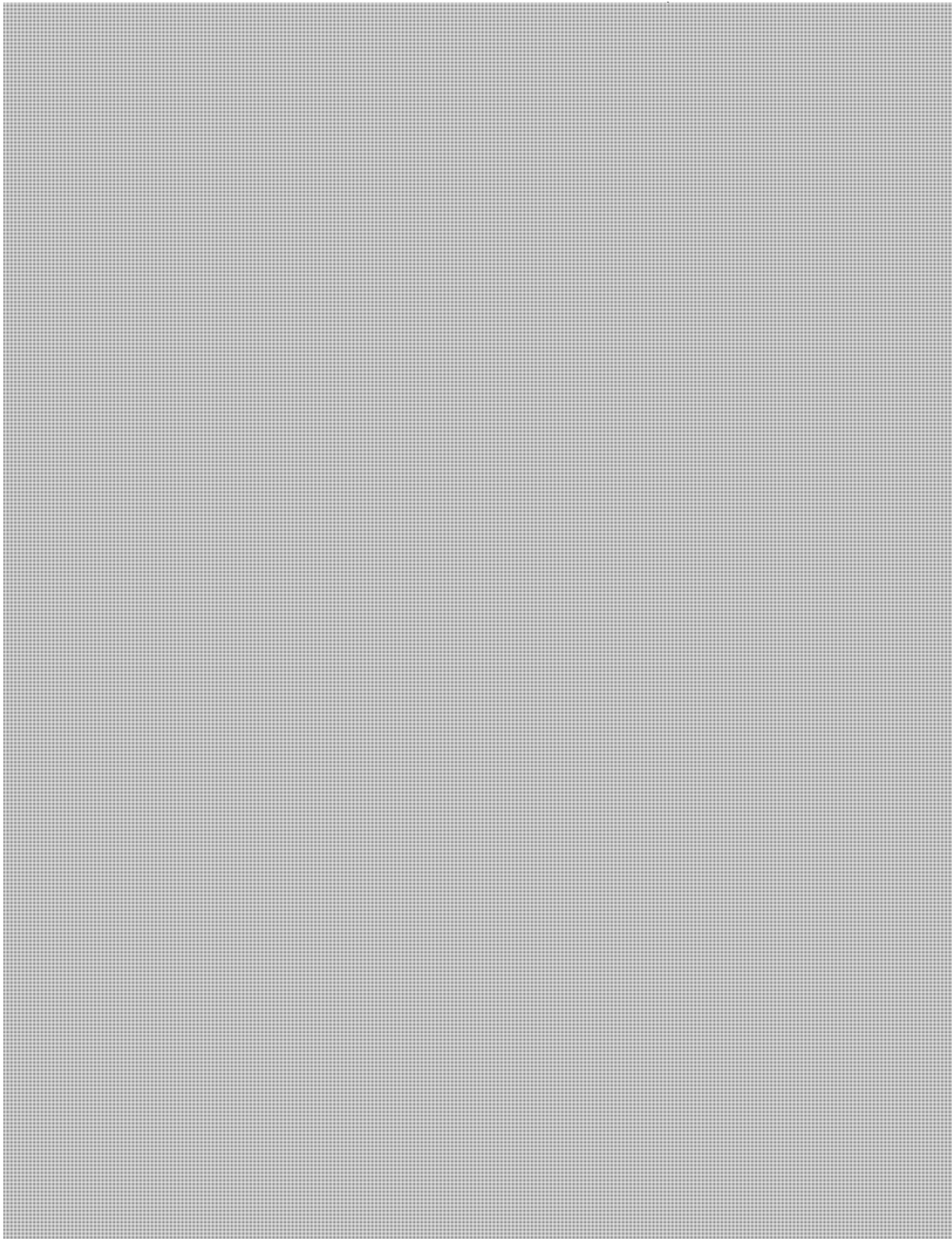
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The Honorable F.D. Martens, Consul  
October 27, 1982  
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FALCONER & ZILAU

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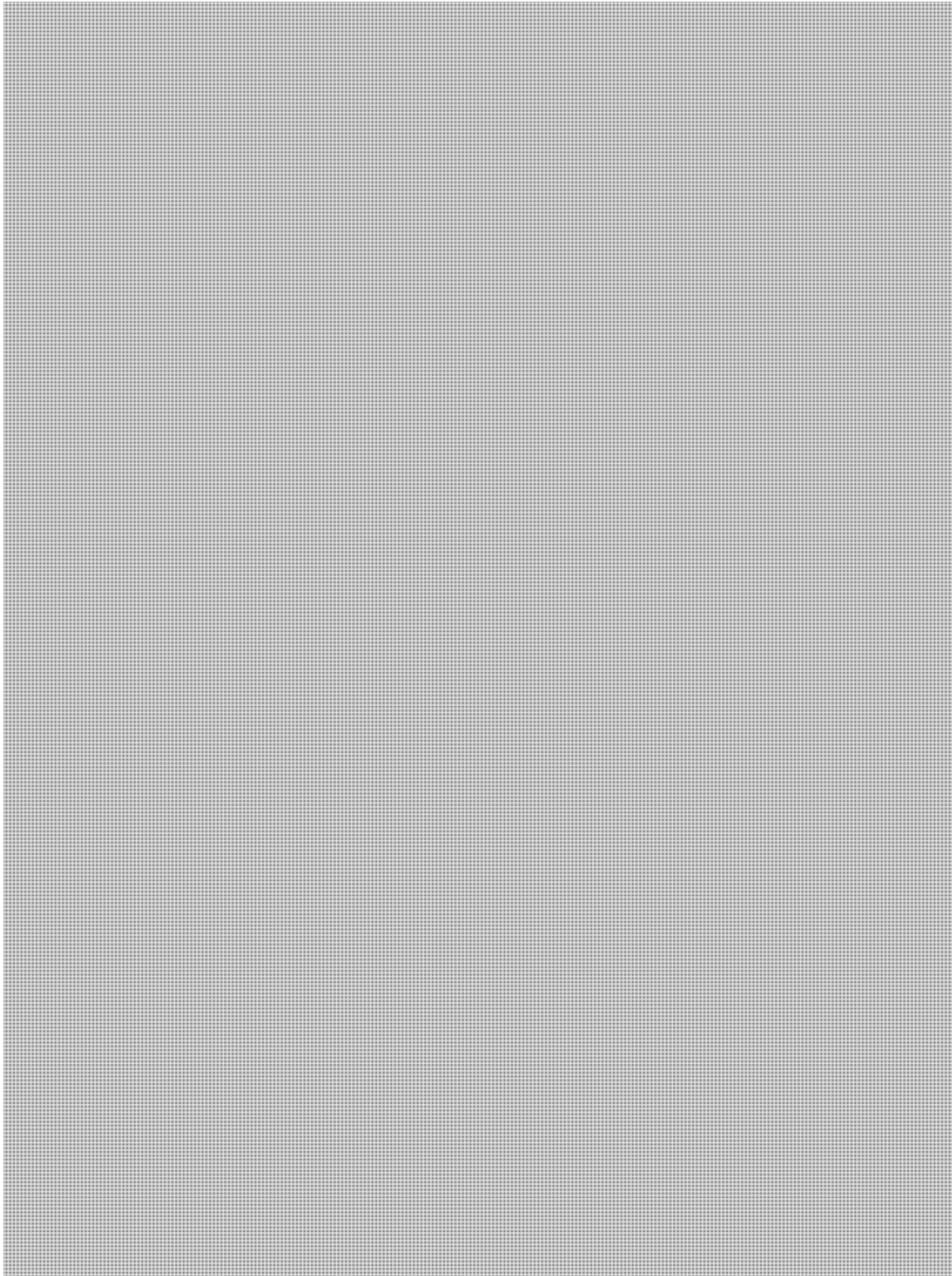
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The Honorable F.D. Martens, Consul  
October 27, 1982  
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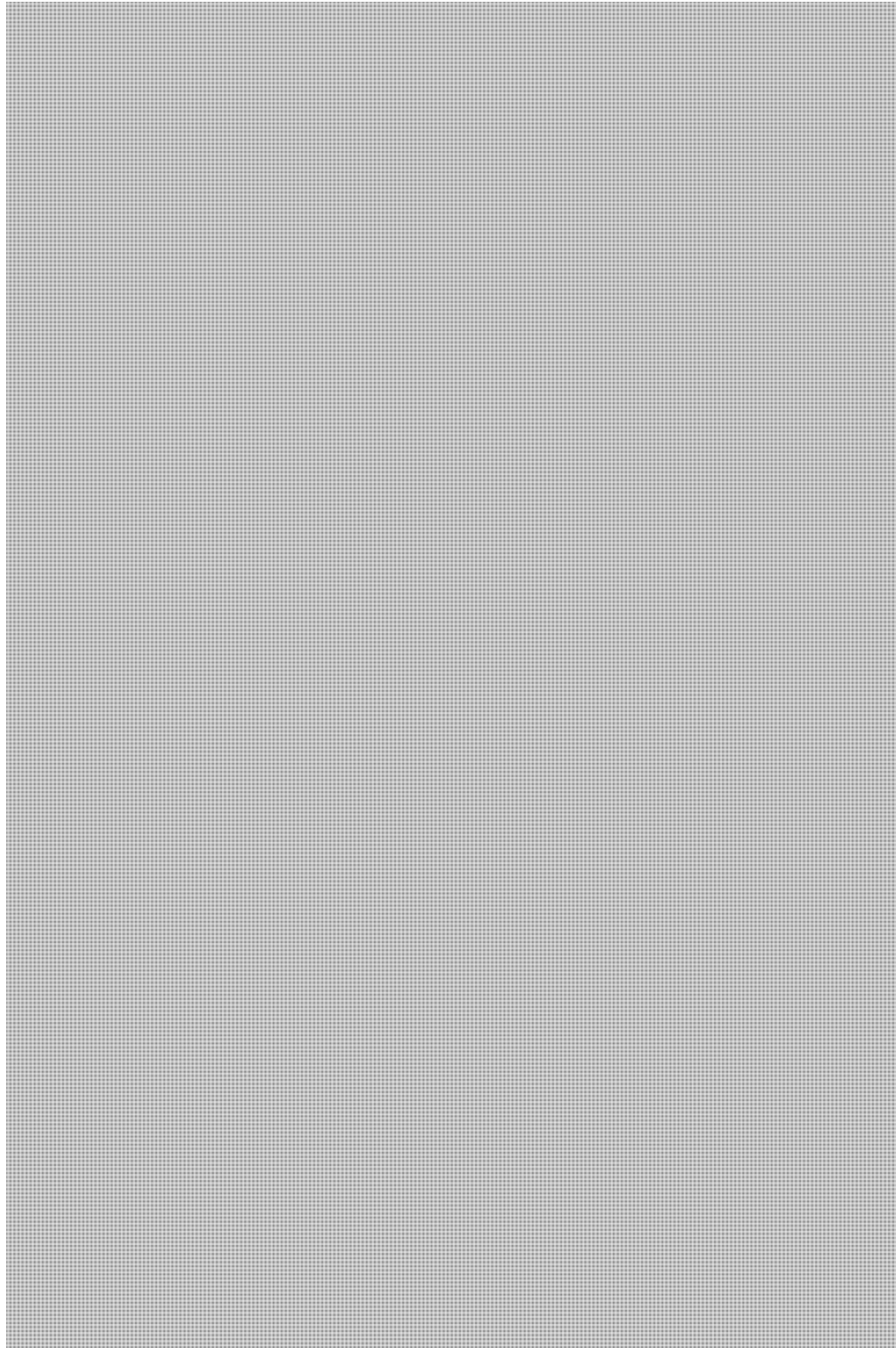


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The Honorable F.D. Martens, Consul  
October 27, 1982  
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The Honorable F.D. Martens, Consul  
October 27, 1982  
Page 6

P 7-77  
MUNDT, MacGREGOR, HAPPEL,  
FALCONER & ZULAUF

003/27



Very truly yours,

MUNDT, MacGREGOR, HAPPEL,  
FALCONER & ZULAUF

J. Carl Mundt

JCM:tlr

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LAO/D.W. Smith/2-2002/68  
D.W. Smith  
Legal Operations Division  
992-2002

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October 27, 1982

LAO-1463

Memorandum for the Deputy Prime Minister  
and Secretary of State for External Affairs

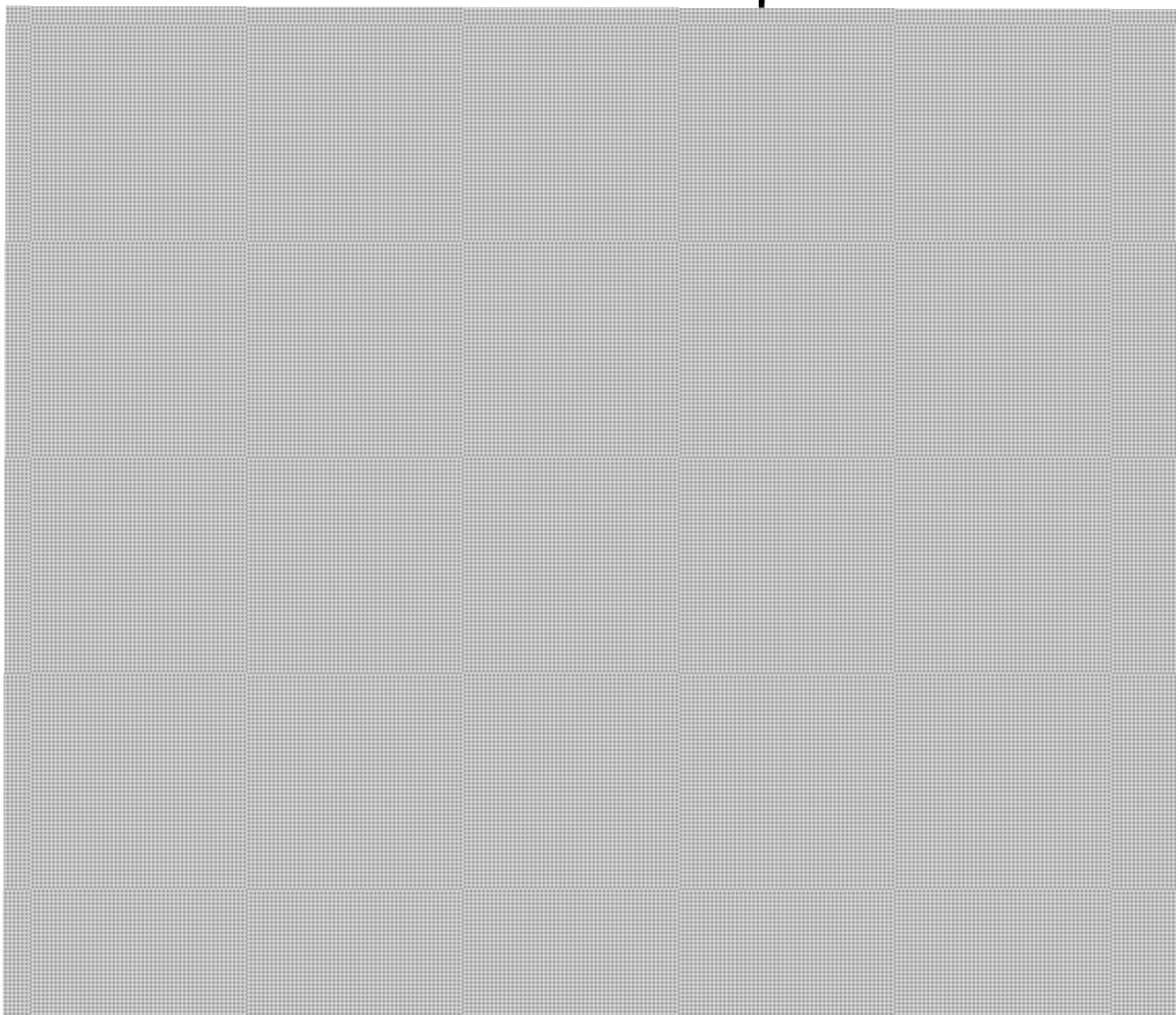
~~RETURN TO LAO~~

c.c. Minister of State (International Trade)  
c.c. Minister of State (External Relations)

Subject: Pacific Salmon Negotiations

PURPOSE:

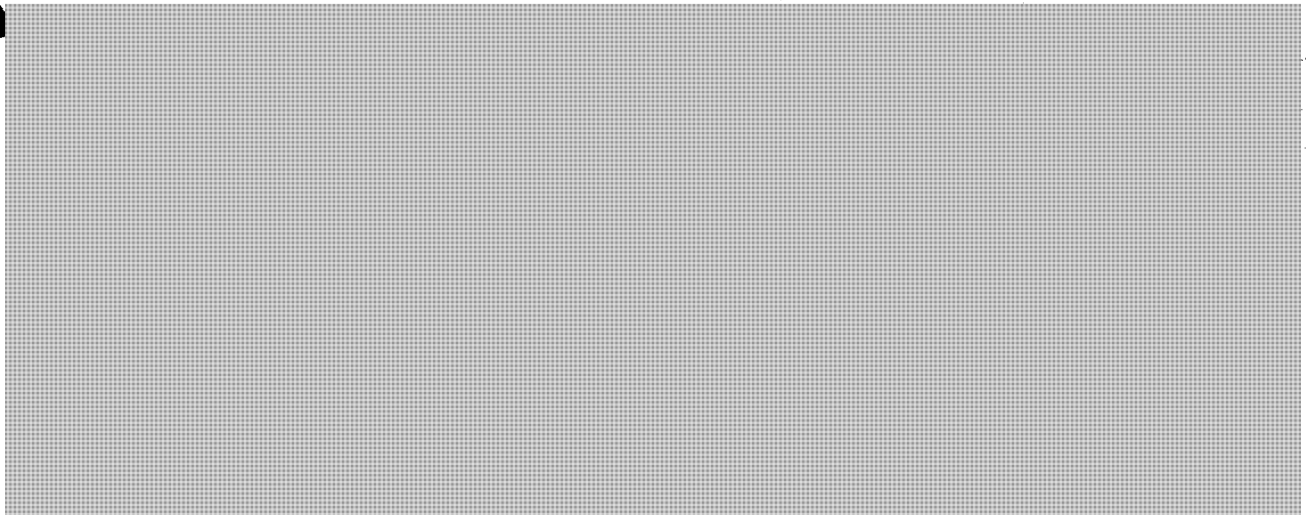
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ORIGINAL SIGNED BY  
ORIGINAL SIGNED BY  
L. H. LEGAULT

L.H. Legault  
Legal Adviser

Original Signed by  
de MONTIGNY MARCHAND  
de Montigny Marchand

OCTOBER 25, 1982

P R E S S   R E L A S E

CANADA - U.S. SALMON TALKS CANCELLED

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Last month the Department of Fisheries and Oceans and the Washington State Department of Fisheries agreed that fisheries at Point Roberts and the San Juan Islands would be managed in a manner consistent with meeting Fraser River chum escapement requirements. In the opinion of Canadian authority the openings announced by Washington State in these areas are not consistent with the intent of this agreement.

OFFICE  
OF THE  
SECRETARY OF STATE  
FOR  
EXTERNAL AFFAIRS

CABINET  
DU  
SECRÉTAIRE D'ÉTAT  
AUX  
AFFAIRES EXTÉRIEURES

TO/A: LAO

Date 3/11/82

FROM/DE: MINA

REFERENCE/RÉFÉRENCE:

*F. L. M.*

SUBJECT, SUJET: Minister's decision/Décision du Ministre

Seen by the SSEA.

*HS.*

H.J. Strauss/6-2643  
Legal Operations Division  
LAP/T.C. Bacon/2-2728  
Legal Affairs Branch

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October 27, 1982.

LAO-1464

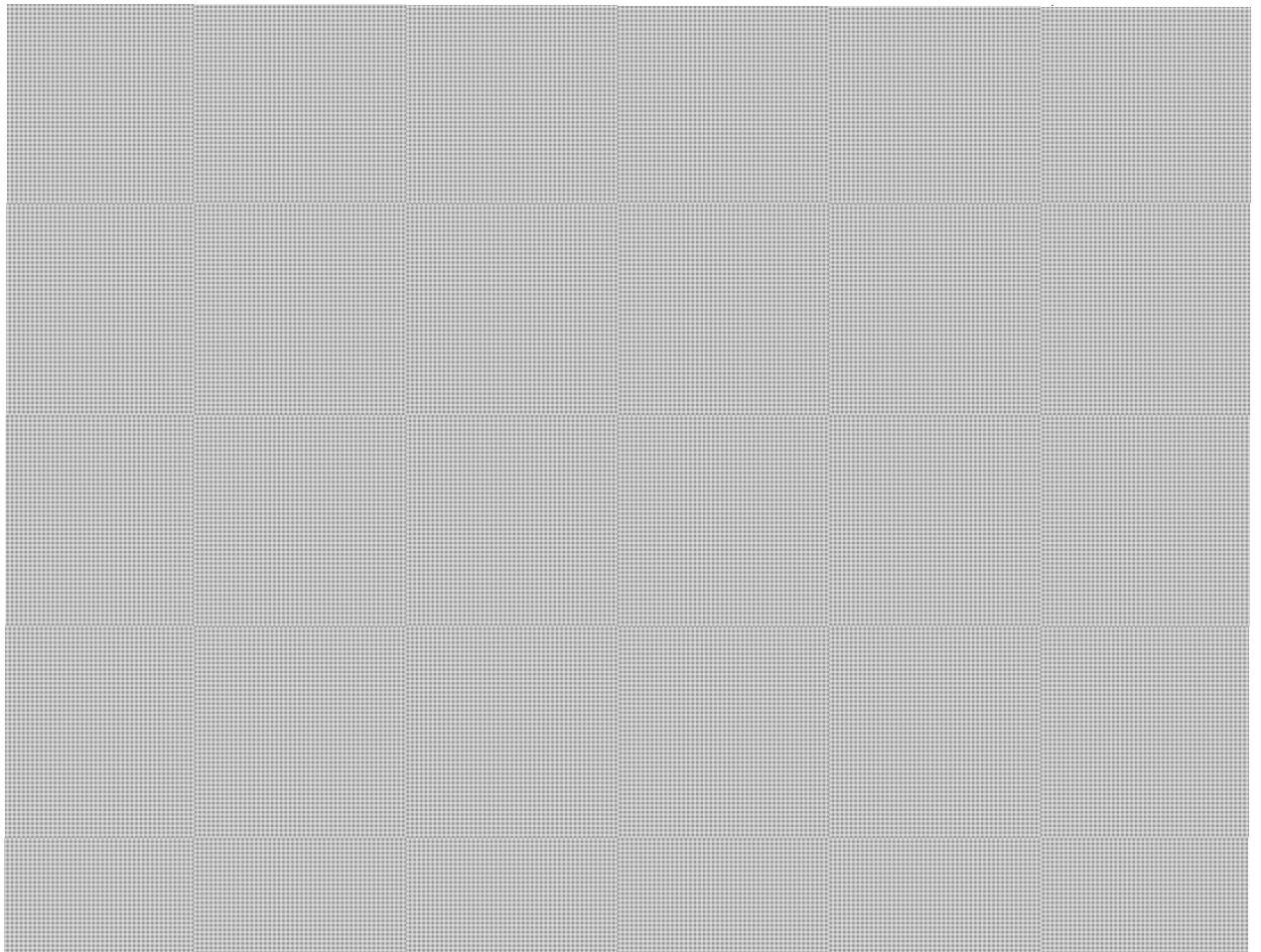
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Memorandum for the Deputy Prime Minister  
and Secretary of State for External Affairs

c.c: Minister of State (External Relations)  
c.c: Minister of State (International Trade)

Subject: Pacific Salmon Interception Negotiations  
between Canada and the USA

Purpose



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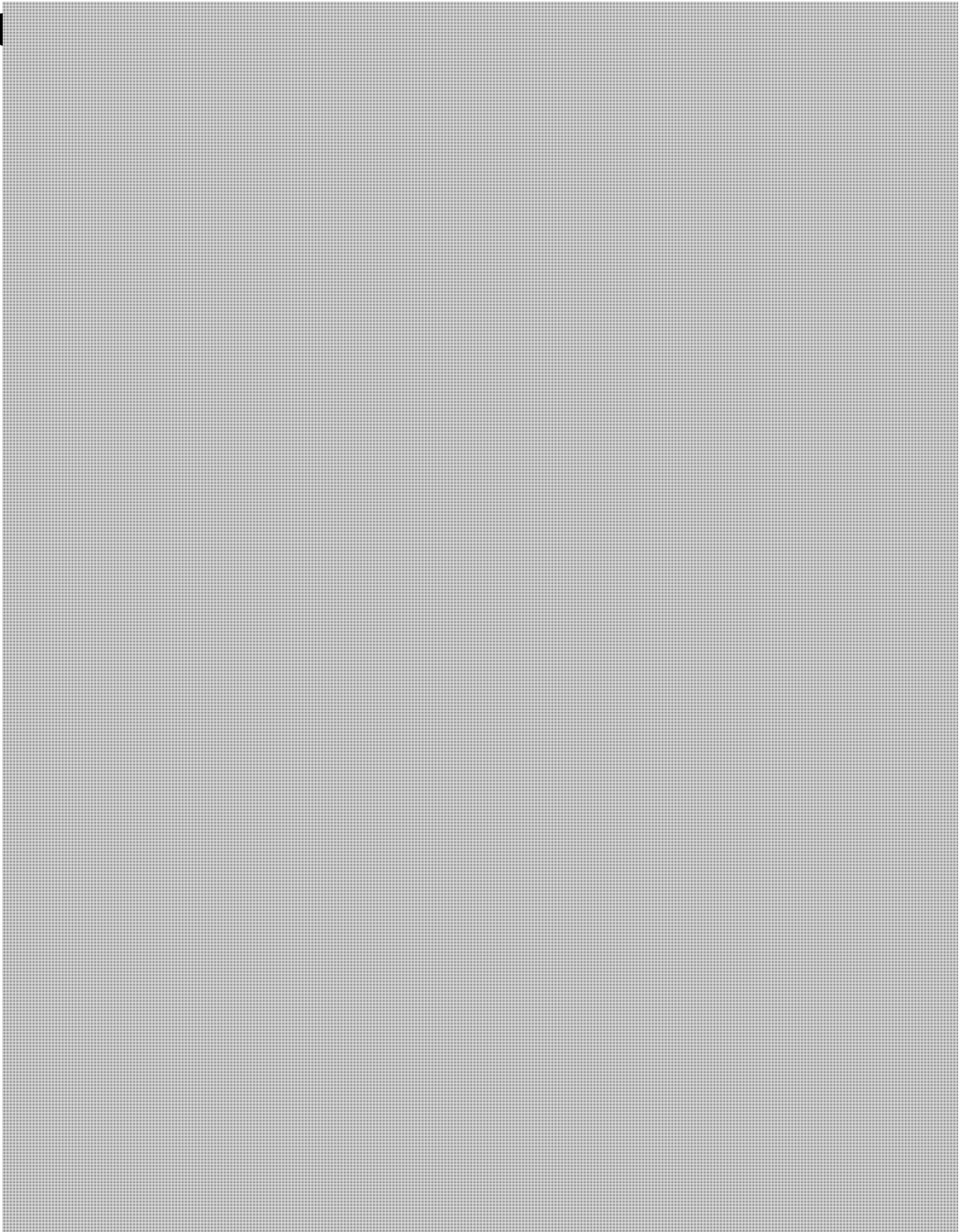
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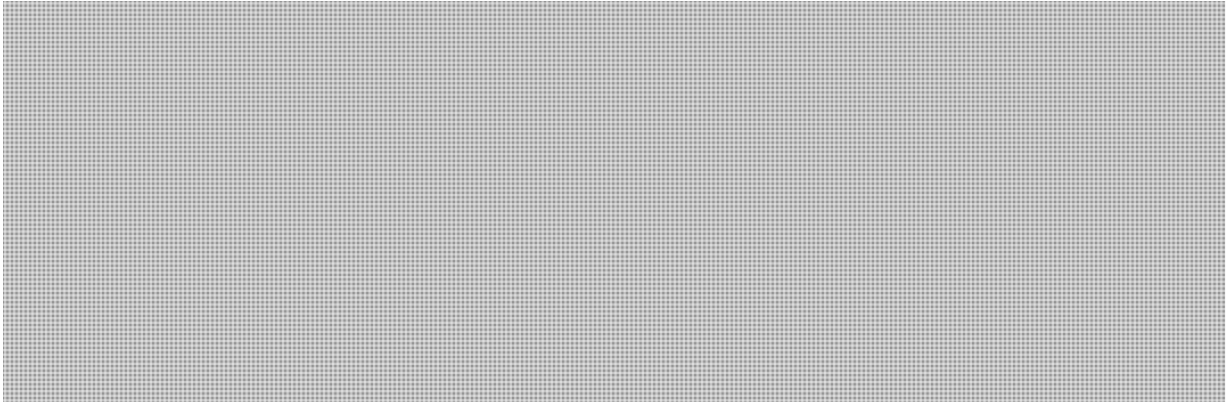
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ORIGINAL SIGNÉ PAR  
L. H. LEGAULT

L.H. Legault  
Legal Adviser

*M. Sheenstone*  
de Montigny Marchand





External Affairs  
Canada

Affaires extérieures  
Canada

TRANSMITTAL SLIP - NOTE D'ENVOI

TO/À MINA (through *PARL SEC* UAL DMF)  
FROM/DE LAO  
SUBJECT/SUJET Pacific Salmon Interception  
Negotiations between Canada  
and the USA

ATTACHMENT  
PIÈCE JOINTE Memorandum

|                      |               |
|----------------------|---------------|
| Security<br>Sécurité | CONFIDENTIAL  |
| File<br>Dossier      |               |
| Date                 | October 27/82 |

| DISTRIBUTION  | RECORD OF CONSULTATION<br>(Names/Divisions)<br>RAPPORT DE CONSULTATION<br>(Noms des individus/Directions) | ACTION/SUITE À DONNER   |
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TO BE RETAINED WITH FILE COPY - A CONSERVER AVEC L'EXEMPLAIRE DESTINÉ AU DOSS 001556

Distribution: MIA (5)

Parl. Sec./Sec. Parl.

PMO/CPM

USS

FPR

GNG

MIA

Department of External Affairs

Ministère des Affaires Extérieures

HOUSE OF COMMONS WORK - BRIEFING NOTE

LIVRE DE LA CHAMBRE DES COMMUNES - NOTES D'INFORMATION

Section

Subject/Highlights    Sujet/Points saillants

PACIFIC SALMON INTERCEPTION NEGOTIATIONS - On Monday, October 25, Canada postponed Canada-USA salmon negotiations scheduled to begin that day.

Source

25-5-72-Solmon-1

Assessment

Evaluation

Classification

UNCLASSIFIED

On September 10, 1982, officials of the Department of Fisheries and Oceans and the Washington State Department of Fisheries signed a management plan for coho and chum salmon stocks in the Strait of Juan de Fuca, the San Juan Islands and the Fraser River area. The plan specified that Washington State would manage chum salmon fisheries in its waters "consistent with the Canadian spawning escapement goal of 700,000 Fraser River chum with the understanding that Canada will do the same in Canadian waters". Despite this agreement and the fact that Fraser River chum salmon escapement targets have not yet been achieved, Washington State announced a two-day commercial fishery in the San Juan Islands and Point .../.

Suggested Reply

Réponse suggérée

- Recently, officials of the Department of Fisheries and Oceans and Washington State agreed to manage fisheries in the Point Roberts and San Juan Islands area consistent with Fraser River chum salmon escapement targets. Washington State announced a 2-day commercial fishery in these areas commencing October 25 despite Canada's objections that chum escapement targets are not yet met.

- In light of adverse reaction from Canadian fishermen, it was felt that negotiations could not proceed at the same time as the U.S. fishery and they were therefore postponed. I do not expect this matter to affect progress toward a mutually acceptable pacific salmon agreement.

Prepared by    Préparé par

Division    Direction

Date

Tel.no.    No de té

D.W. Smith

LAO

Oct. 27/82

992-2002

HOUSE OF COMMONS BOOK - BRIEFING NOTE

PACIFIC SALMON INTERCEPTION NEGOTIATIONS

Assessment (cont'd)

Roberts area commencing October 25, the same day as the Canada-USA salmon negotiations were to commence.

In light of public reaction, and particularly the reaction of the industry advisers on the Canadian delegation, it was decided after consultation with officials in both External Affairs and Fisheries and Oceans in Ottawa, that it was impossible to conduct negotiations in the atmosphere created by the opening of the U.S. fishery.

TCO  
FAX

CIRC-CHRON-DIARY FILE AM

RESTRICTED

(CLASSIFICATION)

DOSSIER  
25-5-7-2 Salmon

**REQUEST FOR FACSIMILE TRANSMISSION**  
**REQUETE POUR LA TRANSMISSION DE BELINOGRAMME**

TO/A: MGTC

DATE: 28OCT82

FROM/DE: LAO

NUMBER/NUMERO LAO-1465

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

WSHDC/DICKSON

(Indicate the address)

(Indiquez la destination)

(Indicate name of addressee)

(Indiquez le nom du destinataire)

at/à:

(Facsimile telephone number)

(Numéro de téléphone du bélino)

D.W. Smith

Signature

2-2002

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

D.W. Smith  
Legal Operations Division  
992-2002

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October 27, 1982

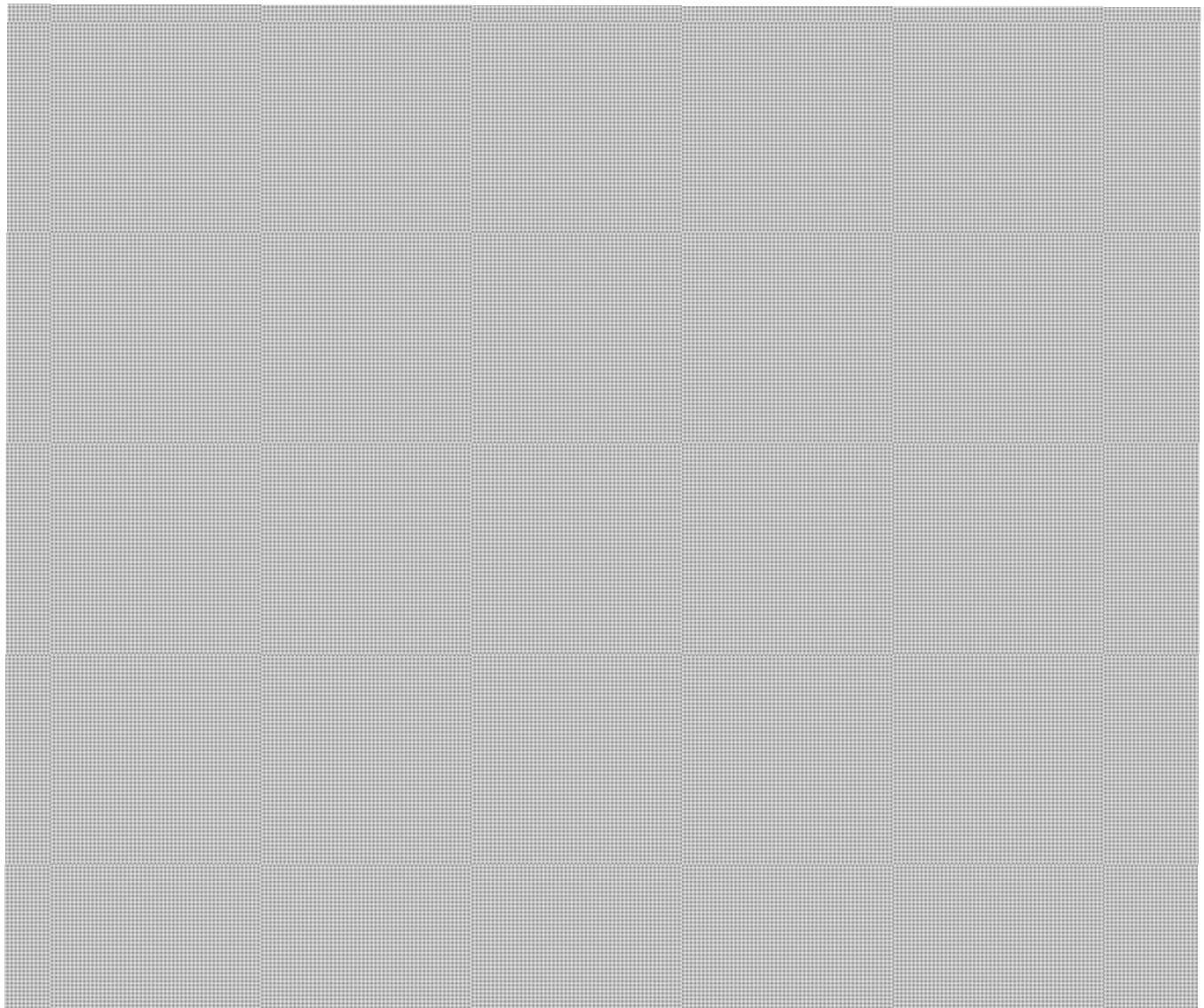
LAO-1463

Memorandum for the Deputy Prime Minister  
and Secretary of State for External Affairs

c.c. Minister of State (International Trade)  
c.c. Minister of State (External Relations)

Subject: Pacific Salmon Negotiations

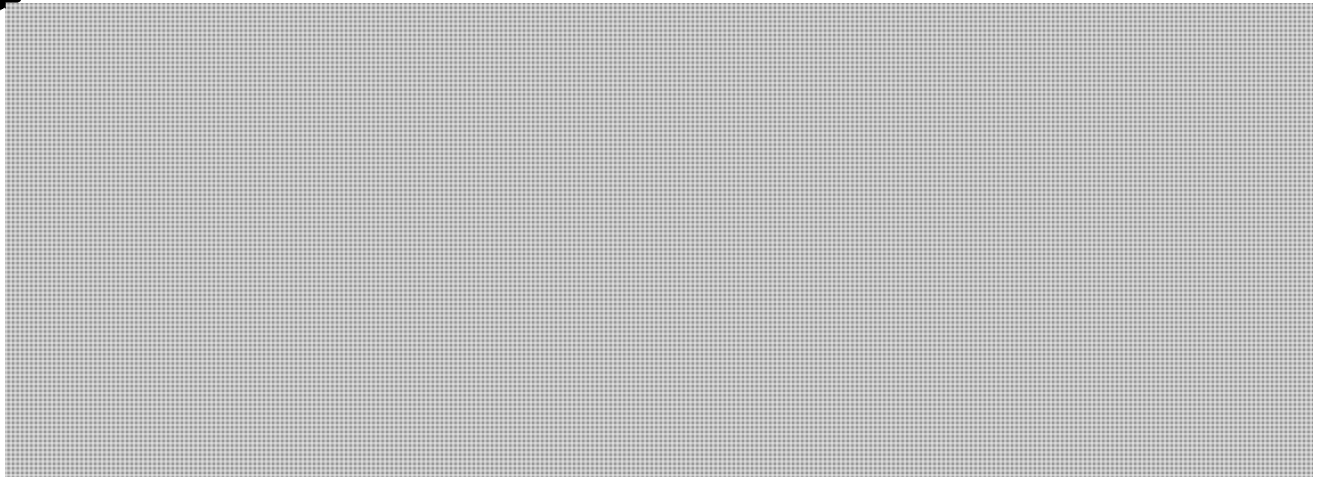
PURPOSE:



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s.23



L.H. Legault  
Legal Adviser

de Montigny Marchand

OCTOBER 25, 1982

P R E S S   R E L E A S E

CANADA - U.S. SALMON TALKS CANCELLED

Canadian government officials today cancelled salmon negotiations with the U.S.A. scheduled for this week in Vancouver, B.C.. This action was taken as a result of Washington State's decision to open a two-day commercial fishery, October 25 - 27, for chum salmon in areas around Point Roberts and the San Juan Islands. The majority of stocks in these areas are bound for the Fraser River. There have been no chum salmon fisheries this year in the Fraser River, and the net fisheries in Johnston Strait were closed last week for the balance of the season to conserve Fraser River stocks. Department of Fisheries and Oceans biologists estimate that the Fraser River escapement this year will be approximately 200,000 short of the escapement goal if no further fishing occurs. The Washington State fishery is expected to harvest another 30 to 50 thousand Fraser chums.

Last month the Department of Fisheries and Oceans and the Washington State Department of Fisheries agreed that fisheries at Point Roberts and the San Juan Islands would be managed in a manner consistent with meeting Fraser River chum escapement requirements. In the opinion of Canadian authority the openings announced by Washington State in these areas are not consistent with the intent of this agreement.

Distribution: MNA (5)

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PMO/CPM

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Section

Department of External Affairs  
Ministère des Affaires Extérieures

HOUSE OF COMMONS BOOK - BRIEFING NOTE  
LIVRE DE LA CHAMBRE DES COMMUNES - NOTES D'INFORMATION

Subject/Highlights Sujet/Points saillants

PACIFIC SALMON INTERCEPTION NEGOTIATIONS - Canadian and U.S. officials are in the process of negotiating a Pacific salmon interception agreement. They hope to submit a text to their respective governments by year-end. The fishery industries of both countries have been involved in the negotiations, as have provincial and state representatives.

Source

Assessment

Evaluation

Classification

CONFIDENTIAL

There are still some difficulties that must be overcome before an agreement can be concluded. In particular, arrangements must be reached on sharing the harvest of salmon stocks that originate in the Fraser River, the Yukon River and the transboundary rivers. We believe that the gap that exists between the two sides can be bridged but we cannot yet be confident that this will happen.

|      |                  |
|------|------------------|
| ACC  |                  |
| FILE | 25-5-72-Salmon-1 |

Suggested Reply

Réponse suggérée

Canadian and U.S. officials, supported by industry, provincial and state advisors, are continuing their negotiations concerning Pacific salmon. They hope to conclude an agreement by year-end.

There are still some gaps between the two sides but we hope that they will be overcome.

Prepared by Préparé par

D. W. Smith

Division Direction

LAO

Date

25 October/82

Tel.no. No de té

2-2002



FILE  
DIARY  
CIRC  
DIV

CONFIDENTIAL WITH ATTACHMENT

OTTAWA, ONTARIO  
K1A OG2

October 22, 1982

Mr. B. Applebaum  
Director  
Atlantic Division  
International Directorate  
Department of Fisheries & Oceans  
240 Sparks Street, 8th fl. W.  
OTTAWA, Ontario

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

Dear Mr. Applebaum,

... We enclose herewith a copy of a draft question and answer on Pacific salmon. Please telephone your comments to me at 2-2002.

Yours sincerely,

D. W. SMITH

D. W. Smith  
Deputy Director  
Legal Operations Division

Encl.

Distribution: MINA (5)

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PMO/CPM

USS

FPR

MIA

Department of External Affairs

Ministère des Affaires Extérieures

HOUSE OF COMMONS BOOK - BRIEFING NOTE

LIVRE DE LA CHAMBRE DES COMMUNES - NOTES D'INFORMATION

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Prepared by    Préparé par

Division    Direction

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LAPM

LAO/H. Strauss/6-2643/mm

LAO-1443

CONFIDENTIAL

OTTAWA, Ontario  
K1A 0G2

October 22, 1982

Mr. B. Applebaum  
Director, Atlantic Division  
International Directorate  
Department of Fisheries and Oceans  
240 Sparks Street, 8th Floor  
OTTAWA, Ontario

|                   |        |
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| 231482            |        |
| FILE              | NUMBER |
| 25-5-7-2-SALMON-1 |        |

Dear Mr. Applebaum,

Further to your discussion of October 21 with  
... Howard Strauss, we enclose herewith a copy of a draft  
memorandum to the Secretary of State for External Affairs  
concerning the Pacific salmon interception negotiations.  
Please phone any comments that you might have to Howard.

Yours sincerely,

ORIGINAL SIGNED BY  
M. J. O'NEILL

for R. W. Burchill  
Director  
Legal Operations Division

LAO/H. Strauss/6-2643/mm/22 October 1982

s.23

H. Strauss  
Legal Operations Division (LAO)  
996-2463

D R A F T

CONFIDENTIAL

October , 1982

LAO-

Memorandum for the Deputy Prime Minister  
and Secretary of State for External Affairs

cc: Minister of State (External Relations)  
cc: Minister of State (International Trade)

SUBJECT: Pacific Salmon Interception Negotiations between  
Canada and the USA.

PURPOSE:

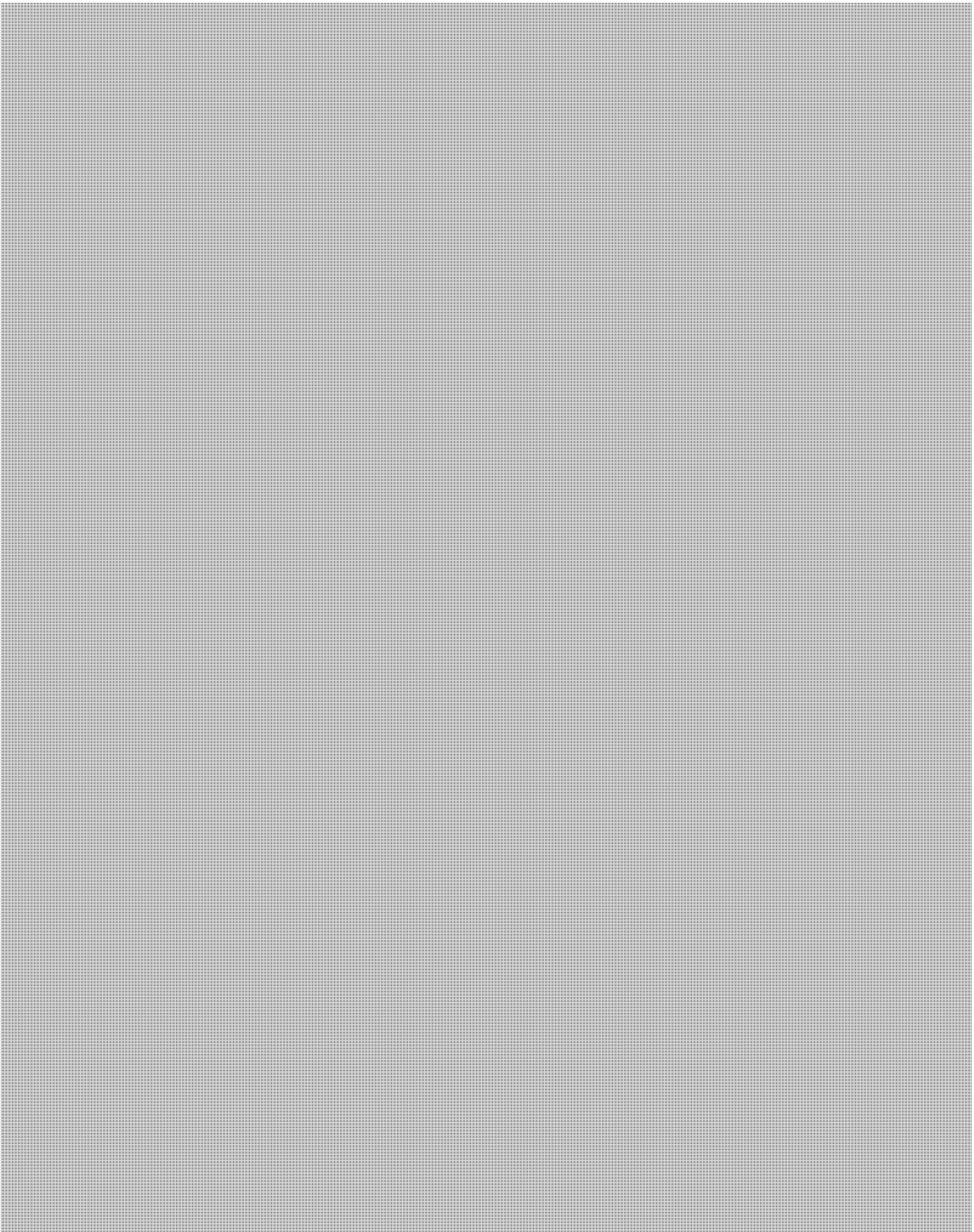


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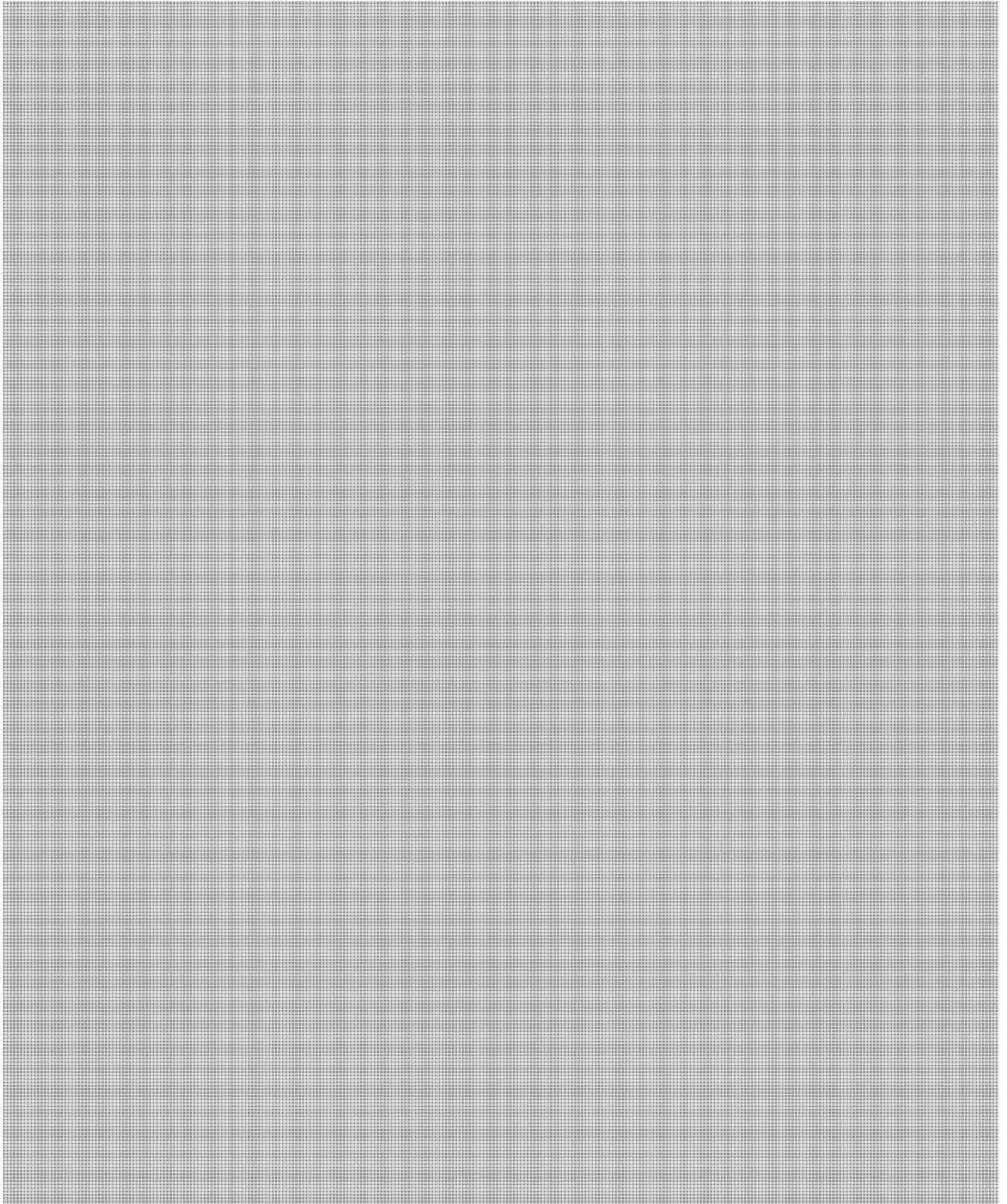
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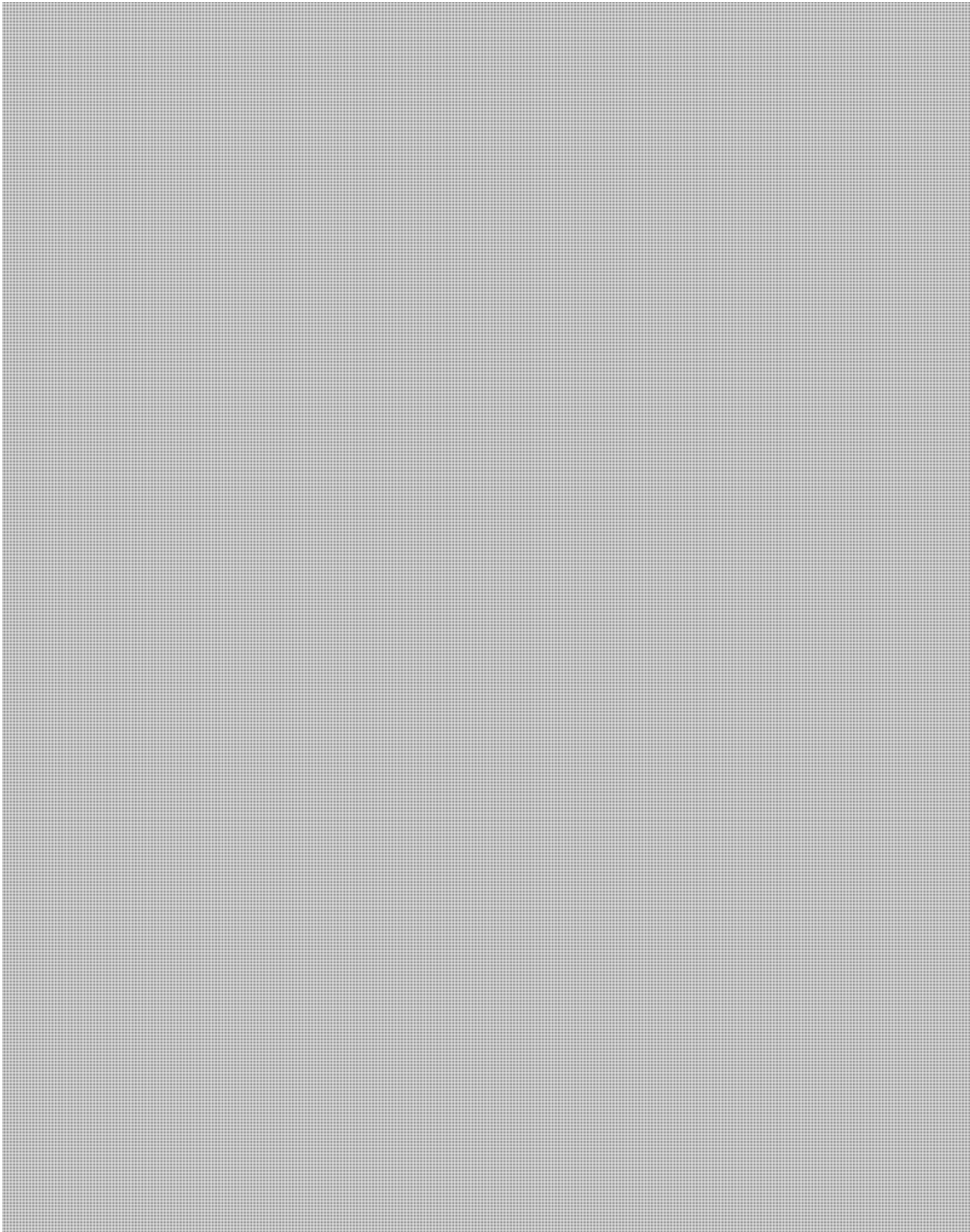
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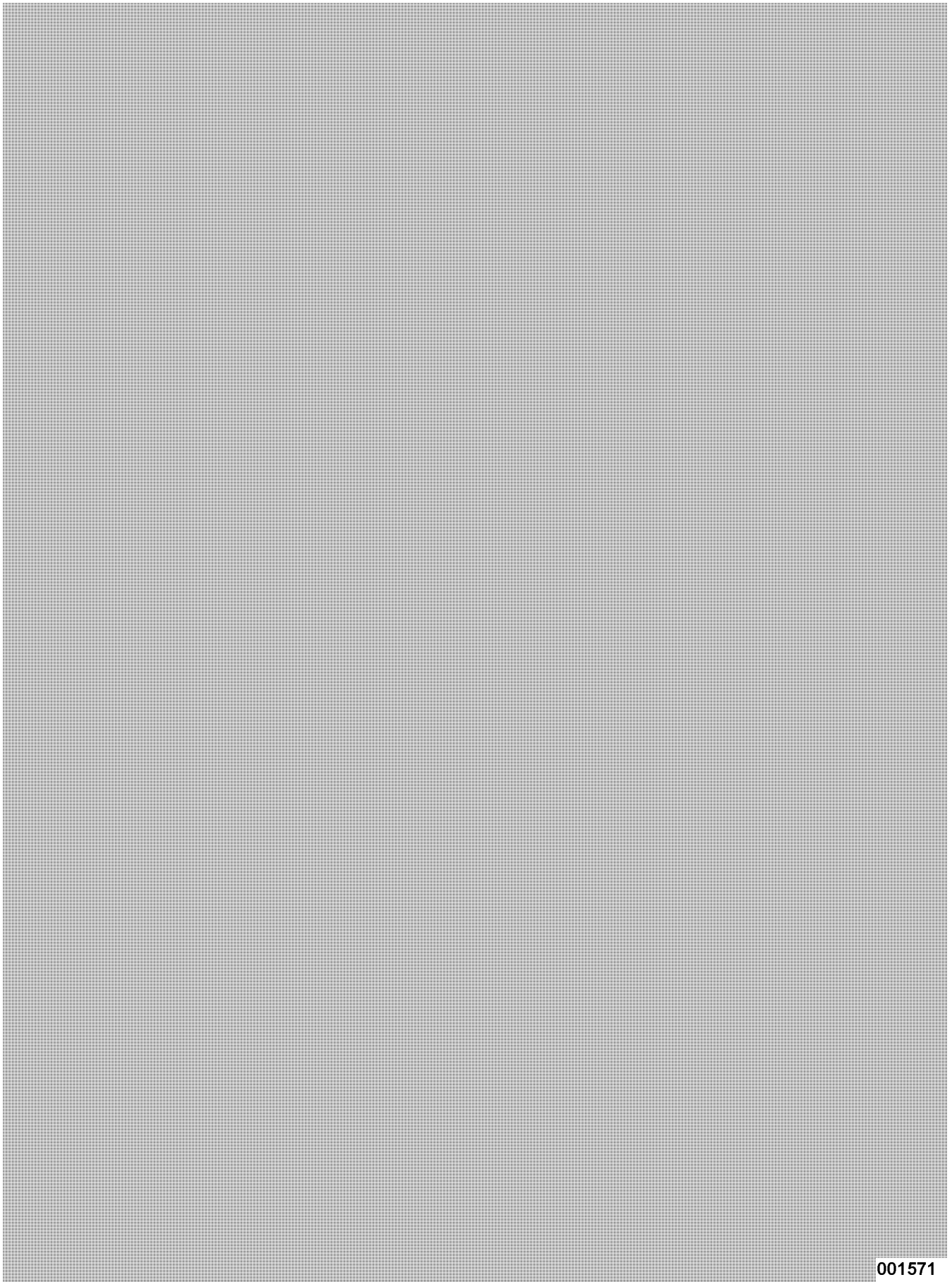
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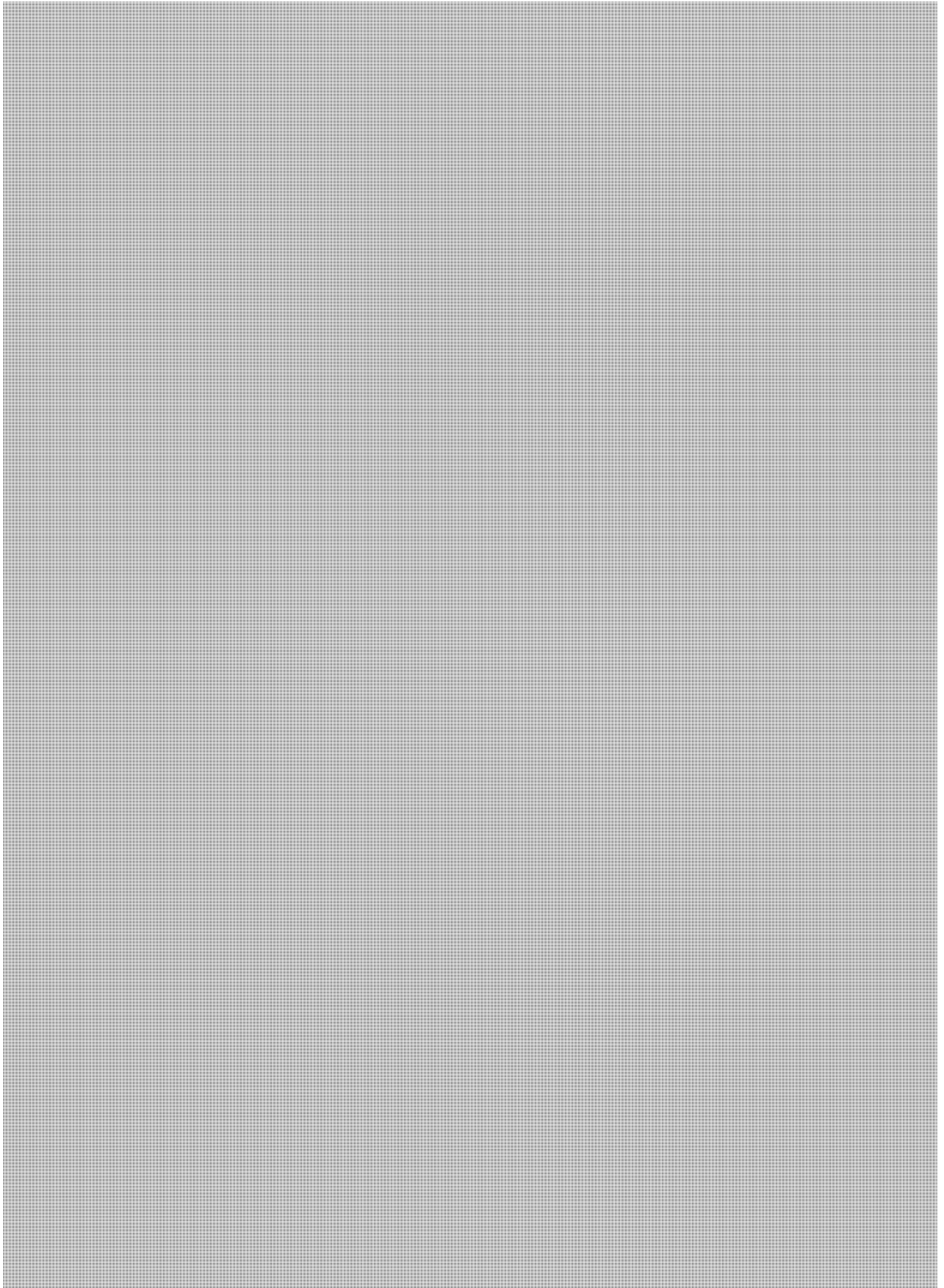
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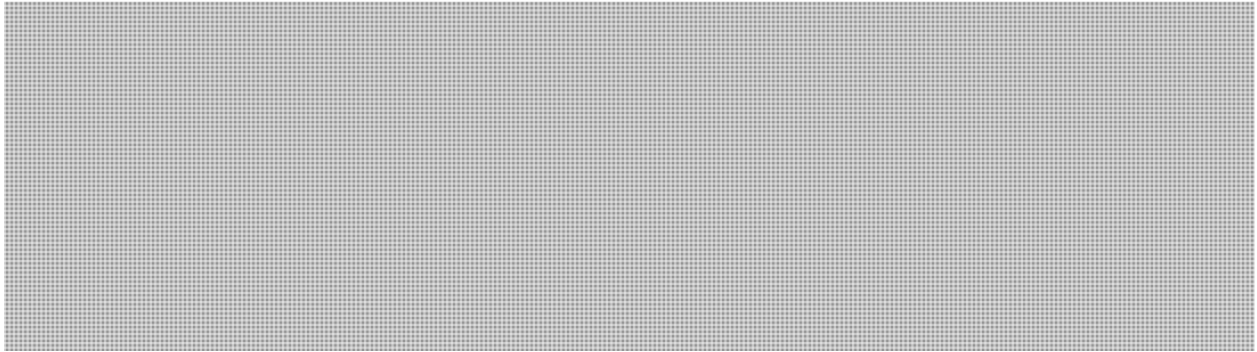
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- 7 -

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L.H. Legault  
Legal Adviser

de Montigny Marchand

For Minister's Briefing Book.  
RE: Visit of U.S. Secretary  
of State Shultz

H. Strauss  
Legal Operations Division (LAO)  
996-2643

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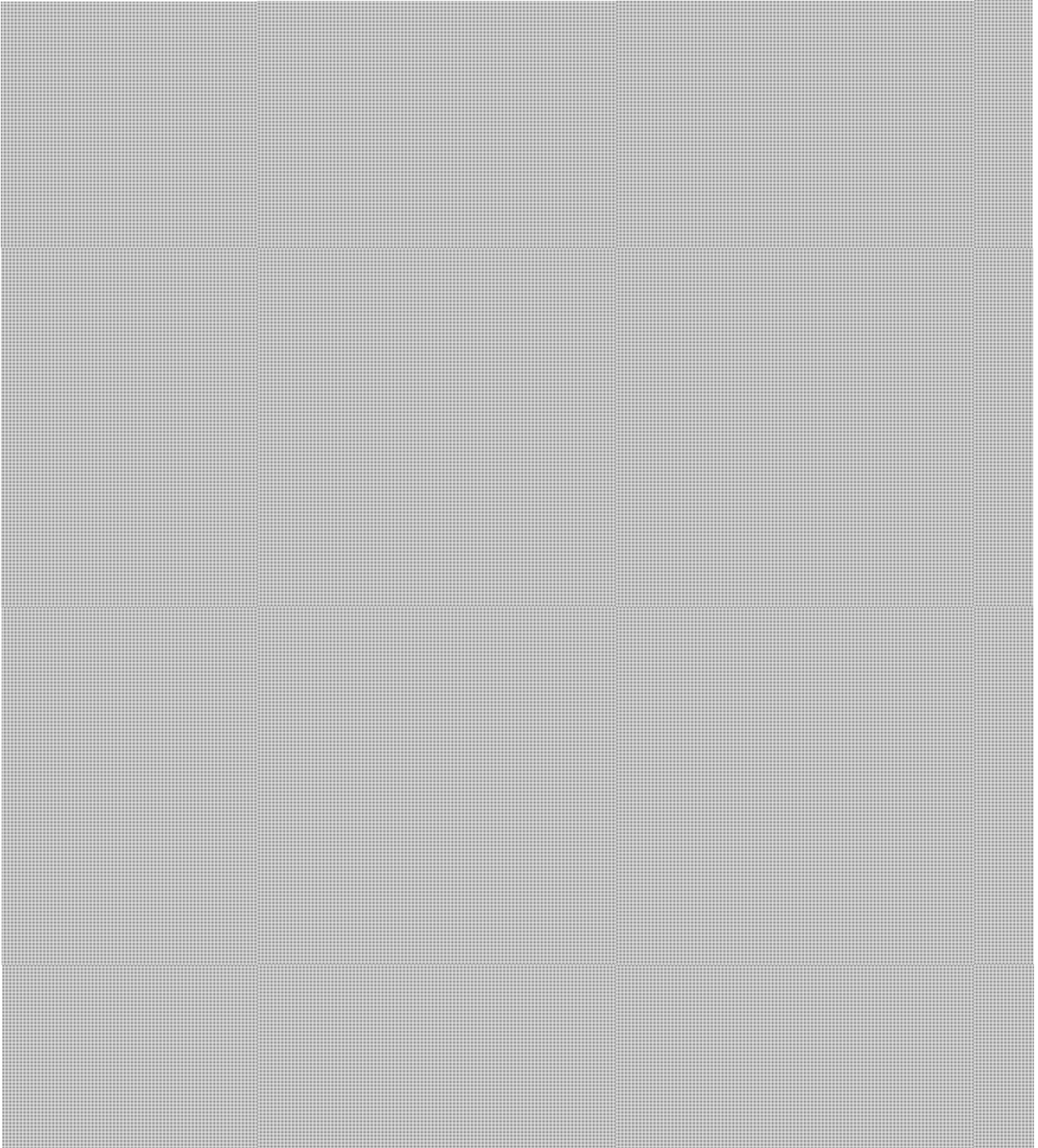
October 21, 1982

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CANADA/USA PACIFIC SALMON INTERCEPTION AGREEMENT

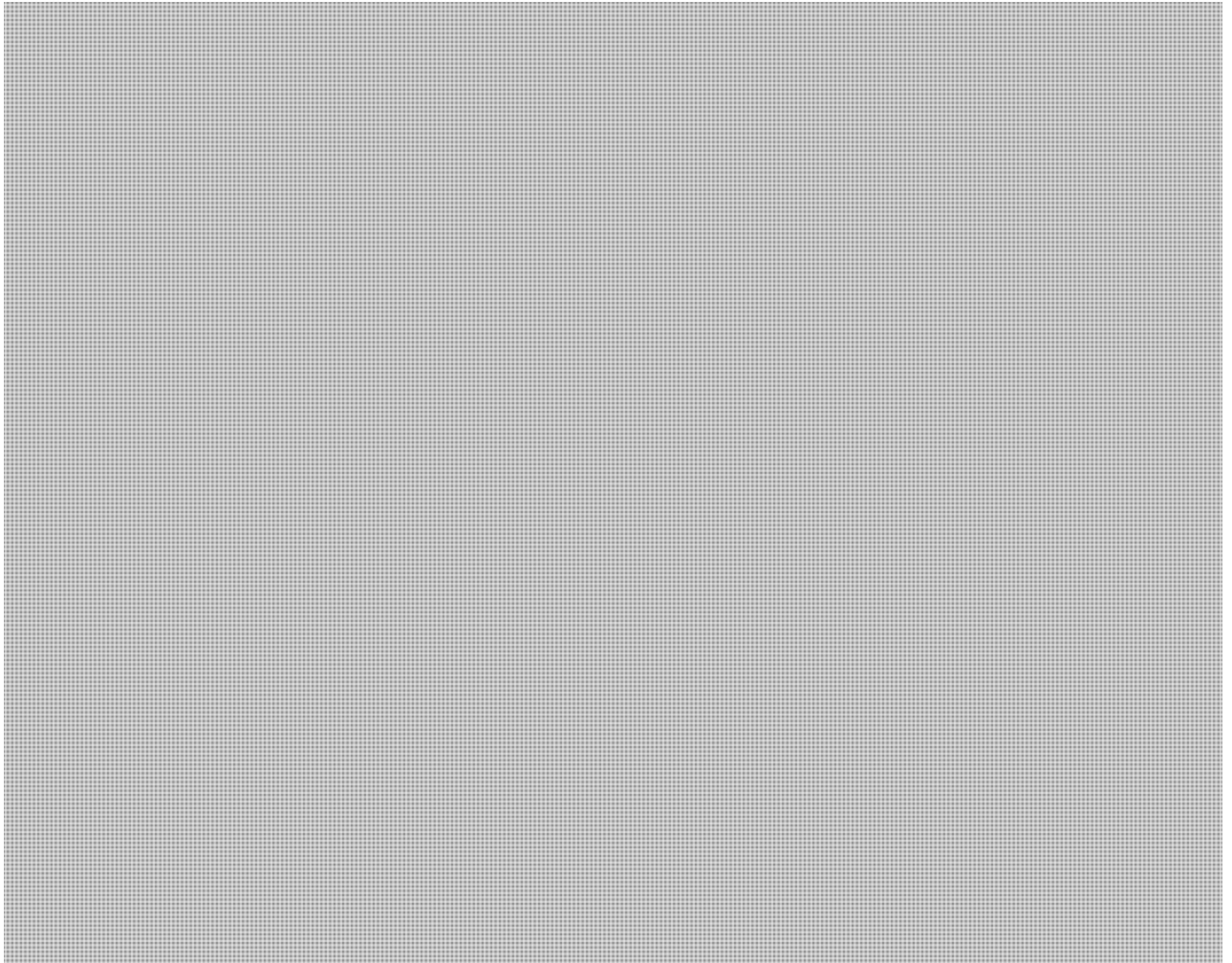
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ISSUE



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File

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FROM/DE • LAO

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REFERENCE •  
REFERENCE

SUBJECT •  
OBJET

Your memorandum GNG-0979, October 18.

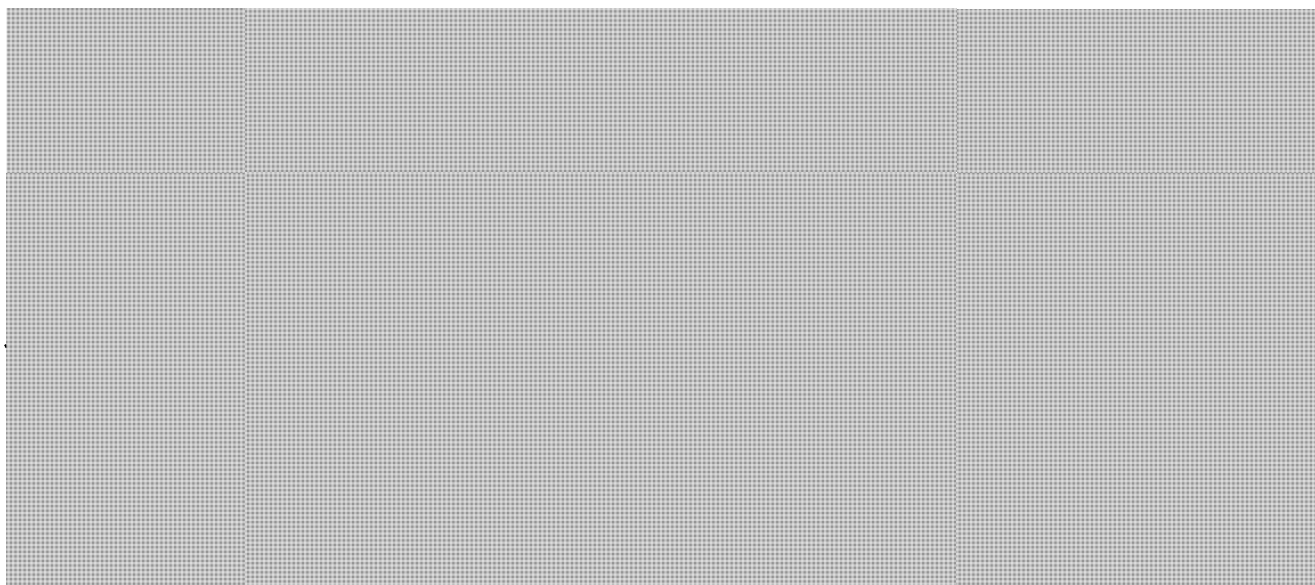
Visit of U.S. Secretary of State  
Shultz

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| Accession/Référence |                  |
| File/Doct.          | 246590           |
| 25-5-7-2-SALMON     |                  |
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| Date                | October 20, 1982 |
| Number/Numéro       |                  |
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ENCLOSURES  
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3

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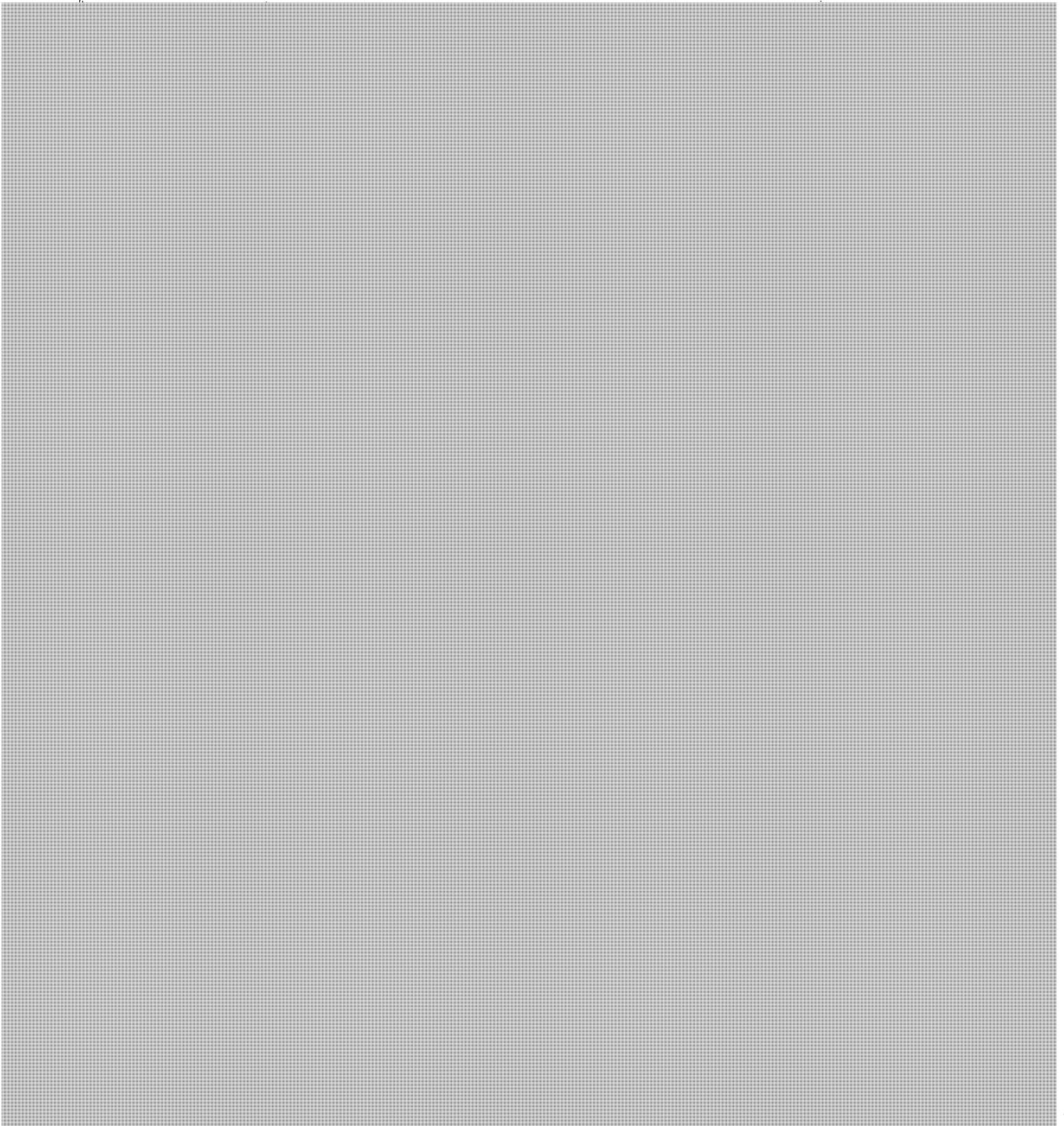
R. W. Burchill  
Director  
Legal Operations Division

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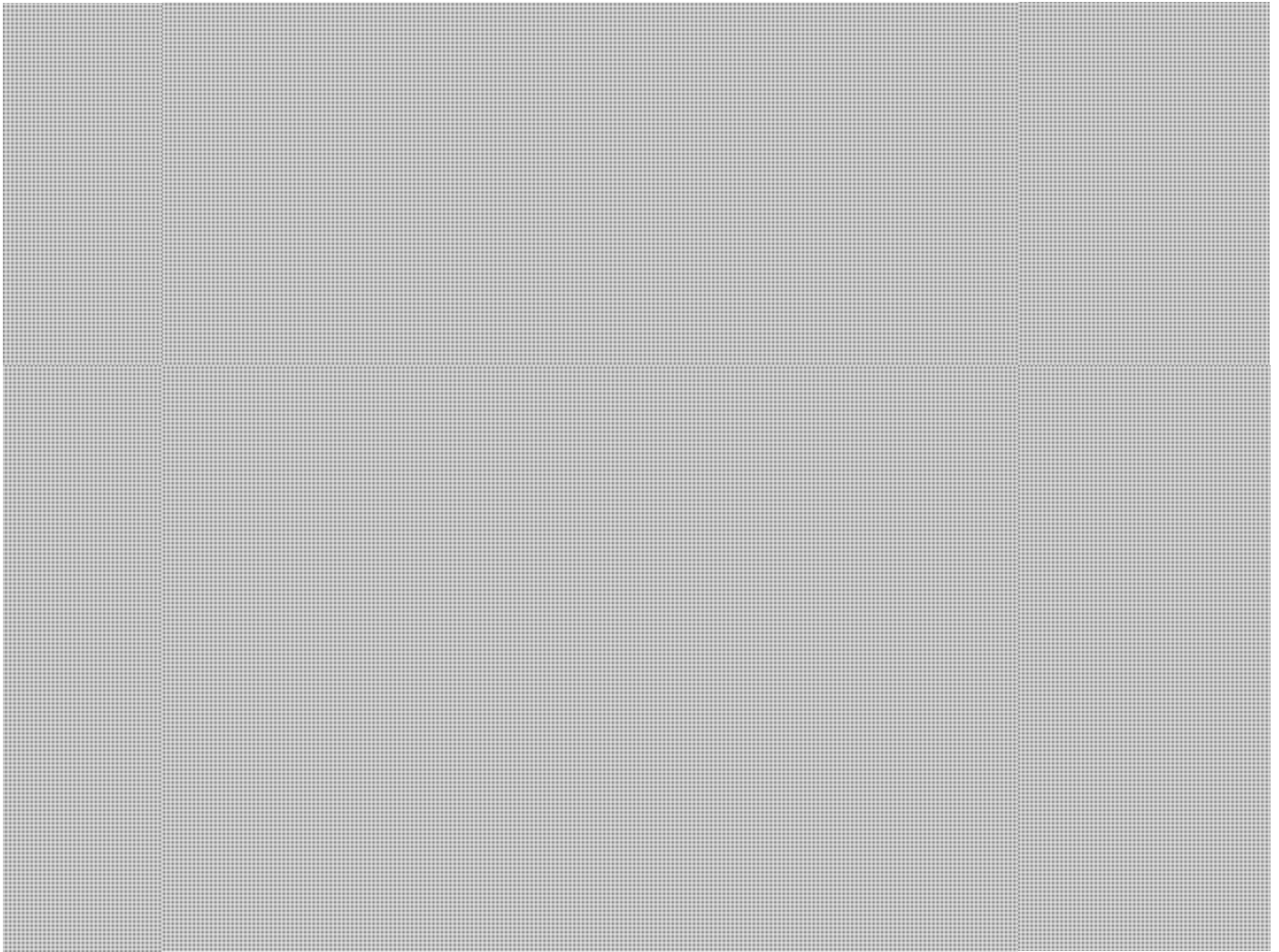
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ISSUE



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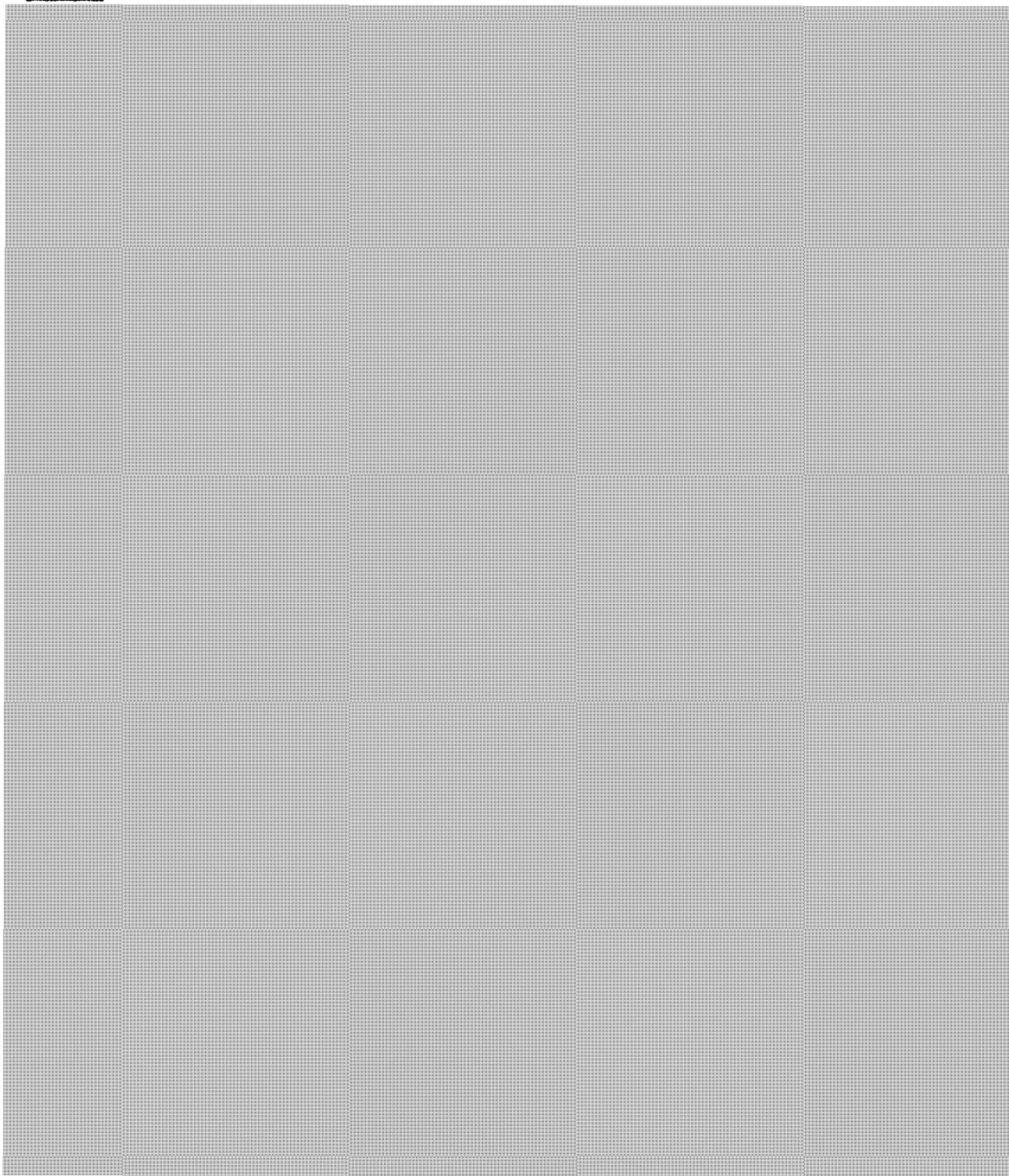


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CANADA/USA ATLANTIC FISHERIES RELATIONS

ISSUE

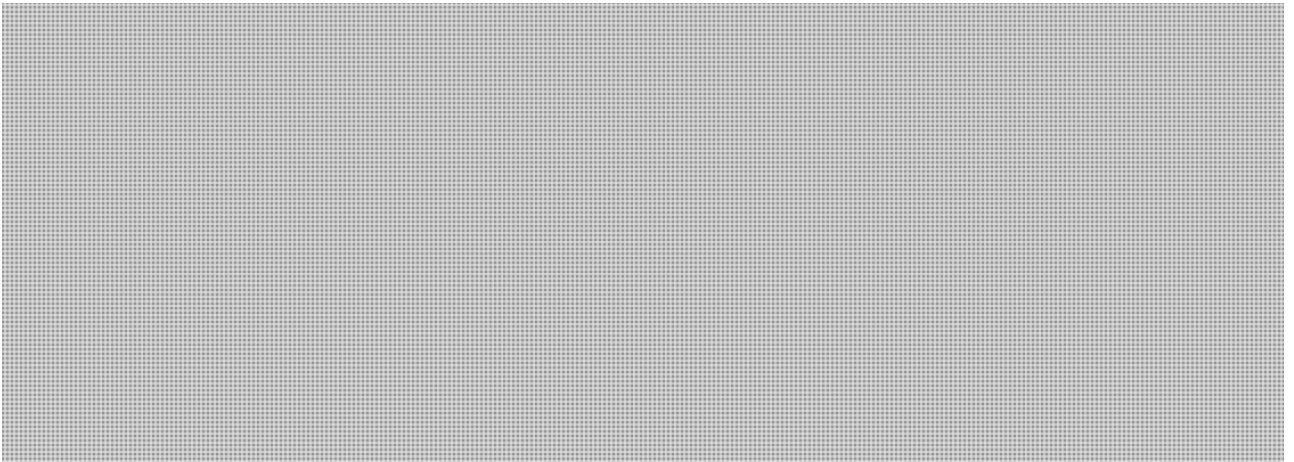


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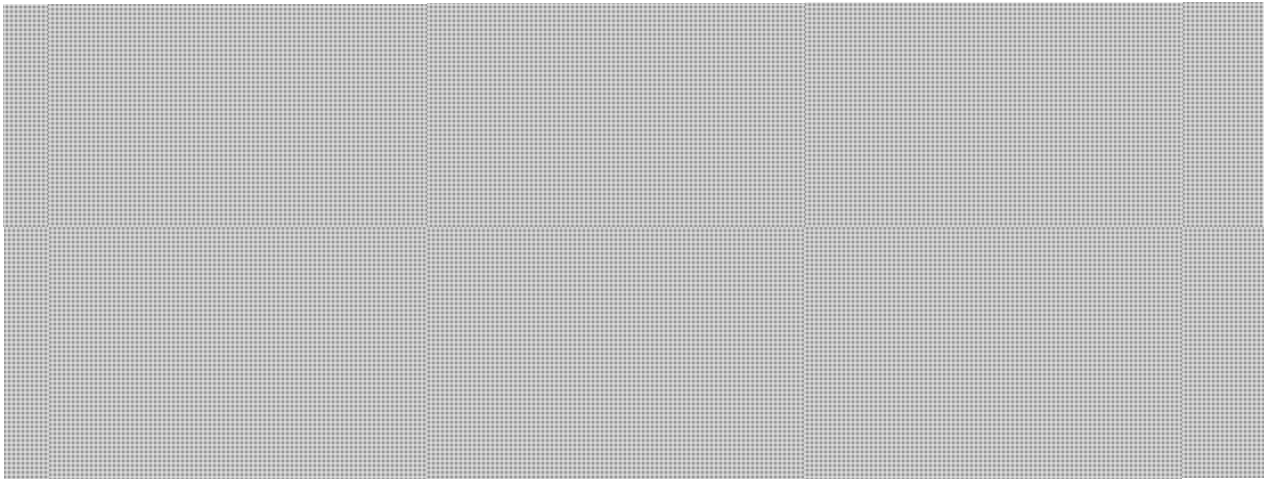
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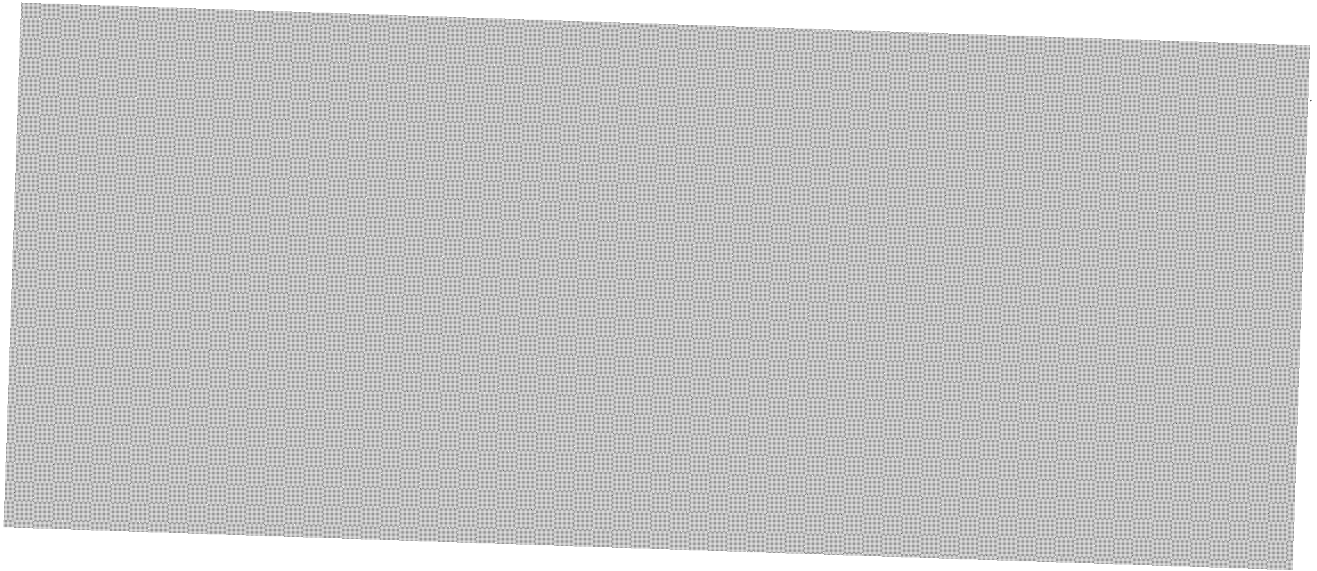
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TALKING POINTS



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Talking Point - Fisheries - General



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Government of Canada  
Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO  
A

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FROM  
DE

R. W. Morley  
Advisor  
Intergovernmental Affairs  
*FAND*

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| ACC<br><i>244671</i>     | FILE<br><i>25-5-5-CDA-US</i> |
| <i>25-5-7-2-SALMON-1</i> |                              |

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| YOUR FILE/NOTRE RÉFÉRENCE  | DOSSIER |
| DATE<br>October 20, 1982   |         |

SUBJECT  
OBJET

AGENDA AND ATTENDANCE CANADA/USA MEETINGS October 25-28, 1982

Canada/USA Government-to-Government October 25-27

No definite agenda has been set for these meetings. The main issues to be discussed are fishing plans for southern intercepting fisheries and for coastwide troll/chinook fisheries for 1983 and 1984. The opening session with the USA is scheduled to begin approximately 2:30 p.m. Monday October 25, 1982. Meetings are scheduled for that afternoon (evening session undetermined) and throughout Tuesday, October 26 - Wednesday is reserved for further meetings if necessary. There will be a pre-meeting of the Canadian delegation at 11:00 a.m. October 25. All sessions are scheduled at the SHERATON LANDMARK HOTEL; rooms to be posted in the lobby. Due to the subject matter, attendance of D. Brock, D. Anderson, A. Gould, F. Fraser, R. Harrison, R. Kadowaki, D. Schutz, K. Pitre, C.C. Graham, H. Fletcher, J. Fralick is requested.

Canadian Industry Advisors - October 28, 1982

This meeting is scheduled for 9:00 a.m. October 28, 1982 at the Sheraton Landmark. The purpose of this meeting is to report on progress from the three government-to-government sessions held since the September 22, 1982 Advisor's meeting. All issues north and south likely will be discussed. Thus, in addition to the people mentioned above, attendance of E. Kremer (or T. Perry), S. Johnston (and/or G. Zealand), B. Riddell, and B. Smith is requested.

*K.D. Morley*  
R. W. Morley

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| T. Perry       | D. Anderson | H. Fletcher | D. Martens   |
| R. Kadowaki    | D. Schutz   | J. Fralick  | H. Strauss   |
| P. Sprout      | K. Pitre    | F. Bernard  | M. Stanfield |
| W. Falkner     | B. Smith    | R. Beamish  | M. Hunter    |
| J. Stockner    | H. Smith    | G. Halsey   | M. Shepard   |

001583

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ADDRESSEE'S NAME  
RECEPTIONNAIRE/NOM H. Strauss LAO  
SERVICE & BRANCH  
SERVICE ET DIRECTION External Affairs  
CITY/VILLE Ottawa

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Government of Canada  
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MEMORANDUM

NOTE DE SERVICE

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R. W. Morley  
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25-5-7-2-SALMON-1  
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| YOUR FILE / VOTRE RÉFÉRENCE             |         |
| DATE<br>October 20, 1982                |         |

SUBJECT  
OBJET

AGENDA AND ATTENDANCE CANADA/USA MEETINGS October 25-28, 1982

Canada/USA Government-to-Government October 25-27

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*R. W. Morley*  
R. W. Morley

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R. Harrison  
D. Brock  
D. Anderson  
D. Schutz  
K. Pitre  
B. Smith  
H. Smith

A. Wood  
B. Riddell  
B. Graham  
H. Fletcher  
J. Fralick  
F. Bernard  
R. Beamish  
G. Halsey

G. Zealand  
S. Johnston  
F. Yeung  
D. Martens  
H. Strauss  
M. Stanfield  
M. Hunter  
M. Shepard

001585

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H. Strauss (LAO)

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SERVICE ET DIRECTION

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CITY/VILLE

Ottawa

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EXPEDITEUR/NOM

R. Morley

SERVICE & BRANCH

SERVICE ET DIRECTION

Intg'l Affairs

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DRAFT MEMORANDUM

CC LAO-Strawn  
Campbell  
Hunter OIR

Document disclosed under the Access to Information Act  
Document divulgué en vertu de la Loi sur l'accès à l'information  
B. Applebaum/H. Hunter/ES  
October 19, 1982  
336949  
25-5-72-Salmon-1

TO : Minister of Fisheries and Oceans

FROM: Deputy Minister

SUBJ: Pacific Salmon Negotiations - Possible Withdrawal from  
International Pacific Salmon Fisheries Commission (IPSFC)

Purpose

The purpose of this memorandum is to set out the considerations for a possible recommendation sometime within the next few weeks that Canada give notice of its intent to withdraw from the IPSFC. A decision on this point by you and the Secretary of State for External Affairs may be necessary on fairly short notice, depending on how negotiations develop with the USA. A similar memorandum is being sent to Mr. McEachan.

*(probably then sent, 12)*

Issue

Since the receipt of the Negotiators' Report on Pacific Salmon negotiations in June 1982, a considerable amount of work has been done in Canada towards the finalization of an agreement package with the USA in early December 1982.

As part of the ongoing process of consultation with our U.S. counterparts, meetings were held in Seattle on September 14, 1982 and in Vancouver on October 4 and 5, 1982 at which the U.S. negotiator outlined the USA's views on future sharing arrangements for Fraser River sockeye and pink salmon.

This thorny issue had subsided in recent years as the key U.S. interests (northern Puget Sound fishermen and processors) focused their attention on other matters - notably the treaty Indian fisheries.

.../2...



- 2 -

However, as we anticipated, the Puget Sound lobby is becoming active again as the time for resolution of the matter draws closer. The U.S. negotiator indicated to our officials that the Puget Sound interests are expecting to see a continuation of the "status quo" i.e. 50-50 sharing of sockeyes and pinks in the Convention area, in a new agreement. (These interests may, indeed, seek to scuttle an agreement and to maintain IPSFC, under which they believe their benefits are relatively secure.)

The definition of "status quo" is key to Canada's response. The "status quo" that the Puget Sound interests are trying to continue, i.e. the 50-50 sharing arrangement in the Fraser River Convention, is unacceptable to Canada as an element of the new agreement, and this has been made clear to the USA for many years.

The "status quo" in terms of the U.S. percentage share of the total sockeye and pink runs is a different thing. In the period 1978-81, because of the northern diversion of migrating Fraser River sockeye, the U.S. share of the total harvest averaged 20% or 1.2 million pieces. In previous southern migration years the U.S. share averaged 42% or 2.24 million pieces. Similar reductions have taken place in the U.S. share of the Fraser River pink salmon harvest.

Since the 1971-74 period, the Canadian catch of U.S. origin chinook and coho salmon has also declined, so that during the period 1978-81 interceptions by each country in the south were close to being balanced in value terms. There are indications that the northern diversion is now changing because of

- 3 -

oceanic temperature and current changes. Accordingly, the Puget Sound lobby is pushing for a continuation of their 50 percent share in Convention waters, with the expectation that their catch levels would return to earlier levels.

This would, as indicated above, be unacceptable to Canada, and we have indicated this to the U.S. negotiator. We believe it to be of considerable importance that the Puget Sound interests in the USA understand that their expectations are unreasonable. However, since this group has no interest in reducing the level of Canadian chinook and coho interceptions, it may be necessary to be prepared to puncture its "security" by an announcement by Canada of our intention to give notice of withdrawal from IPSFC.

Withdrawal from the IPSFC, and service of notice, has implications for the Gulf of Maine case currently before the International Court of Justice. One of the USA arguments is that international management of fish stocks involves inherently more risk to conservation than single state management, inter alia, because management measures tend towards the least conservation minded party, and because disputes can lead to overfishing. The IPSFC, under current arrangements, is one of the brightest examples against the USA argument in terms of Canada/USA fisheries relations. The impact of notice of withdrawal from the IPSFC is a matter of judgement, as is the issue of how to manage this "tool" in order to minimize this impact e.g. it is always possible to withdraw the notice before it takes effect.

.../4..

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### Factors in Support of Notice

If the USA remains intransigent on the sharing of Fraser stocks, notice of termination would indicate our determination to establish new sharing arrangements on the Fraser. It should be recalled that the tactic of issuing notice of intent to withdraw from treaties was used by the USA in the case of the International North Pacific Fisheries Commission (INPFC) and the International Pacific Halibut Commission (IPHC). The tactic achieved the <sup>desired</sup> ~~desired~~ results for the USA but of course, different considerations applied in those cases. The main point is that the USA side will understand the move as an indication of our determination.

That the USA never gave notice of intent to withdraw from IPSFC (which has regulatory authority in the U.S. Fishery Conservation Zone, thus making U.S. withdrawal under the 1976 FCMA mandatory in our view) is an indication of the value placed on the benefits which the USA derives from the treaty which, in turn, leads the user groups to the position described above.

We consider that the USA does not believe Canada would be willing to risk a "fish war" over Fraser River sockeye and pink salmon. The act of giving notice of intent to withdraw will undermine that view. The act does not, itself, constitute a "declaration of war": the final decision whether to allow the Convention to terminate would have to be made within one year, and would take into account the status of the proposed new agreement, as well as developments in the fisheries.

- 5 -

An important consideration on the notice question is the fact that the Fraser River Convention may be an actual impediment to progress towards a new agreement, and possibly to Senate ratification if a new agreement is reached. The 50-50 sharing arrangement in the Convention is probably enforceable in the U.S. courts. If this is so, the Puget Sound fishermen have a considerable incentive to slow up a new Convention. This incentive disappears with termination of the current Convention.

In summary, we believe that if negotiations stall on this issue, the deposit of notice of intent to withdraw from IPSFC would cause the USA, and particularly the Puget Sound lobby, to adopt a more realistic approach to the final negotiating phase. There exists a risk that the U.S. side might react negatively. However, we believe that this risk is worth taking.

#### Other Related Matters

The Puget Sound lobby may become even less confident if Canada, in the forthcoming fishing plan negotiations, were to indicate its preparedness to take more Fraser River sockeye and pink salmon outside Convention waters. Our troll fishery operating outside Convention waters is already capable of reducing the numbers of harvestable fish available for sharing with the USA, and there is no reason why, in the negotiations, we should not develop a fishing plan that would allow net fishing in outside waters so as to ensure a balance between the harvest by the three gear sectors.

.../6..

- 6 -

### Timing

Negotiating sessions on the Pacific Salmon Interception Agreement are scheduled for November 22-24 and November 29 to December 1. The tactical situation will be assessed by the negotiator, Dr. M.P. Shepard, during that period, to determine if the situation warrants a recommendation to Ministers to serve notice of termination of the IPSFC.

### Conclusion

This subject was discussed with industry advisers on September 23, 1982. They would be prepared to support the recommendation made with respect to the deposit of notice of withdrawal from IPSFC if tactical considerations so required.

A.W. May



Government of Canada  
Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO  
A

Pacific Salmon Working Group

FROM  
DE

M. Hunter

|   |         |
|---|---------|
| SECURITY - CLASSIFICATION - DE SÉCURITÉ |         |
| 325708                                  |         |
| YOUR FILE / NOTRE RÉFÉRENCE             | DOSSIER |
| 25-5-7-2-SALMON-1                       |         |
| YOUR FILE / VOTRE RÉFÉRENCE             |         |
| DATE                                    |         |
| OCT 18 1992                             |         |

SUBJECT  
OBJET

Report on International Working Group Meeting - October 7

The international working group met with U.S. officials - Dawson, Riefsnieder and Henry - to discuss items related to the transition from the IPSFC to the new Pacific Salmon Commission (PSC); more specifically, Canadian proposals for the transfer of responsibility from the IPSFC to the PSC and DFO, the timing of this transition and the structure and operation of the new Commission within the Canada-USA Pacific Salmon Agreement.

Transfer of Responsibilities

The U.S. officials agreed with option four, as developed by Levelton\*, whereby Canada would take over all existing divisions of IPSFC except the Fishery Management Division which would become part of the new Pacific Salmon Commission.

Timing of the Transition

Canadian officials presented their case for a rapid transition from the IPSFC to the new institutional arrangements, subsequent to the Agreement's ratification. This would involve the legal transfer of responsibilities from the IPSFC to the PSC and DFO on a mutually agreed upon date, and allowing for the transfer of staff and divisional responsibilities over a period of months. A variant of this formula would simply provide for the establishment of the PSC on an agreed upon date, allowing for the gradual phase in of staff to the PSC and DFO over a period of months, and the mutual withdrawal of Canadian and U.S. participation in IPSFC. This procedure would avoid the need for a legal termination of IPSFC. (A similar procedure was used to wind-up ICNAF's activities.)

...2

\*The options for transfer of responsibilities from IPSFC to DFO and to the new Pacific Salmon Commission.

- 2 -

The U.S. delegation agreed with the principle of minimizing the period of transfer, once ratification had been secured, but requested further time to review background information on both DFO activities on the Fraser and the IPFSC, before reaching a final decision.

c.c. H. Strauss /  
R. Morley  
C. Levelton  
D. Pethick  
H. Smith

## Discussion Paper

### The Development of Annual Fishing Regimes and Their Implication on the Structure of the PSC and its Panels

The October 7 meeting of the International Working Group raised some substantive differences of views between the U.S. and Canadian officials regarding the structure and responsibilities of the new PSC and its Panels. In their simplest form the differences revolved around the question of annual negotiations of fishing regimes: the determination through the negotiating process of the different fishery regimes in each of the three regions, and consequently, the determination of coast-wide equity or balance of interceptions.

The position of the U.S. officials, while by no means well defined, leaned heavily in favour of placing the negotiating process at the Panel level, leaving the PSC in a largely co-ordinating role. The position of Canadian officials has been quite different. The major negotiating role - to work out the coast-wide balancing of interceptions and the related interception fisheries in the regions, would be undertaken by the PSC. The Panels would act primarily as technical consultative bodies, reviewing submissions from the parties - Canada and the USA, and providing their recommendations or views to the Commission.

The Canadian position was outlined in a discussion paper from M. Hunter to the Pacific Salmon Working Group, dated July 19, 1982. In the paper the role of the new Commission and its Panels was put as follows:

"The Commission will be a forum in which the annual negotiations on interceptions, review of enhancement plans, research programs, etc., will be carried out based on the reviews of information exchanged in meetings of various Panels."

"The Panels will review information submitted by both sides with respect to management and intercepting fisheries, etc., and make recommendations to the Commission."

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- 2 -

The Draft Framework Agreement, unfortunately, does not enunciate the structure and responsibilities of the PSC and its Panels in sufficient detail. Article IV, which comes the closest to defining the responsibilities of the Commission and Panels, is sufficiently ambiguous to allow for either the Canadian or U.S. interpretation. Paragraph three and four of this Article state that the Panels will deal with information related to fishery management, examine it and "report its views to the Commission with respect to fishery regimes for the following year". What form its "views" should constitute is unclear. Are they concrete recommendations? Do they necessarily imply an element of negotiation, and if so to what extent should they represent a consensus, or lack of consensus. And if the latter situation prevails, to what extent does the Commission act as an arbitrator?

Paragraph five of this same article goes on to state, that upon receipt of the Panels' views, "the Commission shall thereupon review the reports of the Panels and shall recommend fishery regimes to the Parties". In terms of elucidating the roles of the Commission and the Panels in the process of negotiating interception regimes, this statement is most unclear.

A reading of the Draft Framework Agreement and an interpretation of the U.S. position, as expressed at the October 7 meeting in Ottawa, suggests two broad alternatives:

- 1) The Panels negotiate their respective fishery plans and interception regimes, and in the process develop their own parameters as to what the acceptable limits of interception are to be. Their conclusions would take the form of recommendations to the PSC. Whether the PSC acts as a coordinator-CUM-rubber stamp or takes on a more directive role, as an arbitrator, for example, in cases where Panels cannot reach agreement, would leave the essential unchanged: the important role would rest with the Panels. (What remains unclear with this alternative is how the coast wide balancing act (equity) is worked through.)
- 2) The Panels would operate within a fairly well defined framework. They would develop their fishing plans based on the parameters provided by the PSC. These parameters would be set

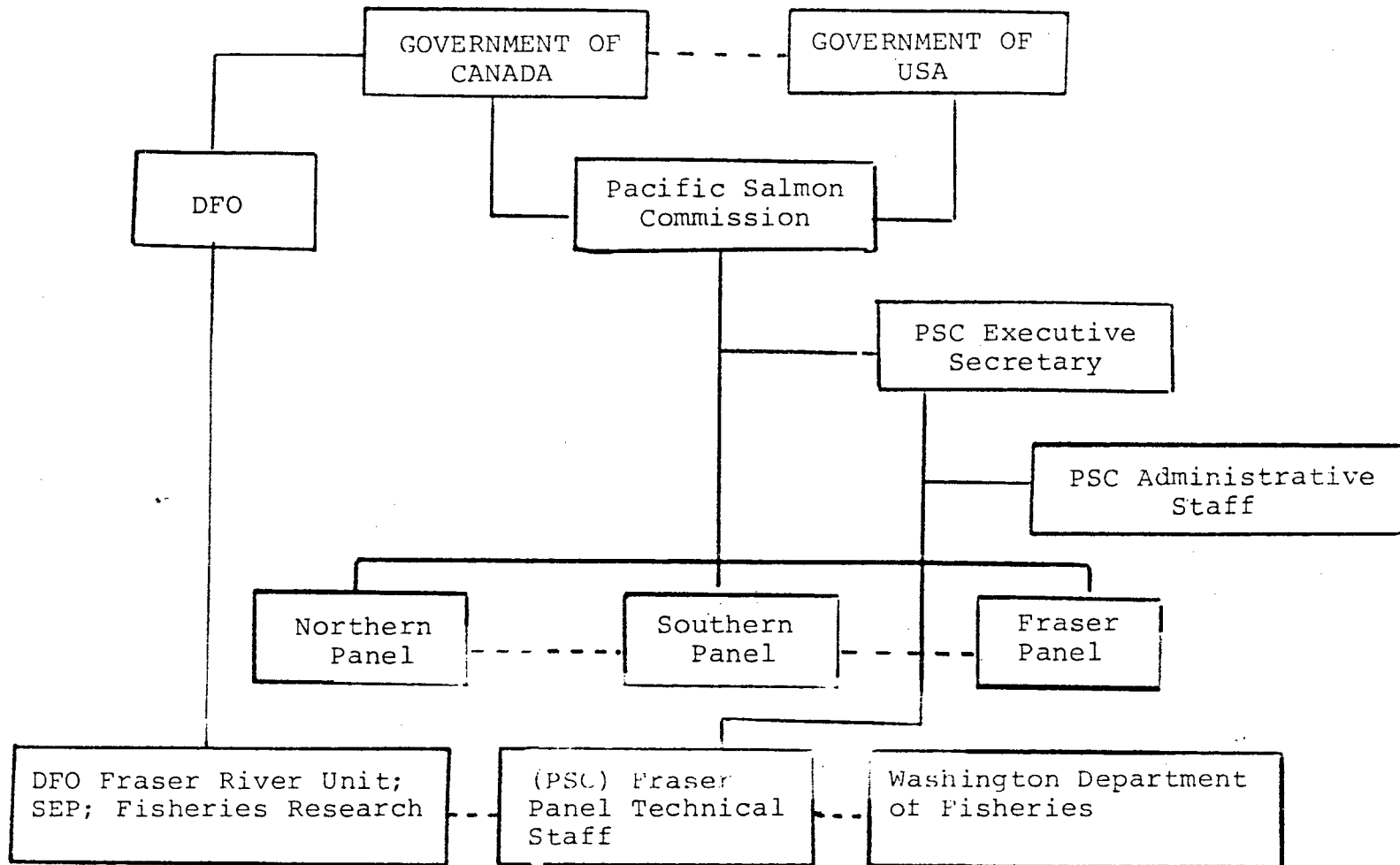
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according to the coast wide interception (equity) requirements. Negotiations on the interception regimes would take place at the PSC. The background to these negotiations would be the recommendations and information provided by the Panels as per Article IV paragraph four.

The U.S. officials clearly seem to favour alternative one, with its implications of a stronger role for the Panels, and as a consequence a more piecemeal approach to resolving the problem of interceptions. It is also an approach which would relegate both the Agreement and the new Commission to a secondary level, and while not necessarily implying the reinvention of the wheel on an annual basis, would certainly offer the opportunity.

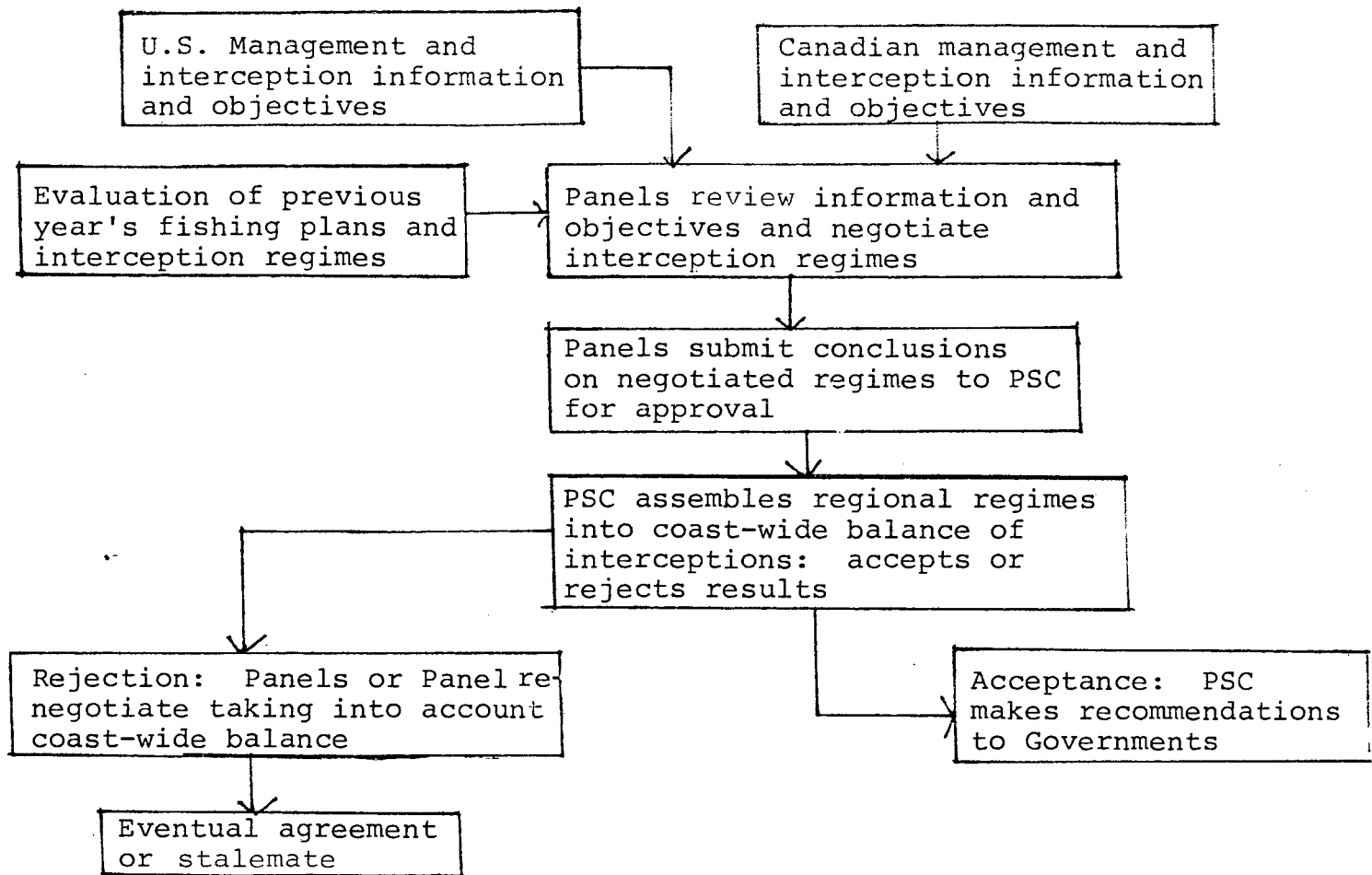
PACIFIC SALMON COMMISSION: ORGANIZATION CHART



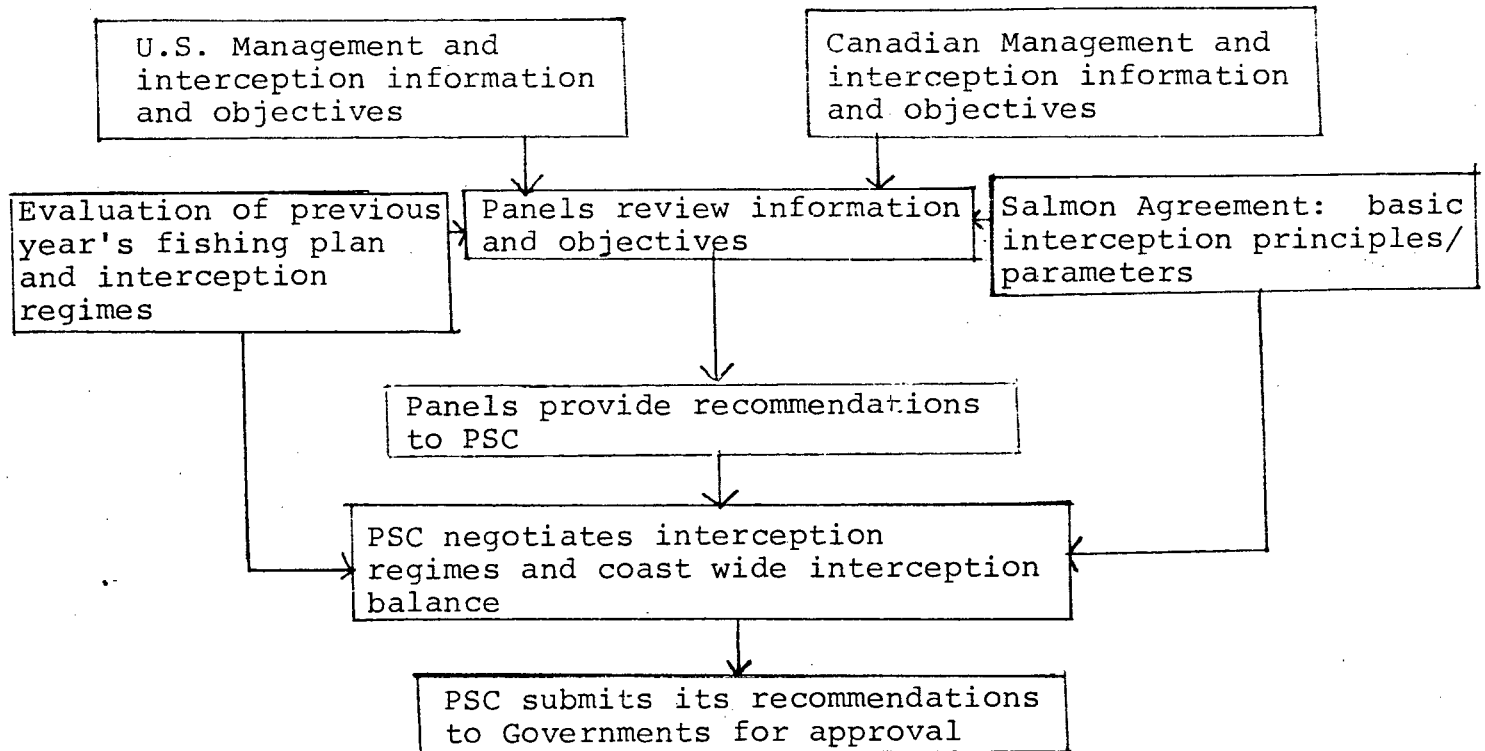
--- Lines of Authority

— Lines of Communication

Alternative One: A U.S. Variant for  
Annual Development of Interception Regimes & Fishery Plans



Alternative Two: A Canadian Variant for  
Annual Development of Interception Regimes & Fishery Plans



COMCENTRE/FILE/DIARY/CIRC/DIV

MESSAGE

FILE DOSSIER

SECURITY SÉCURITÉ

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

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PRECEDENCE

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| ACU     | 236287            |
| FILE    | 25-5-7-2-SALMON-1 |
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Dist: REF MARTENS/STRAUSS DISCUSSION OF 04OCT  
Ref ---PACIFIC SALMON INTERCEPTION AGREEMENT

Sub/suj PLEASE HIRE EXPERT TO PROVIDE ADVICE ON WHETHER USA NATIONAL WOULD HAVE RIGHT OF ACTION PURSUANT TO USA LAW AGAINST USA GOVT IF USA AGREED THAT CDN FISHERMEN TAKE MORE THAN 50 PERCENT OF HARVEST IN CONVENTION WATERS ESTABLISHED BY FRASER RIVER TREATY. PRECISE QUESTION TO BE PUT TO EXPERT IS SET OUT IN PARA 2. CODING FOR PAYMENT TO EXPERT IS 014-191-193-000-2104. MAXIMUM AVAILABLE IS TWO THOUSAND DOLLARS(USA FUNDS). IF POSSIBLE, IT WLD BE USEFUL TO RECEIVE OPINION BY 25OCT.

2. FOLLOWING IS QUESTION TO BE PUT TO EXPERT: GIVEN THE TERMS OF ARTICLE VII OF THE FRASER RIVER TREATY, AS AMENDED, WOULD A USA NATIONAL HAVE A RIGHT OF ACTION PURSUANT TO USA LAW AGAINST THE USA GOVERNMENT IF THE USA AGREED THAT CDN FISHERMEN COULD CATCH MORE THAN 50 PERCENT OF THE SOCKEYE AND PINK SALMON CAUGHT IN FRASER RIVER CONVENTION WATERS?

DRAFTER REDACTEE

TRANSMISSION DIRECTION

TELEPHONE

APPROVED APPROUVE

H. STRAUSS/mm

LAO

6-2643

DIRECTOR

001601



TO/À FILE

FROM/DE • H. Strauss

REFERENCE •  
RÉFÉRENCE

SUBJECT • Pacific Salmon Negotiations  
SUJET

|                     |
|---------------------|
| Security/Sécurité   |
| CONFIDENTIAL        |
| Accession/Reference |
| ACL 236285          |
| File/Dossier        |
| 25-5-7-2-SALMON-71  |
| Date                |
| October 18, 1982    |
| Number/Numéro       |
| LAO-1418            |

ENCLOSURES  
ANNEXES

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On October 13 and 14, I participated in negotiations in Ketchikan, Alaska, concerning fishing plans for northern salmon stocks for 1983 and 1984.

2. Given that data from the 1982 fishing season were incomplete and that this was the first meeting to discuss the 1983-1984 seasons, a good deal of progress was made. The Canadian side initiated discussion by asking that a situation of equity (i.e. balanced interceptions) be sought for 1983 and elaborated fishing plans for the Boundary Region and Transboundary Rivers that would achieve this goal as well as conservation goals. The Canadian proposal included in-river fisheries in the Alsek, Stikine and Taku rivers. The U.S. side accepted that equity and conservation should be the goals, but argued that equity could not be achieved in one year. They did, however, accept that 1983 should see movement towards equity. They suggested that a schedule, extending over 4-5 years, should be established to reach the goal of equity. They hoped that most of the benefits owed to Canada could be paid through enhancement projects. In informal discussions, Tillion said that the USA would accept a Canadian in-river fishery in the Taku River.

3. I also discussed the Yukon River informally with Tillion. He said that the USA could accept a Canadian position in the Yukon River with an entitlement based on guestimates until research was done to determine the percentage of fish that originate in the Canadian section of the River.

4. Discussions ended with agreement that an equitable situation should be sought but with some differences as to the speed with which that goal should be achieved. Further discussions will take place in October and November to try to bridge the gap.

5. One new problem in the northern stock discussions is the Alaskan gubernatorial election. Tillion will lose his access to the Governor no matter who wins. It is also possible that Pennoyer will lose his job in the spoils system. Lastly, it is

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- 2 -

CONFIDENTIAL

impossible to predict how a new Governor will react to an agreement that will have to hurt some Alaskan interests if it is to meet Canadian needs. We may have to rely on the relevant U.S. Senators. Two of Murkowski's aides participated in the Ketchikan meetings and gave some hope that they would seek Murkowski's support for the agreement.



H. Strauss  
Legal Operations Division



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

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INFO BH FANDOOTT/HUNTER/SMITH DE OTZ

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---PACIFIC SALMON NEGS

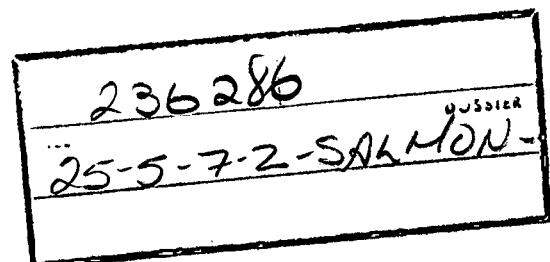
YOU ASKED FOR ELABORATION OF OUR COMMENTS IN PARA2 REFTEL THAT  
ISSUANCE OF NOTICE OF TERMINATION AS NEGOTIATING TACTIC CLD  
ADVERSELY AFFECT SENATE ATTITUDE TOWARDS EVENTUAL PACIFIC  
SALMON AGMT.

2.FIRST POINT IS THAT INFLUENTIAL WEST COAST SENATORS HAVE SIGNALLED  
CLEARLY QUOTE FULL EXTENT OF SENATE CONCERN ABOUT THIS ISSUE  
UNQUOTE THROUGH UNANIMOUS SENATE RESOLUTION.GIST OF THIS RESLN  
IS THAT CDA HAS NOT/NOT DONE ITS FAIR SHARE IN CONSERVING CHINOOK  
SALMON AND THEREFORE USA SHLD TAKE HARDER LINE IN NEGS.  
WE THINK RESLN SHOULD BE TAKEN AT FACE VALUE.

3.MOREOVER,WE KNOW THAT SENATOR MURKOWSKI OF ALASKA HAS DEEP  
PERSONAL INTEREST IN ISSUE AND THERE IS NO/NO REASON TO BELIEVE  
THAT OTHER SENATORS WHO CO-SPONSORED RESLN DO NOT/NOT SHARE HIS  
PERCEPTIONS AND STRONG FEELINGS.PACIFIC SALMONIS ONE OF MOST  
SENSITIVE FISHERIES ISSUES.WERE CDA TO ISSUE NOTICE OF TERMINATION  
AS NEGOTIATING TACTIC AND WERE USA TO PERCEIVE IT AS SUCH,IT

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PAGE TWO UNGR5708 CONF

SEEMS TO US THAT THIS WLD LIKELY HAVE SERIOUS ADVERSE EFFECT ON  
NEGS AND CLD EVEN STALL THEM COMPLETELY. SOME FORM OF USA  
RETALIATION IS POSSIBILITY WHICH CLD NOT/NOT BE RULED OUT.

4. THAT BEING SAID, YOU ARE IN BEST POSITION TO DETERMINE BOTTOM  
LINE CDN NEGOTIATING POSITION. IF ISSUANCE OF NOTICE OF  
TERMINATION WERE CONSIDERED NECESSARY ON SUBSTANTIVE GROUNDS,  
THIS WLD RAISE OTHER QUESTIONS. ISSUANCE OF NOTICE AS NEGOTIATING  
TECHNIQUE HOWEVER CLD, IN OUR VIEW, BE COUNTERPRODUCTIVE.

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CONGRESS

SESSION

S. RES.

(Note—Fill in all blank lines except those provided for the date and number of resolution.)

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25-5-7-2-SALMON 41

IN THE SENATE OF THE UNITED STATES

Mr. Murkowski, for himself and Mr. Stevens, Gorton,

Hatfield, Jackson submitted the following resolution; which was

a resolution instructing the Secretary of Commerce to strengthen and define his position regarding the status of Pacific salmon stocks.

## RESOLUTION

*Resolved,*

Whereas, Pacific salmon originating in the waters of the United States and Canada swim freely across national boundaries, both as juveniles and as maturing fish bound for their spawning streams;

Whereas, as a result of this migratory pattern, fish of one country are caught in the fisheries of the other country both as a harvest incidental to domestic salmon fisheries and, in some cases, in targeted fisheries;

Whereas, the mixed stock nature of Chinook (King Salmon) fisheries, which harvest both immature and mature fish, complicates the management of this species;

Whereas, Pacific salmon are taken in many different forms of fishery and by a number of different groups, including commercial, recreational, and personal users in the United States and Canada;

Whereas, severe conservation problems have been identified with most Chinook stocks from the Columbia River to Southeastern Alaska;

Whereas, the United States through the Pacific Fishery Management Council and the North Pacific Fishery Management Council has taken significant steps to reduce the take of Chinook in order to promote conservation, but similar significant steps have not yet been taken by Canada;

Whereas, it is clear that neither country will be able to achieve the optimum production from its salmon stocks without an agreed-upon set of management rules governing intercepting fisheries on both sides of the border, and that unregulated escalation of interceptions can only aggravate the allocation and conservation problems currently being faced by both nations;

RESOLVED: It is the sense of the Senate that the Secretary of Commerce should take all appropriate steps necessary to strengthen and define a United States position that will ensure:

1. That our anadromous fish stocks are perpetuated at productive levels,
  2. That conservation costs shall be borne equally by both countries,
  3. That interception problems are addressed in a manner having minimum impact on our user groups;
- and report back to Congress on at least a semi-annual basis progress in these areas.

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

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REFERENCE  
Référence

SUBJECT  
Sujet

Fraser River Fisheries Treaty

SECURITY  
Sécurité

CONFIDENTIAL

DATE

October 12, 1982

NUMBER  
Numéro

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ENCLOSURES  
Annexes

DISTRIBUTION

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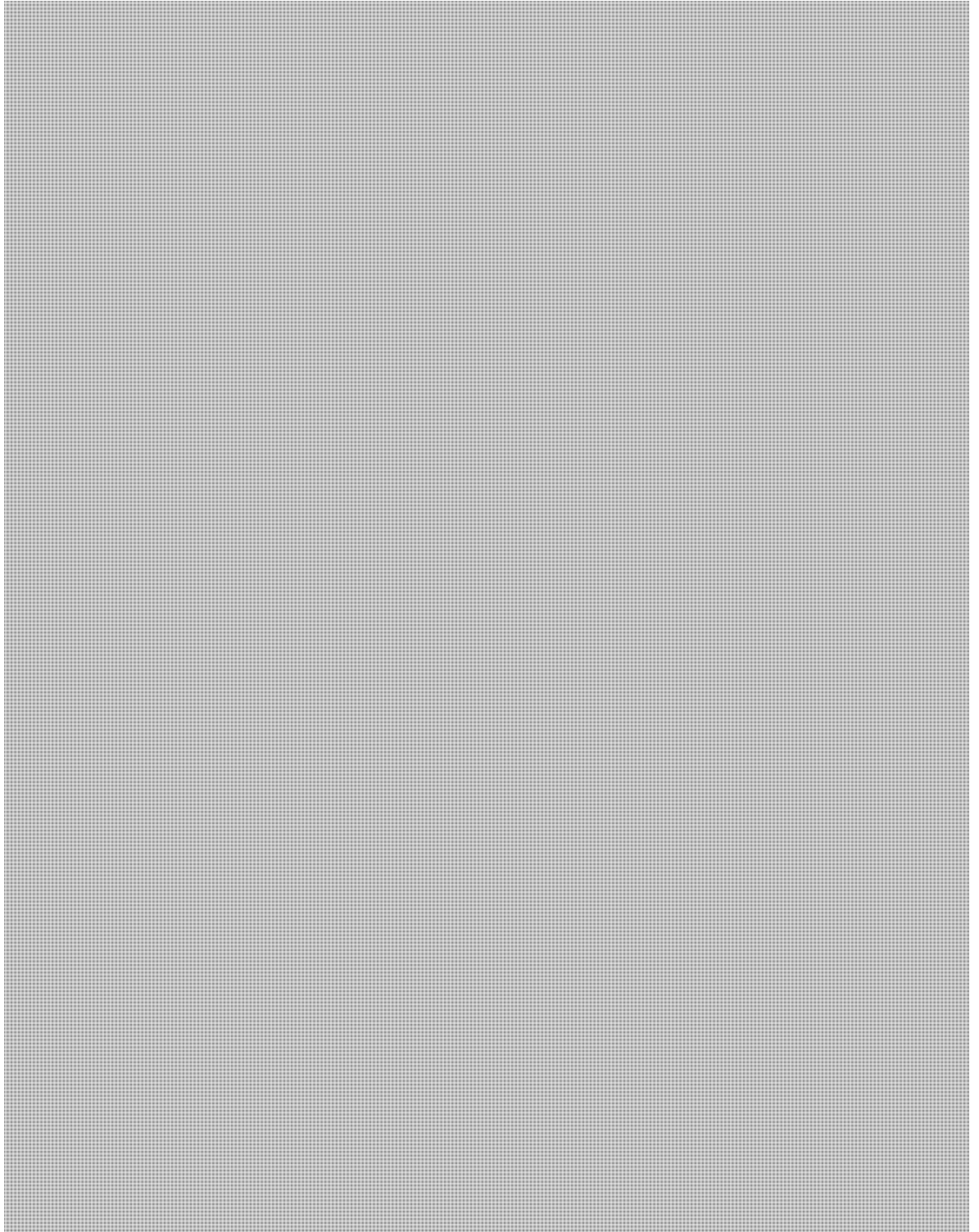


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CONFIDENTIAL



R.W. Burchill  
Director  
Legal Operations Division



Government  
of Canada

Gouvernement  
du Canada

TRANSMITTAL NOTE AND RECEIPT  
NOTE D'ENVOI ET REÇU

File No. — N° du dossier

186

TO — À

EXTOTT/LAO/STRAUSS

ORIGINATOR AND ADDRESS — INITIATEUR ET ADRESSE

BH DICKSON/CDN EMB/WSHDC

Security Classification — Classification de sécurité

☐ Confidential  
☐ Confidentiel

☐ Secret

☐ Top Secret  
☐ Très Secret

☒ UNCLASS

☐ With Enclosure(s)  
☐ Avec annexe(s)

☐ Without Enclosure  
☐ Sans annexe

QUANTITY  
QUANTITÉ

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DESCRIPTION

Excerpt from Congressional Record - Senate - September 30, 1982 S. 12727- 31;  
Conservation of Salmon in North Atlantic Ocean;  
PP. D1303 - Congressional Record Daily Digest - September 30, 1982; Treaties Approved.

DATE OCT 15 1982

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25-5-72-Salmon-1

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PAR PORTEUR

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LAO

Originator's Signature — Signature du l'initiateur

BH. DICKSON/rcc  
Signature

October 12/82

Date

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September 30, 1982

CONGRESSIONAL RECORD — SENATE

S 12727

porations. This is accomplished principally by removing unnecessary eligibility restrictions, and by revising the rules relating to income and distributions that tend to create traps for the unwary.

Congress originally enacted the subchapter S provisions to minimize the effect of Federal income taxes on the choice of a business organization's form, and to permit the incorporation and operation of certain small businesses without the imposition of a tax at both the corporation and shareholder levels.

H.R. 6055 maintains the ability of small business corporations to elect a single level shareholder tax on the corporate earnings, and by simplifying the rules governing the election, encourages more small businesses to take advantage of this election.

The bill replaces the rules of present law with a partnership-like scheme of taxation for subchapter S corporations. In addition, because the history of subchapter S demonstrates the ability of sophisticated taxpayers, or those with sophisticated advisers, to reap unintended tax benefits from the subchapter S rules, the bill attempts to eliminate these unwarranted benefits.

An identical bill, S. 2350, was introduced on April 1, 1982, by the ranking minority member of the Committee on Finance, Senator Long and myself. This introduced bill was developed by the staffs of the tax-writing committees in cooperation with the Treasury Department, professional bar and accounting groups, and small business representatives to simplify the operation of the subchapter S provisions. A hearing was held on September 10, 1982, and revisions were made in response to the comments presented.

Mr. President, H.R. 6055 will simplify subchapter S for small businesses. I strongly urge adoption of H.R. 6055, the Subchapter S Revision Act of 1982.

Mr. President, this is a matter that Senator Long has been working on for a number of years. I joined Senator Long this year. It has also been on the House side a bipartisan effort with Congressman CONABLE and Congressman ROSTENKOWSKI. We believe it is a tax simplification measure that should be passed. There was strong bipartisan support for this in the committee.

Mr. GRASSLEY. Mr. President, I want to praise the Department of Treasury, the Joint Committee on Taxation, and the Committee on Finance staff for their hard work on this difficult problem. This subchapter S reform legislation is very important to my constituents, many of whom are shareholders of subchapter S corporations.

In my opinion, the new eligibility requirements are much more realistic. Permitting the number of shareholders to be increased from 25 to 35 people is a sensible move which more accurately reflects modern business organization. Eliminating the one class

of stock restriction and the passive investment restrictions on corporations without earnings and profits and ongoing subchapter S corporations is an important reform which would eliminate much of the hardship small corporations face when their profit picture changes. Another reform denies a shareholder the right to permit a subchapter S election if he or she buys stock after the election was made—a sensible requirement to prevent minority tyranny.

Additionally, this bill extends the time during which an individual can elect to become a subchapter S corporation or elect out of subchapter S status. This change is important to many small businessmen who have difficulty projecting their annual earnings by the end of the first month of the taxable year. Extending the time for election to the 15th day of the third month of the calendar year will enable many small businessmen to select the corporate form most suited to their needs.

Another important provision of this bill permits losses to be carried forward to the extent the losses exceed the shareholder's basis in stock and loans to the corporation. This eliminates another senseless restriction on subchapter S corporations who are often struggling to make ends meet.

This bill is an important milestone in creating parity between subchapter S corporations and other conduit forms of corporate organization. In my view, this legislation makes great progress in ending the needless discrimination between subchapter S and other corporate forms of organization. The chairman and all the dedicated staff people who participated in this project deserve our congratulations for their efforts on this important project.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The committee amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NAIROBI PROTOCOL ON THE IMPORTATION OF EDUCATIONAL, SCIENTIFIC AND CULTURAL MATERIALS

CONVENTION WITH MEXICO FOR THE RECOVERY AND RETURN OF STOLEN OR EMBEZZLED VEHICLES AND AIRCRAFT

CONVENTION ON TONNAGE MEASUREMENTS OF SHIPS, 1969

CONSERVATION OF SALMON IN NORTH ATLANTIC OCEAN

ESTATE AND GIFT TAX TREATY WITH THE REPUBLIC OF AUSTRALIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, we are in executive session?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I am advised by my cloakroom that there is a request from the Department of State that treaty No. 35 be withdrawn from en bloc consideration and returned to the calendar.

If the minority leader has no objection to that, I will ask for that at this time.

Mr. ROBERT C. BYRD. There is no objection.

Mr. BAKER. Mr. President, I ask unanimous consent the previous unanimous-consent order be amended to delete treaty No. 35, and that item be returned to the Executive Calendar.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, is the vote to occur at 1:10 p.m. today?

The PRESIDING OFFICER. There is 10 minutes of debate provided before the vote.

Mr. BAKER. All right. This will be now one vote to count for five votes instead of one vote to count for six?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I thank the Chair.

Mr. PERCY. Mr. President, the Senate will vote today on six treaties for which the President has asked our advice and consent. All of these treaties were reported unanimously by the Committee on Foreign Relations during this session, and we are not aware of opposition to any of them. They deal with a range of different subjects and the reports are available to every Member of the Senate. I urge my colleagues to approve each of them.

STATEMENT OF SENATOR PERCY ON THE MONTREAL PROTOCOLS

Mr. President, before turning to the treaties which are before the Senate for a vote today, I would like to direct the attention of the members to a treaty which is not being considered today, but which I fully hope and expect will be dealt with by the Senate

S 12728

CONGRESSIONAL RECORD — SENATE

September 30, 1982

before the end of this Congress. I am referring to the treaty which incorporates the Montreal Protocols, Nos. 3 and 4, dealing with the compensation of victims and their families in the event of international aviation accidents.

On the op-ed page of this morning's New York Times, there appears a column entitled "Cheating Air Travelers" written by the distinguished junior Senator from South Carolina, Senator HOLLINGS. It repeats very concisely the kind of arguments being made against the Montreal Protocols by the American Trial Lawyers Association, which has spearheaded the opposition to this treaty for 5 years and which has succeeded thus far in preventing these treaties from coming to a vote in the Senate.

Mr. President, I hope we will have a full opportunity during the forthcoming session of the Senate to address the charges made in Senator HOLLINGS' column and to present what I believe is the much more persuasive argument in favor of U.S. ratification. I trust the Senator from South Carolina will cooperate in the development of a reasonable time agreement to permit such a debate.

Let me simply note for the record today, that the basic reason why we must proceed with the ratification of these agreements without further delay is that the vast majority of American travelers will be far better off if we do so. Contrary to the implication of this morning's column, it is the interest of the American consumer which argue in favor of ratification, not against it. That is why the members of the Committee on Foreign Relations voted 16 to 1 in favor of the protocols and why I am confident that if we can get to a vote in the Senate on this issue, following an opportunity for debate, we will achieve the support of the two-thirds of the Senate necessary for advice and consent.

For whatever the trial lawyers' association may claim about the current situation in aviation accident compensation, the fact of the matter is that most people presently receive far less compensation today in the event of accident than they would under the proposed system. They also must pay much more of it to a lawyer and they often must wait much longer to obtain it. Furthermore, without an international treaty system such as that proposed in the protocols, some Americans will find themselves without access to U.S. courts and with an even lower limit on available recoveries.

In short, I think we can effectively respond to the claims made in Senator HOLLINGS' article this morning. I trust he will agree to bringing the treaty up later this year.

PROTOCOL ON THE IMPORTATION OF EDUCATIONAL, SCIENTIFIC, AND CULTURAL MATERIALS

Mr. President, the Senate has before it for advice and consent a treaty protocol dealing with the elimination of duties on a range of educational, scientific, and cultural materials.

It is known as the "Nairobi Protocol" because of the site of the negotiations themselves and amends a longstanding treaty known as the Florence Agreement.

The Nairobi Protocol is an expansion of the original Florence Agreement and extends duty-free treatment to such materials as books, publications and documents, works of art and collectors' pieces, visual and auditory materials, scientific instruments and apparatus, and articles for the blind. It will have important economic benefits for the United States, both in lower cost imports for U.S. consumers and in increased markets for U.S. exporters who are highly competitive in the products covered by the protocol.

The Committee on Foreign Relations reported the Nairobi Protocol without dissent several months ago. Both the report of the committee, No. 97-53, and the hearing record from last fall are available to all Members. The committee is not aware of any opposition to the ratification of this protocol by the United States and has received expressions of strong support from the following organizations: American Foundation for the Blind, Association of University Presses, American Library Association, Association of American Publishers, Recording Industry Association of America, and the Canadian Film Development Corp.

The protocol will enter into force for the United States when our instrument of ratification is deposited by the President subsequent to Senate advice and consent. The administration has indicated its intention not to take such a step until implementing legislation is enacted. Furthermore, in order to insure that our exporters will receive generally equivalent benefits from other countries, the administration has expressed its intention not to take such a step until it is clear that certain other major trading nations will be ratifying the protocol. However, the proposed implementing legislation would provide for temporary duty-free treatment for certain articles during the interim period. Such legislation was recently reported by the Senate Finance Committee.

Mr. President, the Nairobi Protocol deserves the advice and consent of the Senate and I urge my colleagues to support it.

CONVENTION WITH MEXICO FOR THE RECOVERY AND RETURN OF STOLEN AND EMBEZZLED VEHICLES AND AIRCRAFT

Mr. President, on June 30, by a vote of 15-0, the Committee on Foreign Relations approved the proposed convention between the United States and Mexico for the recovery and return of stolen and embezzled vehicles and aircraft now before the Senate for its advice and consent. This vote of approval was preceded on June 11 by a full morning committee hearing during which administration and public witnesses testified in support of

the proposed convention which has already been ratified by Mexico.

Specifically, the proposed convention, Treaty Document 97-18, supersedes a 1936 convention with Mexico that established the principle of mutual assistance between the two signatory countries in the recovery and return of vehicles and aircraft stolen or embezzled in one country and seized in the other's territory. By mutual agreement, the convention was renegotiated to provide for more efficient procedures in effecting such returns or determining that a vehicle or aircraft is not within the terms of the proposed convention.

As further background, it is now estimated that as many as 20,000 vehicles valued at \$100 million to \$200 million are stolen in the United States and taken into Mexico annually. The procedures for return under the 1936 convention are time consuming and subject to a complicated bureaucratic process whereby all requests for return are made to the Mexican Ministry of Foreign Relations and not the Mexican law enforcement agency that has control of the vehicle or aircraft. Therefore, from the U.S. perspective, a primary reason for renegotiating the 1936 convention was to improve the prospects for the speedy return of motor vehicles and aircraft stolen or embezzled in the United States and brought into Mexico since that convention has not always proven effective in facilitating their easy and prompt return.

The Mexican Government was interested in renegotiating the 1936 convention primarily because of its concern over the smuggling into Mexico from the United States of \$1 billion worth of contraband, appliances, electronic equipment, and firearms annually. The Mexican Government asserted that the majority of this contraband was being brought into Mexico by private aircraft, many of which were allegedly stolen or embezzled in the United States, and then landed with contraband at clandestine airstrips in remote areas of northern Mexico. Such smuggling was not a problem when the 1936 convention was negotiated and that convention generally obligated the parties to return aircraft stolen or embezzled in one country and found in the other's territory whether or not the vehicle or aircraft had been used in the commission of a crime. The Mexican Government felt, however, that, smuggling could only be deterred if it had the authority to seize and not return aircraft and vehicles used in smuggling operations. The Mexicans thus sought to insure the inclusion of this authority in the proposed convention.

A detailed analysis of the major provisions of the proposed convention is contained in Executive Report No. 97-55 prepared by the Committee on Foreign Relations and available at the desk of each Senator.

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Mr. President, I urge my colleagues to approve the proposed convention so that it can be ratified by the President as soon as possible.

CONVENTION ON TONNAGE MEASUREMENTS OF SHIPS, 1969

This convention is designed to establish uniform principles and rules with respect to the determination of the tonnage of vessels engaged in international voyages.

The tonnage measurement of vessels produces two figures. The first, commonly referred to as a gross tonnage, is intended to give an indication of the overall size of a ship. This figure has been used to provide a basis for comparison of vessels in connection with administration of national and international laws, statistics, drydocking charge schedules and to provide an index when the relative sizes of vessels are important. The second figure produced by the tonnage measurement is called net tonnage, and usually constitutes the measure of a ship's cargo carrying capacity. This measurement has been utilized principally by port and other dues-collecting authorities as a basis for the assessment of canal tolls and other charges.

Different systems of tonnage measurements have caused duplication in the work of measuring vessels, complicated the movement of ships in and out of the various ports of the world and have created economic inequities among ships of different nationalities. This convention is designed to establish uniform principles and rules with respect to the determination of the tonnage of vessels engaged in international voyages.

The first attempt at unifying tonnage measurements was initiated in 1925 by the League of Nations. A draft convention with regulations was drawn up in 1937, but the outbreak of World War II postponed a proposed conference. In 1947, a convention based on the 1937 draft was adopted by 16 nations at Oslo, Norway. However, the rigid amending procedure of this convention made it impractical as a binding legal agreement.

In 1959, work on the unification of tonnage measurement was taken over by the Intergovernmental Maritime Consultative Organization (IMCO). After 10 years of drafting proposals, IMCO convened an international conference which adopted the present convention. The convention was signed in London on June 23, 1969, and was submitted on June 15, 1972.

CONSERVATION OF SALMON IN NORTH ATLANTIC OCEAN

The Convention for the Conservation of Salmon in the North Atlantic Ocean was signed in March 1982 by the United States, Canada, Denmark, the European Community, Iceland, Norway, and Sweden. Its purpose is to conserve, restore and manage the salmon stocks of the North Atlantic Ocean.

Atlantic salmon from nations bordering the North Atlantic Ocean an-

nually migrate to the waters off Greenland to feed before returning to natal rivers to spawn and renew the life cycle. In the years 1964-72, the Danes, Norwegians and Faroese increased the Greenland "high-seas" fishery to a point where scientists feared for the survival of the species. Catches in home waters plummeted to record lows. A movement spearheaded by the private sector in the United States working closely with the U.S. Government secured the United States-Danish Atlantic Salmon Agreement of January 1972, which phased out the "high-seas" fishery by 1976 and established an 1,190-ton quota on the "inshore" fishery by native Greenlanders. This was later incorporated into an ICNAF (the International Commission for Northwest Atlantic Fisheries) agreement.

After the termination of ICNAF in 1976, the Atlantic salmon was left without protection. There are international treaties for other highly migrating species, the tunas, the whales, the seals, and Pacific salmon, but none for the Atlantic salmon.

In 1975, a private organization entitled the Restoration of Atlantic Salmon in America, Inc. (RASA) became the first to call for a multilateral treaty. By 1978, the efforts of this group persuaded the U.S. Department of State to introduce a draft of a convention for comment by interested nations. Since then, five meetings of interested parties were held, in Washington, Brussels, Ottawa, Oslo, and Geneva. A diplomatic conference held in Reykjavik in January 1982 produced a final convention.

The convention applies to salmon stocks which migrate beyond areas of fisheries jurisdiction of coastal nations of the Atlantic Ocean north of 36 degrees north latitude throughout their migratory range. It is designed to control and manage the high seas interception of salmon before they return to their rivers of origin. The following is the manner in which the agreement hopes to achieve its purpose.

First, fishing beyond 12 miles of the coast would be prohibited except in the case of Greenland and the Faroe Islands. This restriction would not affect U.S. fishing patterns because there are no salmon fisheries now operating beyond 12 miles from our coast, and none are expected to become viable for decades.

Second, the convention will establish a new organization consisting of a council and three regional commissions to promote and coordinate conservation, restoration and scientific investigations of salmon in the North Atlantic Ocean. These regional commissions will be empowered to adopt proposals to regulate the interceptions by one country of salmon originating in rivers of other countries. Again, this will not lead to limits on U.S. fishermen because the United States does not intercept salmon of foreign origin.

The expected results of these measures is that more salmon will return to spawn in their rivers of origin—not just in the United States, but in Canada, Iceland, Norway, Sweden, the United Kingdom and elsewhere.

The committee notes that U.S. salmon interests are in favor of this convention. The committee has received letters of support from the following organizations: Restoration of Atlantic Salmon in America, Inc., National Coalition for Marine Conservation, Inc., and the Connecticut River Salmon Association.

I would also like to ask unanimous consent that the statement of the Director of the Office of Fisheries Affairs in the Department of State supporting the ratification of this treaty be included in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF LARRY L. SNEAD

Mr. Chairman and Members of the Committee:

I am pleased to have this opportunity to appear before you to request Senate advice and consent to ratification of the Convention for the Conservation of Salmon in the North Atlantic Ocean. The United States took the lead nearly four years ago in developing this Convention to respond to domestic and international concern regarding the need for a comprehensive international treaty to deal with Atlantic salmon issues. As you know, provisions of United States law authorize the Department to undertake such negotiations. The negotiations were successfully concluded at a Diplomatic Conference held in Reykjavik, Iceland in January 1982. The Convention has been signed by the United States, Canada, the European Community, Iceland and Norway, and will remain open for signature through August 31, 1982.

The Convention applies to salmon which migrate beyond areas of fisheries jurisdiction of coastal states of the Atlantic Ocean north of 36 degrees North Latitude throughout their migratory range. Salmon spawning in U.S. rivers, for example, migrate to sea where they are intercepted within Canadian and, to a lesser extent, Greenland fishery jurisdictions before returning to spawn in U.S. rivers. These interceptions (catches by one country of salmon which originate in the rivers of another) must be controlled if effective management and restoration of depleted U.S. salmon stocks is to be achieved. Atlantic salmon of Canadian and European origin are also affected by interceptions off foreign coasts, but these salmon are not known to migrate into U.S. waters in any substantial numbers.

The United States had three primary objectives in undertaking these negotiations: (1) to address the worldwide decline in Atlantic salmon stocks by establishing an international forum to consider salmon conservation and management problems; (2) to replace inadequate short-term bilateral arrangements with a permanent treaty to develop cooperation between salmon harvesting and salmon producing interests; and (3) to facilitate salmon enhancement efforts by developing a mechanism to control salmon interceptions. I would like to interject here, Mr. Chairman, that the United States also sought from the beginning to limit the scope of this treaty to deal with salmon re-

sources only. Our purpose was to avoid trade-offs between salmon problems and unrelated fishery problems in the Atlantic Ocean.

The key provisions of this Convention are:

1. Salmon fishing beyond 12 miles offshore is banned, except in the case of West Greenland and the Faroe Islands where fishing may occur within 40 miles and 200 miles offshore, respectively.

2. A new organization is established consisting of a Council and three regional Commissions to promote and coordinate salmon conservation, management and restoration activities as well as scientific investigations of salmon in the North Atlantic Ocean.

3. These Commissions may, on the basis of unanimity, propose regulations on salmon interceptions.

The need for a three-Commission structure was recognized early in the negotiations. Atlantic salmon conservation and management is complicated by the interrelationship between salmon which migrate from their rivers of origin in either North America or Europe and then co-mingle in a common feeding area off the West coast of Greenland. The three Commissions cover distinct areas in the North Ocean, and report to a single Council which coordinated their activities. These Commissions, their members and areas of coverage are:

1. North American Commission. Membership is limited to the United States and Canada. The European Community may submit and vote on proposals for regulatory measures concerning salmon stocks of European origin. The area of geographic coverage is the maritime waters under the jurisdiction of the United States and Canada off the Atlantic coast of North America.

2. West Greenland Commission. Membership is initially limited to the United States, Canada and the European Community. The area of coverage is the maritime waters under the jurisdiction of Greenland off the west coast of Greenland.

3. Northeast Atlantic Commission. Membership is initially limited to the European Community, Iceland, Norway, Denmark (in respect of the Faroe Islands) and Sweden. The United States and Canada may submit and vote on proposals for regulatory measures concerning salmon of United States and Canadian origin. The area of geographic coverage is all maritime waters east of the West Greenland Commission area.

The North American Commission will be of particular interest to the United States because of its bilateral nature and because most interceptions of U.S. origin salmon occur off Canada. Accordingly, the United States and Canada agreed to three additional provisions in the North American Commission which are highly significant to U.S. domestic interests.

First, the stated objective of the Commission is to minimize interceptions as opposed to the main function of the West Greenland and Northeast Atlantic Commissions to consult and cooperate on interception problems. Since the United States does not conduct salmon fisheries which intercept Atlantic salmon, this means, from a practical standpoint, that Canada is obliged to make efforts to minimize its catch of U.S. origin salmon in Canadian salmon fisheries.

Second, patterns in salmon fisheries within the Commission area shall not be altered in a manner which results in the initiation of or increases in interceptions, without the consent of the state of origin. This provision will give important new protection to U.S. origin salmon while they are migrating inside waters under Canadian jurisdiction.

Third, each member of the Commission shall, with respect to its vessels and the area

under its fisheries jurisdiction, take the measures necessary to minimize the interception of salmon in non-salmon fisheries. Again, this will give important new protection to salmon of U.S. origin which are taken as by catch in trawl nets or other fishing gear by either Canadian or other foreign fishermen operating inside the Canadian fisheries zone.

Mr. Chairman, I believe it will also be of interest to the Committee to note that the fiscal obligations of the United States under this Convention are relatively minimal in terms of the potential benefits. The budget formula adopted by the Convention, while divided on a fair and proportionate basis among the Parties, will result in a United States share of only about 5 percent of the total budget for the near future. The total budget of the Organization will also be kept small, by relying on a small Secretariat staff and by utilizing the International Council for the Exploration of the Seas (ICES) as the primary source of scientific advice.

Other U.S. scientific support to the Organization would normally be given directly by the technical branches of the Federal agencies involved which are supported by the regular appropriations process. On a comparative basis, the Atlantic Salmon Convention would be the least costly fishery convention to which the United States is a Party. Our request for funds to cover U.S. contributions under the Convention has been approved by the Office of Management and Budget for inclusion in the fiscal year 1983 budget.

Mr. Chairman, I am pleased to inform members of the Committee that our negotiations have succeeded in all substantive respects in achieving the domestic objectives I cited earlier. The proposed Convention will provide for the first time a permanent forum for salmon producing states and salmon harvesting states to work together cooperatively to solve critical salmon conservation, restoration and management problems in the Atlantic Ocean.

It will for the first time focus worldwide attention on the unique status of Atlantic salmon stocks and provide a framework for resolving potential conflicts and addressing regional, national and local salmon interests through multi-national cooperation. It will create a more favorable environment for salmon restoration in the United States and abroad by increasing the opportunity for fair economic returns from salmon enhancement costs. For these reasons, Mr. Chairman, the Department strongly urges Senate advice and consent to ratification.

The United States believes it is important that the Convention enter into force at the earliest possible time. However, an issue which may affect timing for the Convention's entry into force centers on a provision under Article 17, which requires, in essence, the deposit of instruments of ratification, approval or accession by the United States, Canada and the European Community, together with one other Party.

Failure of any one of these three signatories to ratify or approve the Convention will block its entry into force. Canada is seeking firm assurances that the provisions of a separate bilateral agreement with the European Community concerning the West Greenland salmon quota for 1982 and 1983, which was approved last year, will continue to apply through 1983. Maintenance of adequate conservation measures in the 1983 West Greenland salmon fishery is also important to the United States since U.S. origin salmon are intercepted in that fishery.

The United States has been actively working with Canadian and European officials since January in attempting to find a solu-

tion which will allow early entry into force of the Convention, but which will also provide for adequate conservation measures off West Greenland in 1983. Our efforts on this issue are continuing, Mr. Chairman, and hopefully a satisfactory solution will be achieved soon.

I would be pleased at this time to answer any questions Members of the Committee might have.

#### ESTATE AND GIFT TAX TREATY WITH THE REPUBLIC OF AUSTRIA

Mr. PERCY. Mr. President, the purposes of the proposed estate, gift, and generation-skipping transfer tax treaty between the United States and Austria are to alleviate double taxation on the estates, gifts, and generation-skipping transfers of citizens and domiciliaries of those countries by modifying the jurisdictional rules of such taxation with respect to these individuals and to prevent evasion of taxes on estates, gifts, inheritances, and deemed transfers. The treaty modifies the jurisdictional rules in two ways.

First, an individual's country of domicile is given primary tax jurisdiction over the estates, gifts, and deemed transfers of its domiciliaries (article 7). However, real property and business property located in the other country ("situs country") are subject to primary tax jurisdiction in the situs country (articles 5 and 6).

The second modification is that in situations where both countries under their own domestic laws consider an individual to be a domiciliary, the individual will be treated as having only one country of domicile for purposes of the taxes covered by the treaty. The treaty sets forth several criteria to determine which country is the country of domicile (article 4).

In situations where both countries retain the right to tax transfers the treaty generally provides for relief from double taxation by the country of domicile or citizenship (article 9). Where the United States is the country of domicile or citizenship, relief is granted through a foreign tax credit. Where Austria is the country of domicile, relief is granted by Austria exempting the property from tax.

The treaty contains the standard provision (the "saving clause") contained in U.S. tax treaties that the United States retains the right to tax its citizens as if the treaty had not come into effect (article 9). In addition, it contains the standard provision that the treaty will not be applied to deny any taxpayer any benefits he would be entitled to under the domestic law of either country or under any other agreement between the two countries (article 1); that is, the treaty will only be applied to the benefit of taxpayers.

The treaty also contains standard nondiscrimination provisions and provides for exchanges of information and administrative cooperation between the tax authorities of the two

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countries to avoid double taxation and prevent fiscal evasion.

Mr. BAKER. Mr. President, I have no further need for the time for debate. I see no Senator seeking recognition. If the minority leader wishes to proceed, I am willing to yield our time to him.

Mr. ROBERT C. BYRD. Mr. President, I have no indication of anyone on this side who wishes to make a statement.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the resolutions of ratification.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON), is necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. DENTON), would vote "yea."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Hawaii (Mr. MATSUNAGA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Votes Nos. 374, 375, 376, 377, 378, Leg.]

## YEAS—97

|                 |            |           |
|-----------------|------------|-----------|
| Abdnor          | Garn       | Mitchell  |
| Andrews         | Glenn      | Moynihan  |
| Armstrong       | Goldwater  | Murkowski |
| Baker           | Gorton     | Nickles   |
| Baucus          | Grassley   | Nunn      |
| Bentsen         | Hart       | Packwood  |
| Biden           | Hatch      | Pell      |
| Boren           | Hatfield   | Percy     |
| Boschwitz       | Hawkins    | Pressler  |
| Bradley         | Hayakawa   | Proxmire  |
| Brady           | Heflin     | Pryor     |
| Bumpers         | Heinz      | Quayle    |
| Burdick         | Helms      | Randolph  |
| Byrd            | Hollings   | Riegle    |
| Harry F., Jr.   | Huddleston | Roth      |
| Byrd, Robert C. | Humphrey   | Rudman    |
| Cannon          | Inouye     | Sarbanes  |
| Chafee          | Jackson    | Sasser    |
| Chiles          | Jepson     | Schmitt   |
| Cochran         | Johnston   | Simpson   |
| Cohen           | Kassebaum  | Specter   |
| Cranston        | Kasten     | Stafford  |
| D'Amato         | Kennedy    | Stennis   |
| Danforth        | Laxalt     | Stevens   |
| DeConcini       | Leahy      | Symms     |
| Dixon           | Levin      | Thurmond  |
| Dole            | Long       | Tower     |
| Domenici        | Lugar      | Tsongas   |
| Durenberger     | Mathias    | Wallop    |
| Eagleton        | Mattingly  | Warner    |
| East            | McClure    | Weicker   |
| Exon            | Melcher    | Zorinsky  |
| Ford            | Metzenbaum |           |

## NOT VOTING—3

Denton      Dodd      Matsunaga

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

## NAIROBI PROTOCOL ON THE IMPORTATION OF EDUCATIONAL, SCIENTIFIC, AND CULTURAL MATERIALS

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol to the Agreement on the Importation of Educational, Scientific, and Cultural Materials, adopted at Nairobi on November 26, 1976, and signed by the United States on September 1, 1981.*

## CONVENTION WITH MEXICO FOR THE RECOVERY AND RETURN OF STOLEN OR EMBEZZLED VEHICLES AND AIRCRAFT

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a Convention Between the United States of America and the United Mexican States for the Recovery and Return of Stolen or Embezzled Vehicles and Aircraft which was signed at Washington on January 15, 1981.*

## CONVENTION ON TONNAGE MEASUREMENTS OF SHIPS, 1969

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention on Tonnage Measurements of Ships, 1969, which was signed for the United States at London, June 23, 1969, subject to the following understanding:*

That in the assessment of tolls for transit of the Panama Canal, the United States will continue to have the right to apply the present Panama Canal tonnage system or to adopt any other basis, in computing tonnages derived from volumes or other measures developed in connection with the said convention.

## CONSERVATION OF SALMON IN NORTH ATLANTIC OCEAN

*Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Convention for the Conservation of Salmon in the North Atlantic Ocean, signed in March 1982 by the United States, Canada, the European Community, Iceland, and Norway.*

## ESTATE AND GIFT TAX TREATY WITH THE REPUBLIC OF AUSTRIA

*Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Between the United States of America and the Republic of Austria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, Gifts, and Generation-Skipping Transfers, signed at Vienna on June 21, 1982 (Treaty Document 97-26).*

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the resolutions of ratification were agreed to.

Mr. EAGLETON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## JOB TRAINING PARTNERSHIP ACT—CONFERENCE REPORT

The PRESIDING OFFICER. The question is on agreeing to the conference report on S. 2036. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. DENTON) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Mr. LONG), and the Senator from Hawaii (Mr. MATSUNAGA) are necessarily absent.

The PRESIDING OFFICER. Is there any Senator in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 379 Leg.]

## YEAS—95

|                 |            |            |
|-----------------|------------|------------|
| Abdnor          | Ford       | Metzenbaum |
| Andrews         | Garn       | Mitchell   |
| Armstrong       | Glenn      | Moynihan   |
| Baker           | Goldwater  | Murkowski  |
| Baucus          | Gorton     | Nickles    |
| Bentsen         | Grassley   | Nunn       |
| Biden           | Hart       | Packwood   |
| Boren           | Hatch      | Pell       |
| Boschwitz       | Hatfield   | Percy      |
| Bradley         | Hawkins    | Pressler   |
| Brady           | Hayakawa   | Proxmire   |
| Bumpers         | Heflin     | Pryor      |
| Burdick         | Heinz      | Quayle     |
| Byrd            | Helms      | Randolph   |
| Harry F., Jr.   | Hollings   | Riegle     |
| Byrd, Robert C. | Huddleston | Roth       |
| Cannon          | Humphrey   | Rudman     |
| Chafee          | Inouye     | Sarbanes   |
| Chiles          | Jackson    | Sasser     |
| Cochran         | Jepson     | Schmitt    |
| Cohen           | Johnston   | Simpson    |
| Cranston        | Kassebaum  | Specter    |
| D'Amato         | Kasten     | Stafford   |
| Danforth        | Kennedy    | Stennis    |
| DeConcini       | Laxalt     | Stevens    |
| Dixon           | Leahy      | Symms      |
| Dole            | Levin      | Thurmond   |
| Domenici        | Lugar      | Tsongas    |
| Durenberger     | Mathias    | Wallop     |
| Eagleton        | Mattingly  | Warner     |
| East            | McClure    | Weicker    |
| Exon            | Melcher    | Zorinsky   |

## NOT VOTING—5

Denton      Long      Tower  
Dodd      Matsunaga

So the conference report was agreed to.

## ARMED CAREER CRIMINAL ACT OF 1982

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on passage of S. 1688.

The bill having been read the third time, the question is, shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON) and the Senator from Texas (Mr. TOWER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr.



**Capitol Reef National Park, Utah:** Senate concurred in the amendments of the House to S. 1872, extending the period of grazing privileges afforded to privately owned lands within the Capitol Reef National Park in Utah, with a Baker (for McClure) unprinted amendment No. 1353, in the nature of a substitute.

Page S12740

**Authorities Affecting Territories and Possessions in the United States:** Senate concurred in the House amendment to Senate amendment to H.R. 5139, modifying provisions of the revised Organic Act of the Virgin Islands and providing certain other authorities affecting the territories and possessions of the United States, with further amendments proposed thereto as follows:

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(1) Baker (for McClure) unprinted amendment No. 1354, of a technical nature.

Page S12744

(2) Baker (for Chafee) unprinted amendment No. 1355, extending for one year the period in which the Commonwealth of Puerto Rico may use funds to finance the non-Federal share of certain wastewater treatment plants currently under construction.

Page S12745

**Depository Institutions Amendments of 1982—Conference Report:** Senate agreed to the Conference Report on H.R. 6267, to assist the thrift industry by providing net worth assistance to savings institutions and additional flexibility to their Federal regulatory agencies.

Page S12709

**Training for Jobs Act—Conference Report:** By unanimous vote of 95 yeas, Senate agreed to the Conference Report on S. 2036, providing for State and local employment and training assistance.

Page S12711

**NASA Authorizations, 1983—Conference Report:** Senate agreed to the Conference Report on H.R. 5890, authorizing funds for fiscal year 1983 for the National Aeronautics and Space Administration.

Page S12723

**Aviation Insurance Program—Conference Report:** Senate agreed to the Conference Report on H.R. 5930, amending the Federal Aviation Act of 1958, extending the authority of the Secretary of Transportation to provide certain aviation insurance and reinsurance.

Page S12723

**Treaties Approved:** By unanimous votes of 97 yeas, two-thirds of the Senators present and voting having voted in the affirmative, Senate agreed to the ratification of the following treaties:

97-2, Protocol to the Agreement on the Importation of Educational Scientific and Cultural Materials,

adopted at Nairobi on November 26, 1976, and opened for signature at the United Nations on March 1, 1977.

97-18, Convention Between the United States and Mexico for the Recovery and Return of Stolen or Embezzled Vehicles and Aircraft, which was signed at Washington on January 15, 1981.

Ex. N, 92-2, International Convention on Tonnage Measurements of Ships, 1969, which was signed for the United States at London, on June 23, 1969, with an understanding.

97-25, Convention for the Conservation of Salmon in the North Atlantic Ocean, signed in March, 1982, by the United States, Canada, the European Community, Iceland, and Norway.

97-26, Tax Convention with the Republic of Austria, which was signed by the United States and Austria on June 21, 1982.

(See next issue.)

Prior to the above action, Senate vitiated the order to consider Treaty Doc. No. 97-5, Treaty with New Zealand on the Delimitation of the Maritime Boundary Between the United States and Tokelau, and the Treaty remained on the Calendar.

(See next issue.)

**Executive Reports:** Senate received the following Executive Reports:

Nomination of Richard R. Burt, of the District of Columbia, to be Assistant Secretary of State for European Affairs (together with additional views). (Exec. Rept. No. 97-63)

Nomination of Richard T. McCormack, to be Assistant Secretary of State for Economic and Business Affairs. (Exec. Rept. No. 97-64)

(See next issue.)

**Messages From the House:**

(See next issue.)

**Statements on Introduced Bills:**

(See next issue.)

**Amendments Submitted for Printing:**

(See next issue.)

**Additional Statements:**

(See next issue.)

**Record Votes:** Ten record votes were taken today. (Total—383)

Pages S12731, S12732 (see next issue)

**Recess:** Senate convened at 9:30 a.m., and recessed at 7:45 p.m., until 9:30 a.m., on Friday, October 1, 1982. (For Senate's program see remarks of Senator Baker in today's Record on page (see next issue).)

## Committee Meetings

(Committees not listed did not meet)

## NOMINATIONS

**Committee on Agriculture, Nutrition, and Forestry:** Committee ordered favorably reported the nominations of Fowler C. West, of Texas, to be Commissioner of

# Senate

FRIDAY, OCTOBER 1, 1982

(Legislative day of Wednesday, September 8, 1982)

## PACIFIC SALMON STOCKS

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate, Senate Resolution 455.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 455) instructing the Secretary of Commerce to strengthen and define his position regarding the status of Pacific salmon stocks.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. Mr. President, I take this opportunity to speak on behalf of Senate Resolution 455, a resolution which addresses the status of Pacific salmon stocks and the ongoing interception negotiations between the United States and Canada.

On October 4, the United States will commence a new round of negotiations with Canada concerning the valuable Chinook salmon resource of the Northeast and Alaska. These salmon originate in the waters of Washington, Oregon, Alaska, and British Columbia, and during their life cycle, they are caught by both United States and Canadian fishermen. Yet the resource is at an all-time low, and while the United States has taken significant steps to conserve Chinook salmon, similar significant steps have not yet been taken by Canada. Without a management regime in force in both countries, we cannot hope to rebuild and protect this valuable resource.

Mr. President, because I am deeply concerned about the need for a bilateral management regime for Chinook salmon, I have cosponsored this resolution, introduced by my colleague, Senator MURKOWSKI, from the outset. The resolution directs the Secretary of Commerce to establish a strong negotiating position which would insure that our salmon stocks are protected and that both countries bear the costs of conservation equitably and equally. I believe that the effect of this resolution will be to emphasize to all who are involved in the negotiations and to the Canadian Government the full extent of the Senate's concern about this issue.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 455) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 455

Whereas Pacific salmon originating in the waters of Washington, Oregon, British Columbia, and Alaska wander freely across boundaries, both as yearling juveniles and maturing fish bound for their spawning streams; and

Whereas as a result of this migratory pattern, fish of one country are caught in the fisheries of the other country both as an incidental harvest to domestic salmon fisheries and, in some cases, in targeted fisheries; and

Whereas the mixed stock nature of Chinook (king salmon) fisheries which harvest fish both as immatures and matures (due to their long-life history at sea) complicates the management of this species, which must also take into account attempts to harvest both healthy stocks and hatchery stocks, as well as providing for the conservation needs of depressed stocks, and not neglecting that this species also enters many different forms of fishery and is taken by a number of different user groups: commercial, recreational, and personal use in the United States and Canada; and

Whereas severe conservation problems have been identified with most Chinook stocks from the Columbia River to southeastern Alaska and recent work by scientists of both nations has highlighted stock problems in British Columbia, where those stocks are estimated to be reaching only one-third of their optimum escapement requirements; and

Whereas Chinook salmon fisheries in British Columbia harvest well over one million Chinook salmon annually compared to a harvest of slightly more than two hundred and fifty thousand fish in southeast Alaska as a result of the adoption by the State of Alaska of a fifteen-year rebuilding program designed to return natural Chinook runs in major rivers in southwest Alaska to their historical levels of abundance; and

Whereas the realization that neither country will be able to optimize production from its salmon stocks without an agreed upon set of management ground rules governing intercepting fisheries on both sides of the border and recognizing that unregulated escalation of interceptions and intercepting fisheries in British Columbia can only aggravate the allocation and conservation problems currently being faced by both nations; Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Commerce should take all appropriate steps necessary to strengthen and define a United States position that will insure—

(1) that our anadromous fish stocks are perpetuated at productive levels;

(2) that our fishermen are treated in an equitable manner in terms of sacrifices necessary to achieve conservation goals;

(3) that interception problems are addressed in a manner having minimum impact on our user groups; and report back to Congress on at least a semiannual basis progress in these areas.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## FEASIBILITY OF CERTAIN WATER RESOURCE DEVELOPMENTS

Mr. BAKER. Mr. President, next on my list is S. 2443, Calendar Order 570. I wonder if the minority leader can clear that?

Mr. ROBERT C. BYRD. Yes, Mr. President, that item is cleared.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask the Chair to lay before the Senate S. 2443, Calendar Order 570.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2443) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

The Senate proceeded to consider the bill.

### BY AMENDMENT NO. 1395

(Purpose: To authorize the Secretary of the Interior to conduct a feasibility study of the Muddy Creek erosion control project, Montana.)

Mr. ROBERT C. BYRD. Mr. President, I offer an amendment on behalf of Mr. MURKOWSKI.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) on behalf of Mr. MURKOWSKI proposes an unprinted amendment numbered 1395.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

WP 09107  
**ACTION  
SUITE A DONNER**

FACSIMILE TRANSMISSION

FAX CCT NO: .....  
(for Concetre Use Only)

CLASSIFICATION: UNCLASSIFIED .....

DATE: OCTOBER 7/82 .....

FROM: WHDG

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

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

NO. OF PAGES: 2

SUBJECT: PACIFIC SALMON STOCK; SENATE RESOLUTION

AUTHORIZING OFFICER: B.H. DICKSON

SIGNATURE: Lelande Lalbin

ADDITIONAL COMMENTS OR INSTRUCTIONS:



**ACTION  
SUITE A DONNER**

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

FM WSHDC UNGR5551 07OCT82

TO EXTOTT LAO

INFO BH FANDOOTT/HUNGER/SMITH DE OTZ

SFAX SEATL SFRAN LNGLS DE WDC

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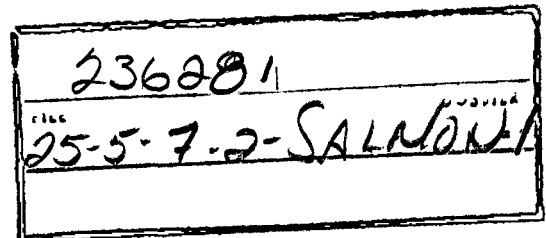
REF YOURTEL LAO1319 28SEP

---PACIFIC SALMON NEGOTIATIONS

YOU MAY BE AWARE THAT IN LAST MINUTE RUSH BEFORE CONGRESS RECESSED ON 01OCT, SENATE AGREED TO S RES 455, INSTRUCTING SECTY OF COMMERCE TO STRENGTHEN AND DEFINE HIS POSITION RE STATUS OF PACIFIC SALMON STOCKS. SENATOR GORTON (R-WSH) SPOKE ON BEHALF OF BILL WHICH HE CO-SPONSORED. GIST OF HIS REMARKS WERE ALONG LINES OF RESOLUTION ITSELF NAMELY THAT USA HAS TAKEN SIGNIFICANT STEPS TO CONSERVE CHINOOK SALMON BUT SIMILAR STEPS HAVE NOT/NOT YET BEEN TAKEN BY CDA. HE SAID THAT EFFECT OF RESOLUTION WLD BE TO QUOTE EMPHASIZE TO ALL WHO ARE INVOLVED IN NEGS AND TO CDN GOVT FULL EXTENT OF SENATES CONCERN ABOUT THIS ISSUE UNQUOTE.

2. WE NOTE THAT YOU ARE CONSIDERING ISSUING NOTICE OF TERMINATION OF FRASER RIVER CONVENTION AS TECHNIQUE OF NEGS ON PACIFIC SALMON. WHILE YOU ARE CLEARLY IN BEST POSITION TO DETERMINE SUBSTANCE OF CDN REQUIREMENTS, ISSUANCE OF NOTICE OF TERMINATION AS NEGOTIATING TACTIC CLD HAVE EFFECT OF HARDENING ATTITUDES IN SENATE TOWARD EVENTUAL PACIFIC SALMON AGMT.

CCC/275 072231Z UNGR5551



09M/30D 18:29 GMT PACIFIC REGION PFF VANCOUVER



Government of Canada  
Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO  
A

DISTRIBUTION

FROM  
DE

R. W. Morley  
Advisor  
Int'l & Intg'l Affairs

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| 25-5-7-2-SALMON |

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| SECURITY - CLASSIFICATION - DE SÉCURITÉ |
| OUR FILE/NOTRE RÉFÉRENCE<br>1439-U6     |
| YOUR FILE/VOTRE RÉFÉRENCE               |
| DATE<br>September 29, 1982              |

SUBJECT  
OBJET

Canada/USA Salmon Negotiations - Schedule of Meetings

As discussed at our meetings of September 20-21, 1982, the current schedule of meetings with the USA and Advisors for the fall is as follows:

| <u>DATE</u>               | <u>PLACE</u>   | <u>SUBJECT</u>  |
|---------------------------|----------------|---|
| October 4, 5              | Vancouver      | Gov't to Gov't Initial sessions to set tone for detailed fishing plan discussions and other issues. |
| October 13, 14            | Seattle        | Gov't to Gov't Northern fishing plans.  |
| October 21, 22            | Seattle        | Gov't to Gov't Northern fishing plans.  |
| October 25, 26            | Vancouver      | Gov't to Gov't Southern, Fraser fishing plans.  |
| October 27                | Vancouver      | Canadian Industry Advisors  |
| October 28, 29            | Seattle        | Gov't to Gov't South, Fraser  |
| November 9, 10            | (undetermined) | Gov't to Gov't As required.   |
| November 22-24            |                |   |
| November 29 to December 1 | Seattle        | Full Plenary  |

As discussed we will attempt to change the northern sessions to a more convenient location in consultation with the USA.

The October 4, 5 meeting with the USA is scheduled to begin at 11:00 am Monday, October 4 in the 10th floor boardroom, 1090 West Pender Street. This meeting will be preceded by a meeting of Canadian experts at 9:00 am. The agenda for October 4-5 has not been finalized at this time. Discussions with M. Hunter and M. Shepard indicate that the main items for discussion will be 1983 and 1984 fishing plans. The discussions are expected to be of a technical nature, with at most exchange of information and initial positions in each area. Given the above schedule of meetings, it is expected that emphasis will be on the South and Fraser issues. With this in mind I feel that attendance from northern areas should be the concerned

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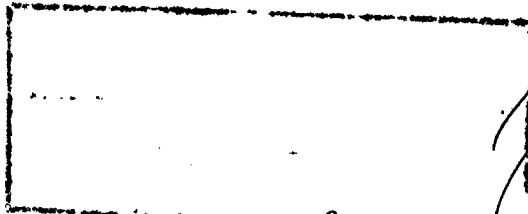
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DEPARTMENT OF  
FISHERIES AND OCEANS  
FACSIMILE TRANSMISSION MESSAGE  
MESSAGE TRANSMISSION FACSIMILE  
82 SEP 30 11:40 A.M.

ACTION  
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*[Handwritten signature]*

ADDRESSEE'S NAME  
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Howard STRAUSS

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LAO

SERVICE & BRANCH  
SERVICE ET DIRECTION

EXTERNAL AFFAIRS

CITY/ VILLE

Ottawa

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

SENDER'S NAME  
EXPEDITEUR/NOM

Rob Morley

SERVICE & BRANCH  
SERVICE ET DIRECTION

Intg'l Affairs - Vancouver

FLOOR/ETAGE

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TELEPHONE NO. 666-6809

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2000-005

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Cda/US Salmon Negotiations

September 29, 1982

management biologists, S. Johnston and R. Kadowaki. For Southern areas attendance should probably also contain the area manager. Thus the attendance of D. Anderson, D. Brock, F. Fraser, R. Harrison is requested. To complete the regional staff attendance there should be D. Schutz, K. Pitre, and B. Graham. Other Canadian attendees will be M. Shepard, M. Hunter, H. Strauss, D. Martens, J. Fralick. It is felt at this time that a delegation of this size and type will match the expected USA delegation. At the Canadian pre-meeting only, the attendance of C.W. Shinnars, D.D. Wilson, H. Fletcher, B. Smith, F. Yeung and A. Wood would also be useful to review the overall Canadian approach.

This attendance is my recommendation at this time and may change as more information on agenda becomes available. Please contact me if you have any questions or comments on the above schedule and proposed attendance.

*R. W. Morley*  
R.W. Morley

Distribution:

|                 |              |              |              |
|-----------------|--------------|--------------|--------------|
| ·C. W. Shinnars | ·F. Fraser   | ·A. Wood     | G. Zealand   |
| ·E. Kremer      | ·R. Harrison | B. Riddell   | S. Johnston  |
| ·D. Wilson      | ·D. Brock    | ·B. Graham   | ·F. Yeung    |
| ·T. Perry       | ·D. Anderson | ·H. Fletcher | D. Martens   |
| ·R. Kadowaki    | ·D. Schutz   | ·J. Fralick  | H. Strauss   |
| ·P. Sprout      | ·K. Pitre    | F. Bernard   | M. Stanfield |
| ·W. Falkner     | ·B. Smith    | D. Beamish   | M. Hunter    |
|                 | H. Smith     | ·G. Halsey   | M. Shepard   |

## MESSAGE

FILE DOSSIER

SECURITY SÉCURITÉ

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C O N F I D E N T I A L O.L.G. NO.

DEP. MIN. PLACE LIEU No D'ORIG.

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TO WSHDC

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Ref

---PACIFIC SALMON NEGOTIATIONS

Sub 'subj

ON 14SEP CDN AND USA PACIFIC SALMON NEGOTIATORS MET IN SEATL TO

REVIEW 1982 FISHING SEASON AND AGREE ON AGENDA FOR OCT AND NOV WITH

VIEW TO <sup>E</sup>FLASHING OUT FRAMEWORK AGREEMENT AGREED TO BETWEEN

NEGOTIATORS IN SPRING.

2.GOOD DEAL OF WORK REMAINS TO BE DONE IN ORDER TO FILL IN GAPS THAT

NOW EXIST AND ARE SELF EVIDENT FROM TEXT,BUT WE THOUGHT IT WORTH

BRINGING TO YOUR ATTENTION DEVELOPMENT THAT HAS ADDED TO COMPLEXITY

OF TASK.IN 1978-81 PERIOD FRASER RIVER SALMON MIGRATED THROUGH

JOHNSTONE STRAIT,INSTEAD OF COMING THROUGH JUAN DE FUCA STRAIT.

RESULT OF QUOTE NORTHERN DIVERSION UNQUOTE WAS THAT USA SHARE OF

FRASER RIVER SOCKEYE DROPPED FROM 42 PERCENT,OR 2.4 MILLION PIECES,

TO 25 PERCENT(ON AVERAGE)OR 1.2 MILLION PIECES.IN 1982 SALMON

MOVED BACK TOWARDS THEIR PRE-1978 PATTERN AND RESULT WAS INCREASED

USA CATCH.EFFECT OF IMPROVED USA CATCH IN 1982 HAS BEEN TO COOL

DESIRE OF WASHINGTON STATE FISHERMEN FOR TREATY THAT LOCKED IN CDN

CATCH RATE OF 1978-81 PERIOD,EVEN THOUGH THESE HARVEST RATES

PRODUCED SITUATION OF EQUITY IN INTERCEPTION IN THE SOUTH.

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DRAFTER/ADACTEUR

DIVISION/DEPARTAMENT

TELEPHONE

APPROVED/APProuvé

H. STRAUSS/mm

LAO

6-2643

DIRECTOR

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ACTION  
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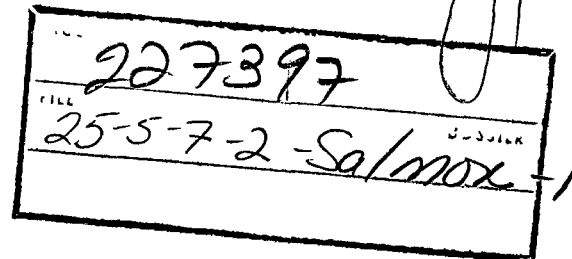
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---NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL

NPFMC MET IN SITKA ALASKA SEPT 21-23 AT WHICH TIME PACIFIC SALMON WAS DISCUSSED. FOLLOWING A REVIEW OF THE 1982 ALASKAN FISHERIES BY ADF AND G, THE COUNCIL HEARD PUBLIC COMMENT ON THE 1982 SEASON. IN THEIR REVIEW, ADF AND G SAID THAT PRELIMINARY IN-SEASON DATA INDICATES A TOTAL ALASKAN COMMERCIAL CHINOOK SALMON HARVEST BY ALL FISHERIES OF APPROXIMATELY 287,000 FISH. THIS INCLUDES A TOTAL SEASON (WINTER PLUS SUMMER) TROLL FISHERY HARVEST OF 242,000 AND AN INCIDENTAL NET FISHERY HARVEST OF ABOUT 45,000 CHINOOK SALMON. THE 1982 OY RANGE WAS 243,000 TO 288,000 CHINOOK WITH A CATCH LIMIT (TARGET FIGURE) OF 255,500. ADF AND G ALSO MENTIONED THAT ACCORDING TO PRELIMINARY CHINOOK CATCH FIGURES, THE CDN CATCH IS UP APPROXIMATELY FIFTEEN PERCENT OVERALL WHILE THAT OF WASHINGTON AND OREGON IS UP APPROXIMATELY THIRTY-FIVE PERCENT. IN PART THESE INCREASED CATCH FIGURES WERE ATTRIBUTED TO AN INCREASE IN AN ABUNDANCE OF CHINOOK THIS YEAR ALTHOUGH IN THE CASE OF CDA, THERE IS NO AUTOMATIC CATCH LEVEL CUT OFF (QUOTA) AND CONSEQUENTLY CDN FISHERIES ARE NOT AS SENSITIVE TO ABUNDANCE, OR LACK OF IT, AS THE AMERICAN FISHERIES ARE. ADF AND G SAID

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THAT WITHOUT ESCAPEMENT DATA AND THAT SINCE ALL THE CATCH DATA IS NOT YET IN IT WAS NOT POSSIBLE TO PROVIDE A THOROUGH REVIEW OF THE 1982 FISHERIES. A COPY OF THE ADF AND C QUOTE PRELIMINARY IN SEASON REPORT ON THE SOUTHEAST ALASKA TROLL FISHERY THROUGH SEPT 17, 1982 UNQUOTE IS BEING SENT UNDER SEPARATE COVER TO PANDO PERSONNEL.

2. FOLLOWING THE ADF AND C REPORT, THE COUNCIL HEARD TESTIMONY FROM FISHERMEN, OF WHICH THERE WERE APPROXIMATELY 150 IN THE AUDIENCE. IN GENERAL, THE PUBLIC TESTIMONY WENT VERY WELL AND WHILE FISHERMEN WERE UPSET, THERE WERE FEWER HYSTERICAL OUTBURSTS COMPARED TO OTHER SUCH MEETINGS. ALASKAN FISHERMEN WERE DISAPPOINTED AND UPSET THAT THEIR CHINOOK SEASON WAS CLOSED WHEN IT WAS OBVIOUS THAT THERE WAS A GREATER ABUNDANCE OF CHINOOK AND THAT FISHING COULD HAVE CONTINUED WITHOUT DETRIMENT TO THE VARIOUS STOCKS. ALTHOUGH SOME FISHERMEN WERE CRITICAL OF THE COUNCIL: QUOTE CANADA'S BEST FRIENDS ARE THE COUNCIL AND THE ALASKA BOARD OF FISHERIES UNQUOTE OR QUOTE WE ARE GOING TO WORK TO PUT SALMON MANAGEMENT BACK WITH THE STATE OF ALASKA UNQUOTE MOST FISHERMEN DIRECTED THEIR COMMENTS TO THE LACK OF FLEXIBILITY IN THE FISHERIES MANAGEMENT PLAN AND THE LIMITS WHICH THE OY CONCEPT PLACES ON FISHERIES MANAGERS. FURTHERMORE, THE COMMENTS OF MOST FISHERMEN EITHER IMPLICITLY OR EXPLICITLY ARGUED THE NEED FOR A COAST WIDE SALMON MANAGEMENT PLAN. IN GENERAL IT WAS OUR VIEW AND THE VIEW OF OTHERS WITH WHOM WE SPOKE THAT THE FISHERMEN FAVOUR A PACIFIC SALMON TREATY VIEWING IT AS ONE MEANS BY WHICH SOME CONTROL, ORDER AND FLEXIBILITY CAN BE PUT INTO THE SALMON FISHERIES. IT WAS ALSO VERY CLEAR FROM THE COMMENTS THAT THE FISHERMEN OF ALASKA ARE NOT PREPARED TO WAIT LONG FOR SUCH A TREATY. THERE IS NO DOUBT IN OUR MINDS THAT IF A PACIFIC SALMON TREATY IS NOT COMPLETED PRIOR TO THE NEXT FISHING SEASON THEN THE FISHERIES MANAGERS OF THE STATE AND OF THE COUNCIL MAY LOSE CONTROL OF THE FISHERMEN. WHAT WOULD OCCUR OR HAPPEN IS UNCLEAR SINCE THE COMMENTS

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RANGED FROM AN OPEN FISHERY TO SOME OTHER FORM OF PRESSURE ON CANADA AND THE LOWER 48 TO ACQUIESCE TO THE ALASKANS PERCEPTION OF THE SALMON FISHERY PROBLEMS.

3. THE ALASKAN FISHING SCENE IS FURTHER COMPLICATED BY THE GUBERNATORIAL ELECTION WHICH WILL BE HELD THIS FALL WITH THE NEW GOVERNOR ASSUMING OFFICE EARLY IN DECEMBER. WHILE IN SITKA, TWO GUBERNATORIAL CANDIDATES ADDRESSED THE COUNCIL (PRIMARILY THE FISHERMEN) SHEFFIELD (A DEMOCRAT) AND RANDOLPH (A LIBERTARIAN). FINK, THE REPUBLICAN, HAS HIS STRENGTH IN THE ANCHORAGE/FAIRBANKS AREA AND DID NOT ADDRESS THE COUNCIL. YOU SHOULD BE AWARE THAT NONE OF THE CANDIDATES HAS MORE THAN A VERY SUPERFICIAL KNOWLEDGE OF FISHERIES SO REGARDLESS OF WHICH ONE IS SUCCESSFUL THERE WILL BE A GREAT NEED FOR EDUCATING AND BRINGING HIM UP TO SPEED ON THE COMPLEXITIES OF PACIFIC SALMON AND THE TREATY NEGOTIATIONS.

4. THERE APPEARS TO BE TWO MAIN ISSUES IN THE ALASKAN GUBERNATORIAL ELECTION. THE FIRST IS THE MOVE OF THE CAPITOL FROM JUNEAU TO WILLOW AND THE SECOND IS THE RETENTION OF THE SUBSISTENCE FISH AND GAME LAWS. SHEFFIELD FAVOURS JUNEAU AS THE CAPITOL AND THE RETENTION OF THE SUBSISTENCE LAWS WHILE FINK FAVOURS MOVING THE CAPITOL TO WILLOW AND RESCINDING THE SUBSISTENCE LAWS. CONSEQUENTLY, SHEFFIELD'S STRENGTH LIES IN SOUTH-EAST ALASKA WHERE BECAUSE OF THE ISSUES A HIGHER THAN USUAL TURN OUT IS EXPECTED AT THE POLLS AND SHEFFIELD IS ALSO EXPECTED TO GET THE BUSH VOTE. FINK'S SUPPORT IS IN THE ANCHORAGE AREA AND LESS SO IN THE FAIRBANKS AREA. RANDOLPH, THE LIBERTARIAN, IS FROM FAIRBANKS AND IS EXPECTED TO OBTAIN ABOUT TEN PERCENT OF THE VOTE WHICH IS EXPECTED TO CUT MORE INTO FINK'S SUPPORT THAN INTO SHEFFIELD'S. AS FAR AS WE CAN ASCERTAIN, SHEFFIELD WHO IS A BUSINESSMAN, IS MORE RATIONAL, MORE APPROACHABLE, MORE MODERATE AND MORE PREDICTABLE. IF HE IS ELECTED, IT IS EXPECTED THAT HE WILL WANT TO CLEAN HOUSE BUT HE WILL DO SO AT A MORE MODERATE AND LEISURELY PACE. TILLION HAS SAID THAT HE WOULD PROBABLY BE KEPT ON UNTIL SUCH TIME AS SHEFFIELD'S PEOPLE BECOME COMFORTABLE IN THEIR NEW ROLES. ON THE OTHER HAND, FINK, A BUSINESSMAN AND FORMER STATE HOUSE SPEAKER, IS MORE UNPREDICTABLE, MORE RADICAL AND AT ODDS WITH FELLOW

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REPUBLICAN GOVERNOR HAMMOND ALTHOUGH FINK AND INTERIOR SECRETARY JAMES WATT  
GET ON WELL. FINK IS CONSIDERED A QUOTE POLITICAL MAVERICK UNQUOTE. WE UNDERSTAND  
THAT FINK WOULD LIKELY CLEAN HOUSE IMMEDIATELY AND NOT KEEP PEOPLE SUCH AS TILLION  
AROUND DURING THE TRANSITION. ACCORDING TO TILLION, FINK WOULD LIKELY REPLACE HIM  
ON THE NPFMC WITH NICK SZABO FORMER CHAIRMAN OF THE ALASKA BOARD OF FISHERIES. WE  
UNDERSTAND THAT THE POLITICAL HOUSEKEEPING COULD REACH AS FAR AS PENNOYER IF FINK  
IS ELECTED BUT THIS IS NOT CONFIRMED. SHEFFIELD WOULD NOT LIKELY GO THAT DEEP.  
ALTHOUGH IT IS TOO CLOSE TO CALL, MANY WITH WHOM WE SPOKE FELT THAT SHEFFIELD WOULD  
BE SUCCESSFUL PROVIDED HE DOES NOT MAKE A MAJOR MISTAKE PRIOR TO THE ELECTION. THE  
THINKING IS THAT MANY PEOPLE IN ANCHORAGE WILL CONSIDER THE COST OF THE MOVE OF  
THE CAPITOL TO WILLOW AND WILL VOTE AGAINST FINK ON THAT POINT. PARANTHETICALLY, THE  
MOVE OF THE CAPITOL FROM JUNEAU TO WILLOW IS NOT THE GOVERNOR'S DECISION.

COMCENTRE / FILE / DIARY / CIRC / DIV

MESSAGE

FILE DOSSIER

SECURITY SÉCURITÉ

CONFIDENTIAL

SEP 24 22 24 '82

DEPT MIN. PLACE LIEU No D'ORIG.  
FM EXOTT LA01310 24SEP82

DATE

PRECEDENCE

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TO WSHDC

SFAX SEATL SFRAN LNGLS DE OTT

INFO TT FANDOTT/HUNTER/STANDFIELD DE OTZ

DISTR GNG GNP RPF LAP ECO ETA TWR

REF YOURTEL UNGR4674 25AUG AND OURTEL LA01272 16SEP

---SENATE RESOLUTION ON PACIFIC SALMON

PLEASE SEND LET TO SEN MURKOWSKI ALONG FOLLOWING LINES:

SENATOR F MURKOWSKI, UNITED STATES SENATE, WSHDC:

DEAR SENATOR, THE RESOLUTION YOU INTRODUCED INTO THE SENATE ON

20AUG82 HAS AROUSED CONSIDERABLE INTEREST IN CDA, AND I WOULD LIKE

TO SHARE WITH YOU SOME CDN VIEWS ON THE MATTER.

CDN AUTHORITIES ARE ENCOURAGED BY YOUR COMMITMENT TO THE

DEVELOPMENT OF AN EQUITABLE AGREEMENT BETWEEN OUR COUNTRIES THAT

WOULD IMPROVE OUR ABILITY TO MANAGE AND CONSERVE ALL FIVE SPECIES

OF PACIFIC SALMON FROM THE YUKON TO THE SACRAMENTO RIVER. AS YOU

KNOW, A GREAT DEAL OF PROGRESS TOWARD THIS GOAL HAS BEEN MADE IN

RECENT MONTHS. OFFICIALS AND FISHING INDUSTRY ADVISERS ON BOTH SIDES

ARE WORKING DILIGENTLY TO CONCLUDE AN AGREEMENT THAT MIGHT BE

IMPLEMENTED BEFORE THE 1983 SEASON.

RECENT NEGOTIATIONS HAVE TAKEN PLACE AGAINST A BACKGROUND OF

COOPERATION BETWEEN U.S. AND CDN FISHERY MANAGERS UNDER THE AUSPICES

OF THE INTERIM ARRANGEMENTS FOR CONSERVATION AND MANAGEMENT

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H. STRAUSS/mm

LAO

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DIRECTOR

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PAGE TWO LA01310 CONFD

CONCERNING CERTAIN INTERCEPTING FISHERIES THAT WERE IMPLEMENTED BY OUR GOVTS IN 1981 AND 1982. WHILE IT IS STILL EARLY TO FULLY ASSESS THE RESULTS OF THOSE ARRANGEMENTS, WE KNOW THAT SOME INTERCEPTION LIMITATIONS THAT HAD BEEN AGREED UPON WERE EXCEEDED, PARTICULARLY IN THE NET FISHERIES OF SOUTHEAST ALASKA. OUR EXPERIENCE CONFIRMS BOTH THE VALUE OF JOINT CONSERVATION EFFORTS AND THE URGENT NEED TO BUILD ON THE COOPERATION THAT WAS ACHIEVED IN THE 1981/82 INTERIM ARRANGEMENTS AND TO CONCLUDE A TREATY THAT WILL FORCE BOTH SIDES TO MAKE BINDING COMMITMENTS.

RECENT NEGOTIATIONS HAVE ALSO HIGHLIGHTED THE DIFFERENT PERCEPTIONS OF THE ISSUES EACH COUNTRY HOLDS. ONE PERCEPTION IS, HOWEVER, SHARED BY ALASKANS, CDNS, AND THE FISHERIES COMMUNITY OF THE PACIFIC NORTHWEST: CHINOOK SALMON ARE IN URGENT NEED OF PROTECTION AND RESTORATION.

IN YOUR RESOLUTION YOU NOTE THE CONSERVATION ACTION TAKEN IN RECENT YEARS BY THE STATE OF ALASKA AND BY THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL IN THEIR RESPECTIVE AREAS OF JURISDICTION. SUCH ACTION HELPS TO PROTECT CHINOOK SALMON THAT ARE DESTINED TO SPAWN IN THE CDN SECTIONS OF THE PANHANDLE RIVERS, COASTAL BC <sup>AND</sup> ~~OR~~ THE PACIFIC NORTHWEST AND HAS BEEN AN IMPORTANT STEP IN A COASTWIDE APPROACH TO CONSERVATION AND MANAGEMENT. I SUGGEST, HOWEVER, THAT THIS ACTION HAS NOT/NOT BEEN TAKEN IN ISOLATION FROM CDN CONSERVATION EFFORTS.

WHEN I WROTE TO YOU ON 11AUG82, I ATTACHED A DOCUMENT THAT OUTLINED  
...3

PAGE NO.

DATE: NOV 14 1981

SECURITY: SECRET

PAGE THREE LA01310 CONF

THE CONSERVATION MEASURES TAKEN BY CDA IN RECENT YEARS. IN PARTICULAR, IN 1982 CDA IMPLEMENTED A VARIETY OF RESTRICTIONS (INCLUDING CLOSURES), IN CONSULTATION WITH OFFICIALS OF THE STATE OF WASHINGTON, DESIGNED TO PROTECT DEPLETED RUNS OF COLUMBIA RIVER CHINOOK SALMON AS WELL AS, TO PROVIDE INCREASED ESCAPEMENTS OF DOMESTIC CDN STOCKS. A COPY OF MY 11AUG LETTER AND THE ATTACHMENT ARE ENCLOSED HERewith. CDA IS SHARING THE BURDEN OF CHINOOK CONSERVATION.

THE CDN AUTHORITIES WISH TO BRING TO YOUR ATTENTION SOME FACTORS RELEVANT TO THIS COMPLEX MANAGEMENT PROBLEM IN ADDITION TO THOSE MENTIONED IN THE PREAMBULAR PARAGRAPHS OF YOUR RESOLUTION, AND THOSE RELATED TO SOUTHERN AND TRANSBOUNDARY RIVER FISHERIES, THE EXTENSION OF NATIONAL FISHING ZONES AND THE VARYING MIGRATORY PATTERNS OF CHINOOK. BIOLOGISTS IN CDA AND THE U.S. HAVE REVIEWED THE HISTORY OF CATCHES AND ESCAPEMENTS OF CHINOOK STOCKS OVER THE LAST TWO DECADES. IT IS GENERALLY ACCEPTED THAT TOTAL RUN SIZES FOR CHINOOKS WERE AT A PEAK SOMEWHERE NEAR THE END OF THE 1960S. PEAK CATCHES WERE ACHIEVED A FEW YEARS LATER, IN THE EARLY 1970S. HOWEVER, THESE CATCHES WERE AT THE EXPENSE OF ESCAPEMENTS AND THE STOCKS BEGAN THEIR DECLINE. CDN CATCHES REACHED THEIR PEAK IN THE 1971-74 PERIOD AND HAVE SINCE DECLINED ALONG WITH THE DECLINES IN TOTAL RUN SIZES. HOWEVER, ALASKAN CATCHES WERE STILL CLIMBING THROUGHOUT THE 1970S TO REACH A PEAK IN 1978 AND 1979. ONE CAN SEE

...4

PAGE NO

ON G. NO. 111 D'ON

SECRET - SECURITE

PAGE FOUR LA01310 CONF

WHY THIS TREND HAS PERSISTED IN ALASKA WHEN ONE NOTES THE EXPANSION IN FISHING EFFORT IN ALASKA: TROLL PERMITS UP FROM 450 IN 1975 TO 970 IN 1982 AND HAND TROLL PERMITS UP FROM 700 IN 1975 TO 2300 IN 1982. THE NUMBER OF CDN TROLL VESSELS HAS DECLINED SINCE THE INSTITUTION OF A LICENSE LIMITATION SCHEME IN 1969. THE RESULT OF THIS INCREASED EFFORT AND CATCH IN ALASKA IS THAT THE SHARE OF TOTAL COASTWIDE CHINOOK CATCH HAS INCREASED FROM AN HISTORIC 20 PERCENT IN ALASKA TO 25 PERCENT IN RECENT YEARS DESPITE RECENT REDUCTIONS IN TOTAL ALASKAN CATCHES, WHILE CANADA'S SHARE HAS REMAINED CONSTANT. MOREOVER, ANOTHER IMPORTANT FACTOR TO CONSIDER IS THAT MANY OF THE CHINOOKS CAUGHT IN B.C. ARE OF CDN ORIGIN, WHILE THE VAST MAJORITY OF ALASKAN CATCHES ORIGINATE ELSEWHERE, MAINLY IN CANADA.

CDN OFFICIALS HAVE MADE THESE POINTS TO THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL AND TO THE ALASKA BOARD OF FISH AND GAME. IT IS IMPORTANT IN THE VIEW OF THE CDN AUTHORITIES THAT THE PERCEPTIONS OF OUR RESPECTIVE FISHING COMMUNITIES BE FAIR AND ACCURATE.

IT WOULD APPEAR EVIDENT THAT EACH FISHERY EXPLOITING CHINOOK SALMON, GIVEN THE PRESENT STOCK SIZE AND THE COMPLEX AGE STRUCTURE AND MIGRATORY PATTERNS OF THE FISH, MUST BE PREPARED TO CONTRIBUTE TO OUR ACHIEVING THE MAXIMUM POSSIBLE BENEFITS FROM THIS RESOURCE. DESPITE THE DIFFICULTIES THAT ARE BEING FACED IN OUR SALMON INDUSTRY, I CAN ASSURE YOU OF CDAS DESIRE TO REACH AN EQUITABLE

...5

PAGE NO.

ORIG. NO. AND DOWNS

SPEC. Y. FIDRTE

PAGE FIVE LA01310 CONFD

AGREEMENT THAT WILL ALLOW THE POTENTIAL OF CHINOOK SALMON, AND  
THE OTHER SPECIES, TO BE REALIZED.

SHOULD YOU FEEL IT USEFUL, CDN OFFICIALS ARE WILLING TO DISCUSS  
THESE MATTERS WITH YOU, YOUR COLLEAGUES AND STAFFERS TO HELP YOU  
GAIN THE FULLEST POSSIBLE UNDERSTANDING OF THE SUBJECT FROM A CDN  
PERSPECTIVE.

YOURS SINCERELY, ALLAN E GOTLIEB.

CC: SENATORS STEVENS

GORTON

HATFIELD

JACKSON

2. PLEASE GIVE COPIES OF LET TO CDN DESK AT STATE DEPT AS WELL AS  
DAWSON AND REIFSNYDER.



Government  
of Canada

Gouvernement  
du Canada



Fisheries  
and Oceans

Pêches  
et Océans

*File*  
*as.*

Your file    Votre référence

Our file    Notre référence

Ottawa, Ontario  
September 16, 1982

Mr. R.W. Burchill,  
Director, Legal Operations  
Division (LAO),  
Department of External Affairs,  
125 Sussex Drive,  
Tower A, 4th floor,  
Lester B. Pearson Building,  
Ottawa, Ontario.

|                    |         |
|--------------------|---------|
| 372140             | DOSSIER |
| 25-5-2-COLUMBIA R. |         |
| 25-5-7-2-SALMON    |         |

Dear Mr. Burchill,

Thank you for your letter of September 13, 1982 on the subject of the Columbia River Treaty.

Howard Strauss will have related to you the description provided to us at a recent meeting in Seattle by Washington State and Federal fisheries officials of the tentative recommendations of the Northwest Power Planning Council concerning flow regimes for fisheries purposes.

In summary, it appears that the fisheries/environment lobby in the Pacific Northwest has been successful for the first time since the dam construction began in the 1930's.

While these developments are not likely to affect the course of our salmon negotiations, increased fish production from the Columbia would provide some options for fishery management plans in the future. You will know that we have linked U.S. interceptions of Fraser river sockeye and pink salmon to our interceptions of U.S. chinook and coho, and the prospect of increased production from the Columbia should result in a heightened appetite for an interception agreement in the Pacific Northwest.

.../2...

Canada



- 2 -

We would be anxious to be kept informed of further developments on this matter and would, of course, be pleased to provide advice to you as discussions on the Columbia flow regime proceed.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Mike H. Hunter". The signature is written in a cursive, somewhat stylized script.

M. Hunter  
Director, Pacific Rim Branch  
International Directorate

c.c. L. Dominy

COMCENTRE/FILE/DIARY/CIRC/DIV

MESSAGE

FILE DOSSIER

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TO WSHDC SEATL

INFO FANDOTT/HUNTER/STANFIELD DE OTZ

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---SENATE RESOLUTION ON PACIFIC SALMON

GRATEFUL FOR YOUR COMMENTS ON DRAFT TEXT OF LETTER FROM AMB TO  
SENATOR MURKOWSKI IN RESPONSE TO SENATE RESOLUTION.TEXT IS SET OUT  
AT END OF THIS TEL.

2.IN EFFORT TO APPRAISE SIGNIFICANCE OF RESOLUTION,CDN NEGOTIATOR  
SHEPARD CONTACTED ALVERSON ON 08SEP.ALVERSON EXPRESSED SURPRISE  
AT TONE OF RESOLUTION AS READ BY SHEPARD (APPARENTLY ALVERSON DID  
NOT/NOT HAVE TEXT.)ALVERSON SAID HE HAD BEEN CONSULTED PRIOR TO  
ITS INTRODUCTION BUT HAD NO/NO EXPECTATION THAT CRITICISM OF CDN  
ACTION RE CHINOOK SALMON WOULD BE INCLUDED.

3.HUNTER(FANDO)ALSO CONTACTED TILLION IN GOVERNORS OFFICE JUNEAU  
ON 09SEP.TILLION SAID HE BECAME AWARE OF RESOLUTION TWO DAYS AFTER  
ITS INTRODUCTION AND WAS NOT/NOT CONSULTED.HE EXPRESSED VIEW THAT  
WE SHOULD CONTINUE QUOTE BUSINESS AS USUAL UNQUOTE AND NOT/NOT BE  
CONCERNED ABOUT RESOLUTION.

4.TILLIONS REASSURANCES DO NOT/NOT SATISFY OUR CONCERNS.MOREOVER,  
SHEPARD HAS INDICATED THAT HE DETECTS A GROWING UNEASINESS IN  
ALVERSON.NOT/NOT ONLY DO OPPONENTS OF AN AGREEMENT IN ALASKA HAVE

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DRAFTED BY

REVIEWED BY

DATE

INITIALS

H. Strauss/mm

LAO

6-2643

DIRECTOR

001637

PAGE TWO LA01272 CONFD

READY-MADE SYMPATHETIC FOCUS,BUT PUGET SOUND FISHING INTERESTS,  
DORMANT IN NEGOTIATIONS FOR SOME TIME,ARE REASSERTING THEMSELVES AS  
TIME FOR RESOLUTION OF FRASER RIVER SHARE FOR USA FISHERMEN DRAWS  
CLOSER.

5.WE REMAIN OPTIMISTIC THAT DEAL CAN BE CONCLUDED.HOWEVER,WE KNOW  
THAT ALVERSON IS SOMEWHAT DISTANT FROM ADMIN OFFICIALS HANDLING THE  
ISSUES(STATE/OES/DAWSON;NMFS/RIEFSNYDER).OFFICIALS THEMSELVES ARE  
NOT/NOT HIGHLY PLACED,AND ONE IS LED TO WONDER IF IT CAME TO A  
SHOWDOWN IN SENATE DURING RATIFICATION PROCESS WHETHER ALVERSON  
WOULD HOLD ENOUGH CARDS.

6.WE SUSPECT SENIOR STATE DEPT OFFICIALS(EG.KRONMILLER)KNOW LITTLE  
OF THIS ISSUE,AND THAT SAME SITUATION PREVAILS AT GORDON/BLONDIN  
LEVELS IN NMFS.WE ARE CONSIDERING CREATION OF OPPORTUNITY TO DISCUSS  
PROGRESS OF NEGOTIATIONS WITH THESE PLAYERS IN ORDER BETTER TO  
ASSESS SUPPORT THAT WILL BE GIVEN TREATY IN ADMIN,ESP BY KRONMILLER.  
SUCH DISCUSSIONS WOULD HAVE TO BE CAREFULLY PREPARED SO AS NOT TO  
UNDERMINE ALVERSONS AUTHORITY AS USA NEGOTIATOR.WITHOUT ALVERSON  
NO/NO TREATY IS LIKELY TO BE SIGNED,LET ALONE RATIFIED.GRATEFUL FOR  
YOUR VIEWS.

7.FOLLOWING IS TEXT OF DRAFT LETTER:(COMCENTRE PLEASE COPY ATTACHED)

DRAFT LETTER

Senator F. Murkowski  
United States Senate  
Washington, D.C.

Dear Senator,

The resolution you introduced into the Senate on August 20, 1982 has aroused considerable interest in Canada, and I would like to share with you some ~~OF THE CANADIAN AUTHORITIES~~ views on the matter.

(3) ~~The~~ Canadian authorities are encouraged by your commitment to the development of an equitable agreement between our countries that would improve our ability to manage and conserve all five species of Pacific salmon from the Yukon to the Sacramento River. As you know, a great deal of progress toward this goal has been made in recent months. Officials on both sides are working diligently to conclude an early agreement that might be implemented before the 1983 season.

Recent negotiations have taken place against a background of interim arrangements for conservation and management that were implemented by our Governments in June 1981 and 1982 concerning certain intercepting fisheries, ~~through the 1981 and 1982 seasons.~~ While it is still early to assess the results of those arrangements fully, we know that some interception limitations that had been agreed upon were exceeded, particularly in the net fisheries of Southeast Alaska. This fact emphasizes the urgent need to build on the cooperation that was achieved in the 1981/82 interim arrangements and to conclude a treaty that will force both sides to make binding commitments.

...2

- 2 -

Recent negotiations have also highlighted the different perception of the issues each country holds. One perception is, however, shared by Alaskans, Canadians, and the fisheries community of the Pacific Northwest: chinook salmon are in urgent need of protection and restoration.

In your resolution you note the conservation action taken in recent years by the State of Alaska and by the North Pacific Fishery<sup>(4)</sup> Management Council in their respective areas of jurisdiction. Such action, which helps to protect chinook salmon that are mostly destined to spawn in the Canadian sections of the Panhandle rivers, coastal British Columbia or the Pacific Northwest, has been an important step in a coastwide approach to conservation and management. I suggest, however, that this action has not been taken in isolation.

Attached to my letter to you of August 11, 1982 was a document that outlined the conservation measures taken by Canada in recent years. In particular, in 1982 Canada implemented a variety of restrictions (including closures), in consultation with officials of the State of Washington, designed to protect depleted runs of Columbia River chinook salmon as well as to provide increased escapements of domestic Canadian stocks.

The Canadian authorities consider that it is a simplification of an extraordinarily complex resource management problem to suggest, as you do in your resolution, that Canada is not sharing the conservation burden. One important factor to note is that many of the fish that make up the Canadian catch are of

- 3 -

Canadian origin; the intense sports fishery of the southern Gulf of Georgia, for example, exploits many local Canadian stocks.

↗ A second factor is that, according to published catch figures, the Alaskan troll fishery took 25% of the combined U.S. and Canadian ocean troll catches in 1981, as opposed to its historical level of something less than 20 percent of the total. Alaskan fishing efforts has increased dramatically in recent years and the rate of <sup>(5)</sup>exploitation of chinook salmon in the Alaskan troll fishery is higher than it was historically. This is not to suggest that further conservation action is unnecessary, but rather to illustrate that overall catch figures do not tell the whole story.

Canadian officials have made these points to the North Pacific Fishery Management Council and to the Alaska Board of Fish and Game. It is important in the view of the Canadian authorities that the perceptions of our respective fisheries be fair and accurate.

It would appear evident that each fishery exploiting chinook salmon, given the present stock size and the complex age structure and migratory patterns of the fish, must be prepared to contribute to our achieving the maximum possible benefits from this resource. Despite the difficulties that are being faced in our respective salmon industries, I can assure you of Canada's desire to reach an equitable agreement that will allow the potential of chinook salmon, and the other species, to be realized.

...4

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- 4 -

Should you feel it useful, Canadian officials are willing to discuss these matters with you, your colleagues and staffers to help you gain the fullest possible understanding of the subject from a Canadian perspective.

Yours sincerely,

Allan E. Gotlieb

cc: Senators Stevens  
Gorton  
Hatfield  
Jackson

✓ FILE  
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s.23

LAO/H. Strauss/6-2643/mm

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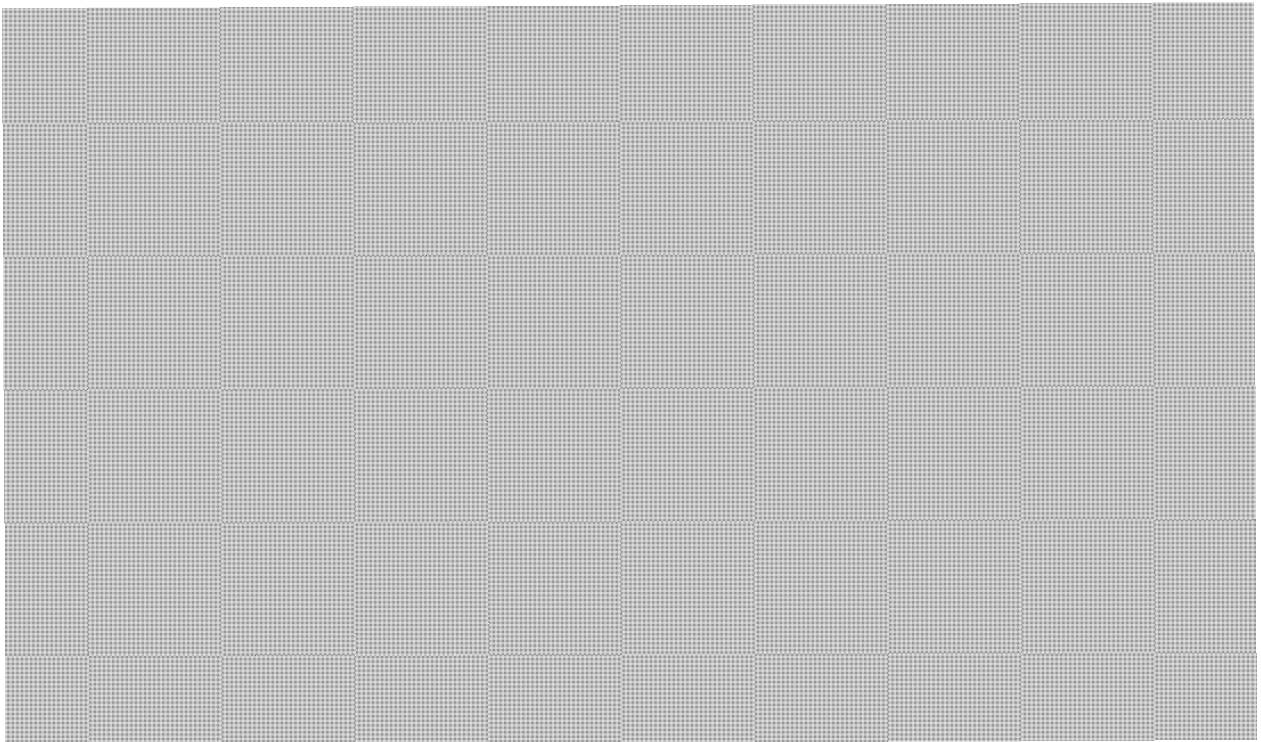
25-5-7-2-SALMON-1

September 13, 1982

Mr. M. Hunter  
Director, Pacific Rim  
International Directorate  
Department of Fisheries and Oceans  
240 Sparks Street  
OTTAWA, Ontario

Dear Mr. Hunter,

This letter is further to your discussion of  
September 8 with Howard Strauss concerning the recent  
correspondence between Mr. McNabb and Mr. Osbaldeston with  
respect to the Columbia River Treaty.

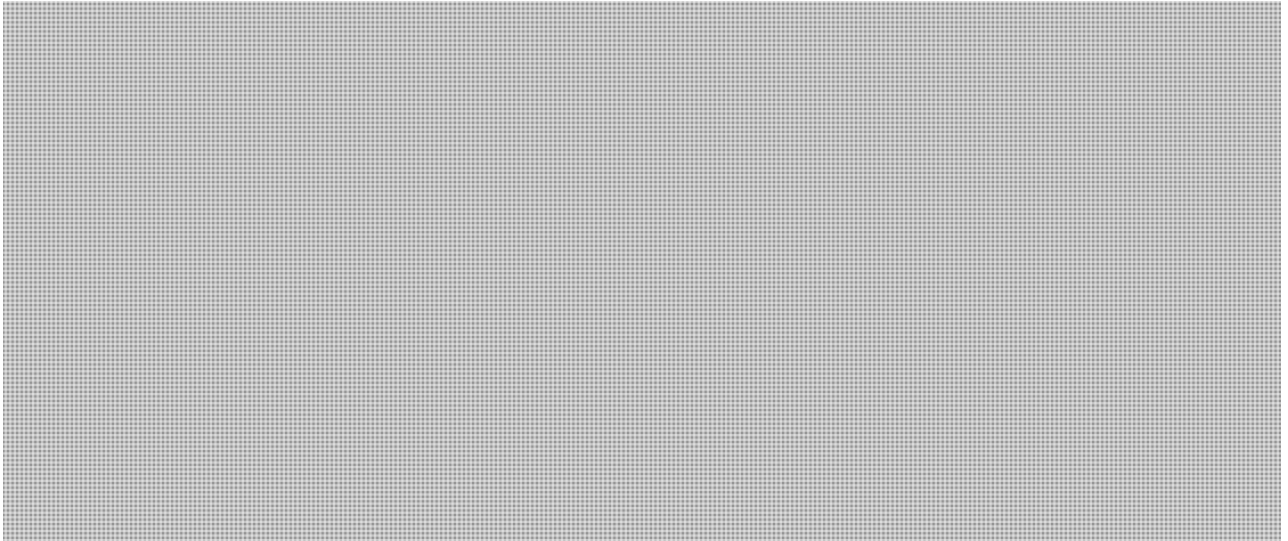




Mr. M. Hunter  
s.23

- 2 -

September 13, 1982



Yours sincerely,

R. W. Burchill

R. W. Burchill  
Director  
Legal Operations Division

cc: Dr. M. Shepard

09M/14D 14:22 GMT PACIFIC REGION PFF VANCOUVER



Gouvernement  
of Canada

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Fisheries  
and Oceans

Pêches  
et Océans

*M. Hunter.*

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| 25-5-7-2-SALMON-1 |         |

September 13, 1982

Your file Votre référence

Our file Notre référence

TO: Industry Advisors  
Canada/USA Salmon Negotiations

RE: Canadian Advisory Group Meeting September 22, 1982

A meeting of the Canadian Industry Advisory group will be  
held on September 22, 1982 as follows:

DEPT. OF FISHERIES & OCEANS  
1090 W. Pender St. - 10th floor  
Vancouver, B. C.

Time: 1pm

A preliminary agenda is attached. Also, please note that  
funds are available for payment of travel expenses for one person  
from each organization represented.

*Robert W. Morley*  
R. W. Morley  
Advisor  
International &  
Intergovernmental Affairs

attach.

c.c. C. W. Shimmers  
E. Kremer  
A. Gibson  
M. Shepard  
M. Hunter

09M/14D 14:23 GMT PACIFIC REGION PFF VANCOUVER

ADV

CANADA/USA SALMON NEGOTIATIONS  
Canadian Advisory Group Meeting  
September 22, 1982 - 1:00 p.m.

DRAFT AGENDA

1. Review of 1981/1982 Interim Arrangements
  - review of 1982 fishing season
  - review of northern tagging study
2. 1983/84 Fishing Plans
  - preliminary run expectations
  - discussion of options and approach
3. Fraser River Transition
  - review of Levelton paper on IPSFC options
4. Outstanding Issues in Agreement
  - Yukon River
  - Other drafting needed
5. Scheduling of Future Meetings
  - with U.S.A.
  - with Canadian delegation
6. Other Business

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| Sid Dickens                 | COOPERATIVE FISHERMEN'S GUILD                             |
| Doug Dickson/<br>PTA Office | PACIFIC TROLLER'S ASSOCIATION                             |
| Alvin Dixon                 | CENTRAL NATIVE FISHERMEN'S CO-OP                          |
| Howard English              | B.C. WILDLIFE FEDERATION                                  |
| Tim Gerberding              | YUKON RIVER REPRESENTATIVE                                |
| Robert Gould                | STIKINE RIVER REPRESENTATIVE                              |
| L. (Paddy) Greene           | COOPERATIVE FISHERMEN'S GUILD                             |
| John Haugan                 | PRINCE RUPERT FISHERMEN'S CO-OP                           |
| Jim Hill                    | FISHERIES ASSOCIATION OF B.C.                             |
| Lorne Iverson               | UFAWU   |
| Stephan Jacob               | STIKINE RIVER FISHERMEN'S ASSN.                           |
| Garnet Jones                | FISHERIES ASSOCIATION OF B.C.                             |
| Ray Kendel                  | TAKU RIVER FISHERMEN'S REP.                               |
| Dave Lynn                   | PACIFIC TROLLER'S ASSN.                                   |
| Nancy Marshall              | PACIFIC GILLNETTER'S ASSOCIATION                          |
| Richard Martinovich         | FISHING VESSEL OWNERS' ASSN.                              |
| George Olafson              | PRINCE RUPERT FISHING VESSEL OWNERS                       |
| Luiz Souza                  | FISHING VESSEL OWNER'S ASSN.                              |
| Hubert Haldane              | NISHGA TRIBAL COUNCIL                                     |
| George Hewison              | UFAWU   |
| Toby Gjelsvik               | PRINCE RUPERT FISHING VESSEL OWNER'S<br>(for information) |
| Saul Terry                  | UNION OF B.C. INDIAN CHIEFS                               |
|                             | Def. Wildlife Federation                                  |

H. Strauss.



Government  
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MEMORANDUM

NOTE DE SERVICE

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R. W. Morley  
Advisor  
International and Intergovernmental Affairs

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SUBJECT  
OBJET

Canadian Experts and Advisory Group Meetings September 20-22/82

The next meeting of the technical support group to the Canadian/USA negotiations is set for Monday and Tuesday, September 20 and 21, 1982 in the 10th floor boardroom, 1090 West Pender Street starting at 9:00. This meeting is to review fishing plans and prepare for sessions with the Canadian industry advisors and the United States. A tentative Agenda is attached.

In addition, you are invited to attend the meeting with the industry advisory group scheduled for 1:00pm Wednesday, September 22, 1982 in the 10th floor boardroom, 1090 West Pender Street. The agenda for that session is also attached.

*R. W. Morley*

R. W. Morley

|                   |      |         |
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attach.

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M. Shepard

TECH

Canada/USA Salmon Negotiations  
Canadian Technical Group Meeting  
September 20-21, 1982

D R A F T   A G E N D A

1. Report on Alverson/Shepard Meeting September 14.
2. Fraser River Transition
  - U.S.A. response to Levelton report
  - further work
3. Review of 1982 Season to date
4. 1983-84 Fishing Plans
  - review of managers plans
  - review strategies for negotiation
5. Scheduling
  - meetings with U.S.
6. Drafting
  - Yukon
7. Research
  - 1983/84 plans
8. Public Relations
  - Public Report on Interception levels
9. Other Business

\*\* \*\* \*

CANADA/USA SALMON NEGOTIATIONS

Canadian Advisory Group Meeting

September 22, 1982 - 1:00 p.m.

D R A F T A G E N D A

1. Review of 1981/1982 Interim Arrangements
  - review of 1982 fishing season
  - review of northern tagging study
2. 1983/84 Fishing Plans
  - preliminary run expectations
  - discussion of options and approach
3. Fraser River Transition
  - review of Levelton paper on IPSFC options
4. Outstanding Issues in Agreement
  - Yukon River
  - Other drafting needed
5. Scheduling of Future Meetings
  - with U.S.A.
  - with Canadian delegation
6. Other Business

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FACSIMILE TRANSMISSION MESSAGE

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GOVERNMENT OF CANADA  
GOVERNMENT DU CANADA

SEP 14 12 23 PM '82

FISHERIES AND OCEANS  
PÊCHERIE ET OcéANS

ADDRESSEE'S NAME

RECEPTIONNAIRE/NOM

Mike HUNTER

SERVICE & BRANCH

SERVICE ET DIRECTION

Int'l Directorate. BY Fl.-w

CITY/ VILLE

Ottawa

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---SENATE RESOLUTION ON PACIFIC SALMON

REPRODUCED BELOW IS DRAFT TEXT OF LETTER FROM AMB TO SENATOR MURKOWSKI IN RESPONSE TO SENATE RESOLUTION.

2. IN CONTINUING EFFORT TO APPRAISE SIGNIFICANCE OF RESOLUTION, CDN NEGOTIATOR SHEPARD CONTACTED ALVERSON ON SEPT 8. ALVERSON EXPRESSED SURPRISE AT TONE OF RESOLUTION AS READ BY SHEPARD (APPRENTLY ALVERSON DID NOT HAVE TEXT). ALVERSON SAID HE HAD BEEN CONSULTED PRIOR TO ITS INTRODUCTION BUT HAD NO~~0~~ EXPECTATION THAT CRITICISM OF CDN ACTION RE CHINOOK SALMON WOULD BE INCLUDED.

3. HUNTER (FANDO) ALSO CONTACTED TILLION IN GOVERNORS OFFICE JUNEAU ON SEPT 9. TILLION SAID HE BECAME AWARE OF RESOLUTION TWO DAYS AFTER ITS INTRODUCTION AND WAS NOT CONSULTED. HE EXPRESSED VIEW THAT WE SHOULD CONTINUE QUOTE BUSINESS AS USUAL UNQUOTE AND NOT BE CONCERNED ABOUT RESOLUTION.

4. TILLION'S GLIB REASSURANCES DO NOT SATISFY OUR CONCERNS. MOREOVER, SHEPARD HAS INDICATED THAT HE DETECTS A GROWING UNEASINESS IN ALVERSON. NOT ONLY DO OPPONENTS OF AN AGREEMENT IN ALASKA HAVE READY MADE SYMPATHETIC FOCUS, BUT PUGET SOUND FISHING INTERESTS, DORMANT

...2

M. HUNTER/es

INTERNATIONAL

5-2186

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PAGE TWO LAO

IN NEGOTIATIONS FOR SOME TIME, ARE REASSERTING THEMSELVES AS THE TIME FOR RESOLUTION OF FRASER RIVER SHARE FOR US FISHERMEN DRAWS CLOSER.

5. WE REMAIN OPTIMISTIC THAT DEAL CAN BE CONCLUDED. HOWEVER, WE KNOW THAT ALVERSON IS SOMEWHAT DISTANT FROM ADMIN OFFICIALS HANDLING THE ISSUES (STATE/OES/DAWSON; NMFS/RIEFSNYDER). OFFICIALS THEMSELVES ARE NOT HIGHLY PLACED, AND ONE IS LED TO WONDER IF IT CAME TO A SHOWDOWN IN SENATE DURING RATIFICATION PROCESS WHETHER ALVERSON

WOULD HOLD <sup>ENOUGH</sup> ~~HIGHER~~ CARDS. ~~THAN KRONMILLER~~  
SENIOR STATE DEPT OFFICIALS (EG. KRONMILLER)

6. WE SUSPECT ~~LATER~~ <sup>A</sup> KNOWS LITTLE OF THIS ISSUE, AND THAT SOME SITUATION PREVAILS AT GORDON/BLONDIN LEVELS IN NMFS. WE ARE CONSIDERING ~~THE~~ CREATION OF ~~AN~~ OPPORTUNITY TO DISCUSS PROGRESS OF NEGOTIATIONS WITH THESE PLAYERS IN ORDER TO BETTER ASSESS SUPPORT THAT WILL BE GIVEN TREATY IN ADMIN, ESP BY ~~THE INFLUENTIAL~~ KRONMILLER. SUCH DISCUSSIONS WOULD HAVE TO BE CAREFULLY PREPARED SO AS NOT TO UNDERMINE ALVERSON'S AUTHORITY AS USANEGOTIATOR. WITHOUT ALVERSON NO TREATY IS LIKELY TO BE SIGNED, LET ALONE RATIFIED.

7. BEFORE FINALIZING LETTER TO MURKOWSKI, SEATTLE MAY WISH TO COMMENT ON DRAFT. TEXT FOLLOWS QUOTE (COMCENTRE PLS COPY ATTACHED) UNQUOTE.

AGREEMENT BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND THE GOVERNMENT OF JAPAN  
CONCERNING FISHERIES OFF THE COASTS  
OF THE UNITED STATES OF AMERICA

2/19

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

The Government of the United States of America and the  
Government of Japan, *25-5-5-USA*

Recognizing that the United States has established a fishery conservation zone within 200 nautical miles of its coasts within which the United States exercises exclusive fishery management authority over all fish and that the United States also exercises such authority over the living resources of the continental shelf appertaining to the United States and over anadromous species of fish of United States origin;

Recalling that they signed the Agreement between the Government of the United States of America and the Government of Japan Concerning Fisheries off the Coasts of the United States of America on March 18, 1977;

Recognizing that Japan has been cooperating in the rational management and conservation of the living resources off the coasts of the United States and that the nationals and fishing vessels of Japan have been cooperating in the development of and engaging in the utilization of these resources off the coasts of the United States;

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FACSIMILE TRANSMISSION

FAX NO: ..... POL-011

CLASSIFICATION: UNCLASSIFIED .....

DATE: OCTOBER 21/82 .....

FROM: WSHDC

DELIVER BY 220900

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

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

NO. OF PAGES: 19 INCLUDING COVER

SUBJECT: PACIFIC SALMON FISHERIES

AUTHORIZING OFFICER: BH DICKSON

SIGNATURE: *Collette P. Bell*

ADDITIONAL COMMENTS OR INSTRUCTIONS:

- 2 -

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Desiring to continue and further develop mutual cooperation;

Considering their common concern for the rational management, conservation and achievement of optimum yield of fishery resources off the coasts of the United States;

Taking into account international law relating to ocean and fisheries; and

Desiring to establish reasonable terms and conditions pertaining to fishing for the living resources of mutual concern over which the United States exercises exclusive fishery management authority;

Have agreed as follows:

#### ARTICLE I

The purpose of this Agreement is to promote rational management, effective conservation and achievement of optimum yield of fishery resources of mutual interest off the coasts of the United States and to establish a common understanding of the principles and procedures under which fishing may be conducted by nationals and fishing vessels of Japan for the living resources over which the United States exercises exclusive fishery management authority.

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## ARTICLE II

As used in this Agreement, the term

1. "living resources over which the United States exercises exclusive fishery management authority" means a fish within the fishery conservation zone, all anadromous species of fish that spawn in the fresh or estuarine water of the United States and migrate to ocean waters while present in the fishery conservation zone and in areas beyond national fisheries jurisdictions recognized by the United States and all living resources of the continental shelf appertaining to the United States;

2. "fish" means all finfish, mollusks, crustaceans, and other forms of marine animal and plant life, other than marine mammals, birds, and species of tuna which, in the course of their life cycle, spawn and migrate over great distances in waters of the ocean;

3. "fishery resources" means one or more stocks of fish that can be treated as a unit for purposes of management and conservation and that are identified on the basis of geographical, scientific, technical, recreational and economic characteristics;

4. "fishery" means any fishing for fishery resource

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5. "fishery conservation zone" means a zone contiguous to the territorial sea of the United States, the sea boundary of which is a line drawn in such a manner that point on it is 200 nautical miles from the baseline from which the breadth of the territorial sea of the United States is measured;

6. "fishing" means

- (a) the catching, taking or harvesting of fish
- (b) the attempted catching, taking or harvesting of fish;
- (c) any other activity that can reasonably be expected to result in the catching, taking or harvesting of fish; or
- (d) any operation at sea, including supply, storage, refrigeration, transportation or processing, directly in support of, or in preparation for, any activity described in sub-paragraphs (a) through (c) above,

provided that such term does not include other legitimate uses of the high seas, including any scientific research activity;

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

- (a) fishing; or
- (b) aiding or assisting one or more vessels at in the performance of any activity relating fishing, including preparation, supply, storage, refrigeration, transportation or processing

8. "marine mammal" means any mammal that is morphologically adapted to the marine environment, including sea otters and members of the orders Sirenia, Pinnipedia, and Cetacea, or primarily inhabits the marine environment such as polar bears.

### ARTICLE III -

The Government of the United States and the Government of Japan shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further cooperation in the field of fisheries of mutual concern, including the establishment of appropriate multilateral organizations for the collection and analysis of scientific data respecting such fisheries.



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#### ARTICLE IV

1. The Government of the United States is willing to allow access for fishing vessels of Japan to harvest, in accordance with the terms and conditions to be established in permits issued under Article IX, that portion of the total allowable catch for a specific fishery resource which will not be harvested by fishing vessels of the United States and may be made available to fishing vessels of Japan in accordance with paragraph 2 below.

2. The Government of the United States shall determine each year, subject to such adjustments as may be necessary by unforeseen circumstances affecting the stocks, and in accordance with United States law,

- (a) the total allowable catch for each fishery resource based on optimum yield, taking into account the best available scientific evidence and relevant social, economic and other factors;
- (b) the harvesting capacity of fishing vessels of the United States in respect of each fishery resource;

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- (c) the portion of the total allowable catch for a specific fishery resource that may be made available, on a periodic basis each year, to foreign fishing vessels; and
- (d) the allocation of such portion that may be made available to authorized fishing vessels of Japan.

3. The Government of the United States shall determine each year in accordance with United States law the measures necessary to prevent overfishing, while achieving on a continuing basis the optimum yield from each fishery resource. Such measures are described in Annex I which constitutes an integral part of this Agreement.

4. The Government of the United States shall notify the Government of Japan of the determinations provided for in this Article on a timely basis.

#### ARTICLE V

In determining the portion of the surplus of the total allowable catch for fishery resources that may be made available to fishing vessels of foreign nations, including Japan,

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the Government of the United States will decide on the basis of the factors identified in United States law including:

1. whether, and to what extent, such nations impose tariff barriers or nontariff barriers on the importation, or otherwise restrict the market access, of United States fish or fishery products;

2. whether, and to what extent, such nations are co-operating with the United States in the advancement of existing and new opportunities for fisheries trade, particularly through the purchase of fish or fishery products from United States processors or from United States fishermen;

3. whether, and to what extent, such nations and the fishing vessels of such nations have cooperated with the United States in the enforcement of United States fishing regulations;

4. whether, and to what extent, such nations require the fish harvested from the fishery conservation zone for their domestic consumption;

5. whether, and to what extent, such nations otherwise contribute to, or foster the growth of, a sound and economic United States fishing industry, including minimizing gear conflicts with fishing operations of United States fishermen, and transferring harvesting or processing technology

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which will benefit the United States fishing industry;

6. whether, and to what extent, the fishing vessels of such nations have traditionally engaged in fishing for such fishery resources;

7. whether, and to what extent, such nations are co-operating with the United States in, and making contributions to, fishery research and the identification of fishery resources; and

8. such other matters as the Government of the United States deems appropriate.

#### ARTICLE VI

The Government of Japan shall cooperate with and assist the United States in the development of the United States fishing industry and the increase of United States fishery exports by taking such measures as reducing or removing impediments to the importation and sale of United States fishery products, providing information concerning technical and administrative requirements for access of United States fishery products into Japan, providing economic data, sharing expertise, facilitating the transfer of harvesting or

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processing technology to the United States fishing industry, facilitating appropriate joint venture and other arrangements informing Japanese industry of trade and joint venture opportunities with the United States, and taking such other action as may be appropriate.

#### ARTICLE VII

In view of the fact that the anadromous species of fish of United States origin intermingle with such species of fish of other origins in certain waters of their migratory range, the Government of the United States and the Government of Japan shall hold consultations concerning necessary conservation measures for such species of fish in the event that the International Convention for the High Seas Fisheries of the North Pacific Ocean signed at Tokyo on May 9, 1952, as amended by the Protocol signed at Tokyo on April 25, 1978, ceases to be effective.

#### ARTICLE VIII

The Government of Japan shall take all necessary measures to ensure:

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1. that nationals and fishing vessels of Japan refrain from fishing for the living resources over which the United States exercises exclusive fishery management authority except as authorized pursuant to this Agreement;

2. that all such fishing vessels so authorized comply with the terms and conditions of permits issued pursuant to this Agreement and applicable laws of the United States;  
and

3. that the allocation referred to in paragraph 2(d)

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of Article IV is not exceeded for any fishery.

#### ARTICLE IX

The Government of Japan may submit an application to the Government of the United States for a permit for each fishing vessel of Japan that wishes to engage in fishing in the fishery conservation zone pursuant to this Agreement. Such application shall be prepared and processed in accordance with Annex II which may be amended by agreement through an exchange of notes between the two Governments without modification of the articles of this Agreement. The Government of the United States may require the payment of fees for

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such permits and for fishing in the fishery conservation zone.

#### ARTICLE X

The Government of Japan shall ensure that nationals and fishing vessels of Japan refrain from harassing, hunting, capturing or killing, or attempting to harass, hunt, capture or kill, any marine mammal within the fishery conservation zone, except as may be otherwise provided by an international agreement respecting marine mammals to which the United States is a party, or in accordance with specific authorization for and controls on incidental taking of marine mammals established by the Government of the United States.

#### ARTICLE XI

The Government of Japan shall take necessary measures, within its competence, to ensure that in the conduct of the fisheries under this Agreement:

1. the authorizing permit for each fishing vessel of Japan is prominently displayed in the wheelhouse of such fishing vessel;

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2. appropriate position-fixing and identification equipment, as determined by the Government of the United States, is installed and maintained in working order on each fishing vessel of Japan;

3. designated United States observers are permitted to board, upon request, any fishing vessel of Japan and accorded the courtesies and accommodations provided to ship's officers while aboard such fishing vessel, and owners, operators and crews of such fishing vessel cooperate with the United States observers in the conduct of their official duties, and, further, the Government of the United States be reimbursed for the costs of providing the United States observers aboard such fishing vessel;

4. agents are appointed and maintained within the United States possessing the authority to receive and respond to any legal process issued in the United States with respect to an owner or operator of a fishing vessel of Japan for any cause arising out of the conduct of fishing activities for the living resources over which the United States exercises exclusive fishery management authority; and

5. all necessary measures are taken to minimize fishing gear conflicts and to ensure the prompt and adequate



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compensation of nationals of the United States for any loss of, or damage to, their fishing vessels, fishing gear or catch, and resultant economic loss, that is caused by any fishing vessel of Japan, as determined by applicable United States procedures.

#### ARTICLE XII

The Government of Japan shall take all appropriate measures to assist the Government of the United States regarding enforcement activities and to ensure that nationals and fishing vessels of Japan comply with the terms and conditions provided for in this Agreement. It shall take appropriate measures to ensure that each fishing vessel of Japan that engages in fishing for the living resources over which the United States exercises exclusive fishery management authority allow and assist the boarding and inspection of such fishing vessel by any duly authorized enforcement officer of the United States and cooperate in such enforcement action as may be taken pursuant to the laws of the United States.

#### ARTICLE XIII

1. The United States will impose appropriate penalties,

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in accordance with its laws, on fishing vessels of Japan or their owners or operators, that violate the requirements of this Agreement or the terms and conditions of any permit issued hereunder.

2. In cases of seizure of a fishing vessel of Japan and detention or arrest of its crews by the authorities of the Government of the United States, notification shall be given promptly through diplomatic channels informing the Government of Japan of the action taken and of any penalties subsequently imposed.

3. Seized fishing vessels of Japan and their detained or arrested crews shall be promptly released, subject to such reasonable bond or other security as may be determined by the court of the United States.

#### ARTICLE XIV

1. The Government of the United States and the Government of Japan shall cooperate in the conduct of scientific research required for the purpose of managing and conserving the living resources over which the United States exercises exclusive fishery management authority, including the

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compilation of the best available scientific information for management and conservation of stocks of mutual interest.

2. The competent agencies of the two Governments shall cooperate in the development of periodic research plans on stocks of mutual interest through correspondence or meetings as appropriate, and may modify them from time to time by mutual consent. The research plans may include, but are not limited to, the exchange of information and scientists, regularly scheduled meetings between scientists to prepare future research plans and review progress, and jointly conducted research projects.

3. The conduct of research during regular commercial fishing operations on board a fishing vessel of Japan in the fishery conservation zone shall not be deemed to change the character of the activities of such fishing vessel from fishing to scientific research. Therefore, it will be necessary to obtain a permit for such fishing vessel in accordance with Article IX.

4. The Government of Japan shall cooperate with the Government of the United States in collecting and reporting biostatistical information and fisheries data, including catch and effort statistics, in accordance with procedures which will be stipulated by the Government of the United States.

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#### ARTICLE XV

Should the Government of the United States indicate to the Government of Japan that nationals and fishing vessels of the United States wish to engage in fishing in the fishing zone of Japan, the Government of Japan is willing to allow such fishing on the basis of reciprocity and on terms not more restrictive than those established pursuant to this Agreement.

#### ARTICLE XVI

Nothing contained in this Agreement shall affect or prejudice in any manner the positions of either Government with respect to the extent of internal waters, of the territorial sea, of the high seas, or of coastal state jurisdiction or authority for any purpose other than the management and conservation of fishery resources.

#### ARTICLE XVII

This Agreement shall enter into force on a date to be agreed upon by an exchange of notes between the two Govern-

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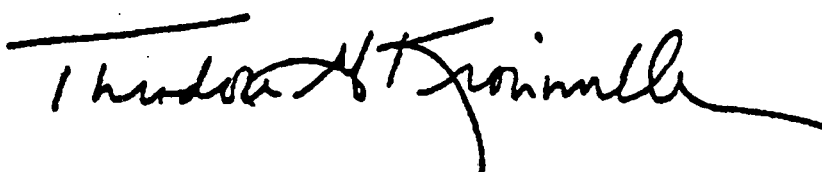
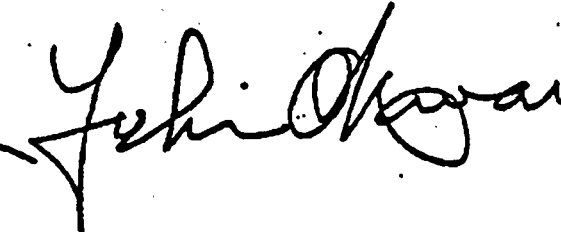
ments, following the completion of their internal procedures necessary for the entry into force of this Agreement, and remain in force until December 31, 1987, unless extended by agreement of the two Governments in a mutually acceptable form. However, either Government may terminate this Agreement at any time by giving twelve months' written notice to the other Government.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Washington, on the tenth day of September, 1982, in duplicate in the English and Japanese languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF JAPAN:

DRAFT LETTER

September 10, 1982

Senator F. Murkowski,  
United States Senate,  
Washington, D.C.

Dear Senator,

The resolution which you introduced into the Senate on August 20, 1982 has aroused considerable interest in Canada, and I would like to share with you the views that have been expressed by the fisheries experts in my country.

Firstly, I am encouraged by your commitment to the development of an equitable agreement between our two countries that would improve our ability to manage and conserve all five species of Pacific salmon from the Yukon to the Sacramento river. *Ar*  
You ~~will~~ know ~~that~~ a great deal of progress towards this goal has been made in recent months, and officials on both sides are working diligently to conclude an agreement in time for early consideration by our Governments, *x* so that the agreement can be implemented in time for the 1983 season.

Recent negotiations have taken place against a background of interim arrangements for conservation and management that were agreed by our Governments in June 1981, *x* governing certain intercepting fisheries through the 1981 and 1982 seasons.

While it is still early to fully assess the results of those arrangements, we do know that some interception limitations that had been agreed were exceeded, particularly in the net fisheries of Southeast Alaska. This fact simply suggests to me the urgent need to build on the cooperation we achieved by concluding the 1981/82 interim arrangements and to construct an agreement that will force both sides to make binding commitments.

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Recent negotiations have also clearly highlighted the different perceptions of the issues which each country holds. One perception is, however, universally shared by Alaskans, Canadians, and the fisheries community of the Pacific Northwest: chinook salmon are in urgent need of protection and restoration.

In your resolution, you note the conservation actions taken in recent years by the State of Alaska and by the North Pacific Fishery Management Council in their respective areas of jurisdiction. Such action, which helps to protect chinook salmon which are mostly destined to spawn in the Canadian sections of the Panhandle rivers, coastal British Columbia, or the Pacific Northwest, has been an important step in a coastwide approach to conservation and management. However, you must also recognize that the action has not been taken in isolation.

Attached to my letter to you of August 11, 1982 was a document which outlined the conservation measures that have been taken by Canada in recent years. In particular, in 1982, Canada implemented closures of the ocean troll fishery, in consultation with officials of the State of Washington, designed to protect depleted runs of Columbia River chinook salmon, as well as to provide increased escapements of domestic Canadian stocks.

It is a ~~gross~~ simplification of an extraordinarily complex resource management problem to suggest, as you do in your resolution, that Canada is not sharing the conservation burden because Canadian fisheries take upwards of four times as many chinook salmon than does the Alaskan troll fishery. Many

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of the fish composing the Canadian catch are of Canadian origin; the intense sports fishery of the southern Gulf of Georgia for example, exploits many local Canadian stocks. That is not to say that further conservation action is unnecessary, but rather to illustrate that overall catch figures do not tell the whole story.

I would point out that, according to published catch figures, the Alaskan troll fishery took 25% of the combined U.S. and Canadian ocean troll catches in 1981. In the 1971-74 period, the Alaskan fishery took a little less than 20 percent of the total. Canada's share over the same period remained constant at about 63 percent. Since we know that the total stock size of chinook salmon is significantly lower now than it was in <sup>1971</sup>~~1981~~, then the above figures mean that the rate of exploitation of chinook salmon in the Alaskan troll fishery remains higher than it was in the 1971-74 period. Moreover, fishing effort levels in Southeast Alaska have increased dramatically over the last ten years, while in Canada, effort has been stable, and in Washington has declined considerably.

Canadian officials have made these points to the North Pacific Fishery Management Council and to the Alaska Board of Fish and Game. My conclusion from these technical details is that Alaska should not consider itself to be *simon pure* in the conservation business. Indeed, it seems important to me that such a perception not be allowed to govern the conduct of our negotiations.

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It is clear that each fishery that exploits chinook salmon, given the present stock size and the complex age structure and migratory patterns of the fish, must be prepared to play its part in allowing us to achieve the maximum possible benefits from the resource.

Despite the difficulties which are being faced in our respective salmon industries, I can assure you of Canada's desire to reach an equitable agreement that will allow the potential of chinook salmon, and the other species, to be realized.

Should you feel it useful, Canadian officials would be prepared to discuss these matters with you, your colleagues and your staffers to help you gain the fullest possible understanding of the subject from a Canadian perspective.

Yours sincerely,

Allan E. Gotlieb

~~c.c. Senators Stevens~~  
~~Gorton~~  
~~Hatfield~~  
~~Jackson~~

c.c. Senators Stevens  
Gorton  
Hatfield  
Jackson

CIRC CHRON DIARY FILE ~~AM~~ **MGTC.**

UNCLASSIFIED

(CLASSIFICATION)

**REQUEST FOR FACSIMILE TRANSMISSION**  
**REQUETE POUR LA TRANSMISSION DE BELINOGRAMME**

TO/A: **MGTC**

DATE: 10 September 1982

FROM/DE: **LAO/H. Strauss**

NUMBER/NUMERO **LAO-1243**

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

The Canadian Embassy, Washington, D.C.

|                   |
|-------------------|
| 10                |
| 25-5-7-2-SALMON-1 |

(Indicate the address)

(Indiquez la destination)

Mr. Brian Dixon

(Indicate name of addressee)

(Indiquez le nom du destinataire)

at/à:

(Facsimile telephone number)

(Numéro de téléphone du télino)

NOTE: Please forward to DAWSON  
AS SOON AS POSSIBLE.

  
Signature

996-2643

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



Your file / Votre référence

Our file / Notre référence

Ottawa, Ontario  
September 3, 1982

Dr. D.L. Alverson,  
Natural Resources Consultants,  
4055 - 21st Avenue West,  
Seattle, Washington.  
U.S.A. 98199

Dear Lee,

As indicated by Mike Shepard earlier this week, Cliff Levelton has headed up a team that, to date, has looked in some detail at the organizational structure of IPSFC.

The attached paper contains a description of his findings and, briefly, suggests a range of options that might form the basis of a final recommendation to Governments with respect to the phase-out of IPSFC.

We are anxious to discuss this matter with you and your officials, and would hope to do so at our meetings in Seattle during the week of September 13, 1982.

By copy of this letter, I am requesting Christine Dawson to ensure circulation of the attached paper to appropriate U.S. officials.

Yours sincerely,

M. Hunter  
Director, Pacific Rim Branch  
International Directorate

c.c. Dr. M.P. Shepard  
Ms. C. Dawson ✓

Canada

PRELIMINARY VIEWS ON IMPLEMENTATION OF  
THE NEW CANADA/USA SALMON AGREEMENT

The organizational analysis of IPSFC has now been completed insofar as the responsibilities and activities of the Commission are concerned. Administrative, financial and personnel problems and the legal issues involved in transfer of certain responsibilities to the Department of Fisheries and Oceans in Canada and to the appropriate fishery management body in the United States are currently under study and will be dealt with at a later date.

The purpose of this memo is to describe the current responsibilities and activities of IPSFC and, in a very general way only, to consider the responsibilities and activities which might be undertaken by Canada and the new Commission in future.

PROGRAMS OF IPSFC

The Commission conducts a number of programs involving a large number of activities all of which are aimed at the conservation, protection and enhancement of the sockeye and pinks of the Fraser River. Let us now look at these programs and related activities. An organization chart of IPSFC is attached for ready reference.

Environment Conservation Division

The work of this division, involving a permanent staff of six persons, falls into the field of applied research.

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More specifically, and without going into detail, this division carries out studies of water pollution problems and their adverse effects on salmon and means of alleviating or eliminating these effects. Studies of the following nature are conducted:

- (a) Effects of municipal and industrial wastes.
- (b) Acid rain and its bearing on fish populations.
- (c) Siltation, flooding and other natural catastrophes.
- (d) Lethal and sub-lethal effects of inorganic substances on sockeye salmon (in laboratory and in the field).

In cases involving polluters, the findings of the division are usually turned over to the Department of Fisheries and Oceans which takes the necessary action.

The division conducts some of the work in collaboration with universities and other fisheries agencies looking to the best possible input by scientists of various types of expertise. There is also constant interface with the other divisions of IPSFC and especially with the Fishery Management and Biology Divisions.

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### Biology Division

This group has a permanent staff of eight people and is primarily concerned with studies aimed at optimizing the production of sockeye and pinks in the Fraser watershed. They rely heavily on the Fishery Management and Operations Divisions for basic information related to their studies.

Again more specifically, they conduct the following activities:

- (a) Productivity studies on Shuswap Lake including:
  - (i) egg to adult salmon survival;
  - (ii) feeding behaviour of young salmon;
  - (iii) growth rates of salmon; and
  - (iv) plankton production in the lake.\*
- (b) Culture of salmon - for example, three year old pinks have been produced.
- (c) Fish disease work.
- (d) Racial separation, i.e. how to identify salmon from the various stocks of Fraser sockeye.
- (e) Hydro-acoustic studies - refinement of methods and equipment used in sonar counting of adult upstream migrants and the young moving downstream.

\*NOTE: While the main effort in this respect is concentrated on Shuswap Lake, there is constant monitoring of other systems in the watershed.

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- (f) Rehabilitation of waters previously occupied by salmon spawners, e.g. Upper Adams system.

This division works very closely with the Fishery Management and Operations Divisions and, to a lesser degree, with the Environment Conservation and Engineering Division.

#### Operations Division

This group employs seven people on a permanent basis. They take over field work from the Fishery Management Division once migrating adult sockeye and pinks have passed upstream of Mission Bridge. Basically, the work which they carry out provides the Commission with an indication of the effectiveness of the previous season's regulations and the beginning of an index of the returning adults expected the next season.

They carry out activities as follows:

- (a) Enumeration of sockeye and pink spawners in the spawning channels and on the natural spawning grounds.
- (b) Tagging of sockeye to assist in enumeration on spawning areas (dead recoveries) in ten major spawning grounds.
- (c) Sampling of redds during the pre-fry emergence period to determine egg survival.

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- (d) Fry counts and indices of fry to smolt survival.
- (e) Counts of downstream smolt migrants.
- (f) Operation of and some maintenance work on spawning channels.
- (g) Public relations.

The group has close working relationships with Biology Division, Fishery Management Division and the Engineering Division.

#### Engineering Division

This division is currently staffed by seven permanent employees. Six additional positions are vacant as the group has not conducted any real enhancement work since 1972, when Canada decided it would no longer fund any enhancement projects for sockeye and pinks on the Fraser system.

Originally, engineering was responsible for the planning, design and construction of fishways, spawning channels and hatcheries for the Commission and for determining what maintenance was required at these facilities. Its role is now as follows:

- (a) Determining what maintenance is required on facilities operated by the Commission and, in most cases, carrying it out.
- (b) Protection of sockeye and pinks where their fresh water habitat is threatened by natural disasters such as dams, stream



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diversions or withdrawals of water for such purposes as irrigation or municipal and domestic use.

(c) Provision of hydrological information to the Environment Conservation Division.

It was brought to attention that restriction of funding in recent years has resulted in low levels of maintenance of Commission facilities. Some fishways are in particular need of extensive repairs and some substantial expenditures will be required in the fairly near future.

#### Fishery Management Division

Before going into the work of this important division, some philosophical background together with some statements of fact may prove helpful.

To the uninitiated, salmon management may appear to be a very precise science surrounded by a certain glamour and mystique. To say that it is a precise science would constitute over-statement. The very fact that all species of Pacific salmon spend part of their lives in freshwater and part in the ocean and, in both environments are subject to the vagaries of nature and depredations of man, some of them not well understood, makes fishery management of somewhat chancy business.

Fishery managers in both countries have, however, over the years developed a number of techniques and/or activities based upon basic research, applied research, inves-

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tigations and straight trial and error which, in a package, constitute a fishery management program. IPSFC has unquestionably carried these practices to a substantial degree of refinement in managing the Fraser sockeye and pink salmon stocks. It has carried out its mandate without fear or favour and has done a creditable job in division of catch between the fishermen of the two countries and in obtaining the required escapements for the spawning grounds.

Essentially, every activity conducted within IPSFC is aimed at assisting the Fishery Management Division in carrying out its job of managing the sockeye and pink salmon fisheries in the Convention Area. This division is responsible for the achievement of several major objectives annually. They are:

- (1) Calculating the size (in numbers) of returning runs of sockeye and pink salmon and setting escapement goals for the various stocks.
- (2) Dividing the catch of sockeye and pinks on a 50/50 basis between Canadian and U.S. fishermen operating in the Convention Area.
- (3) Dividing, to the degree possible, the catch of sockeye and pinks between the various user groups

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(gillnetters, purse seiners, reef netters) and even between fishermen in one user group, e.g. Fraser River gillnetters and Juan de Fuca gillnetters.

- (4) Establishing an annual fishing plan (regulations) and amending the regulations as required during the fishing season to achieve the foregoing.

While the Biology Division and Operations Division provide constant information to the fishery managers, they (Fishery Management) carry out a number of data collection programs to assist them in making the required day-to-day or week-to-week decisions as the fishing season progresses.

These are:

- (a) Test fishing - conducted by hired gillnetters (on a regular basis) and purse seiners (occasionally) in Area 20 and on the U.S. side of Juan de Fuca Strait, at Salmon Bank in the Juan de Fuca Islands and by gillnetters in the Fraser River on the Cottonwood Drift and at Whonnock. In Adams River sockeye years there is also some purse seine test fishing off the mouth of the Fraser

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River. The test fisheries provide information used for:

- (i) calculating the index of abundance (size of runs in numbers) of runs;
  - (ii) calculating escapement through the commercial fishing areas; and
  - (iii) racial analysis based on scale samples taken from salmon caught.
- (b) A racial analysis program required for an up to date accounting of sockeye catch by stock and aimed at determining what the stock composition is at any given time. This is done by reading scales from commercial net catches of sockeye in the Convention Area and in the troll fishery off the west coast of Vancouver Island. Scale samples are also provided by Fisheries and Oceans from waters as far north as Area I (northern Queen Charlotte Islands).
- (c) Hydro-acoustic (echo-sounding) program - using sonar at Mission Bridge to assist in determining the numbers of adult salmon passing upstream to the spawning grounds.

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(d) Statistical information used for putting together data on catches of sockeye and pink salmon of Fraser River origin by area and type of gear for each day of fishing. This is obtained from the following sources:

- (i) telephone calls by Commission staff to major and some minor fishing companies in both countries;
- (ii) dock tallies at fishing plants in both countries;
- (iii) search of fishing company records by Commission staff;
- (iv) sales slips or tickets from fishery agencies in both countries (weekly or monthly);
- (v) troll catch information in Convention Area and approaches;
- (vi) fishing gear counts by fisheries agencies in both countries and occasionally by Commission staff;
- (vii) daily catch information from DFO for waters both inside and outside the Convention Area.

.../11..

- 11 -

The Fishery Management Division has a permanent staff of ten persons.

#### THE FRAMEWORK AGREEMENT

The negotiators have noted in their report of June 23, 1982 that:

"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".

That the negotiators left detailed definition of the aforementioned responsibilities for others to develop and recommend is readily understood. It is a complex issue involving organizational structures, programs and related activities, administration, finance and personnel, legal matters and interaction between the new Commission and the fisheries agencies in both countries.

#### FACTORS TO CONSIDER IN DETERMINING ALLOCATION OF RESPONSIBILITIES AND/OR ACTIVITIES TO THE NEW COMMISSION AND DEPARTMENT OF FISHERIES AND OCEANS

1. The Commission has a competent and experienced staff of professional and technical people completely dedicated to the proper management of Fraser sockeye and pink salmon. Because of the high calibre of its people and the fact that its staff is not rigidly compartmentalized

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or burdened by bureaucratic procedures, the Commission has done a creditable job over a period of about forty years in managing Fraser River sockeye. At the same time it has done a similar job in managing pink stocks of Fraser origin since 1957. Moreover, it has done its job at eminently reasonable cost.

2. The fishermen who operate in the Convention Area in both countries generally hold IPSFC in high regard and may view any diminution of its responsibilities with apprehension.
3. The Department of Fisheries and Oceans, like the Commission, has experienced, competent and dedicated people involved in managing the salmon fisheries and unquestionably can undertake the responsibilities envisaged under the new Convention and see them through effectively. Unlike the Commission, however, with its precise definition of responsibilities, it is burdened by bureaucratic procedures, compartmentalization and political considerations, all of which make doing the work more difficult and costly.
4. There is another problem of some magnitude. IPSFC and the fisheries agencies on both sides of the border have from time to time had real difficulties in communication.

Mr. E.H. Vernon, in his report of January, 1982, for the Department of Fisheries and Oceans, touched on this

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problem stating "...these management advantages have also led to difficulties in communication because of the inevitable divergence from other agencies in methodology and approach. Since the various fisheries agencies report to different principals, this divergence has tended toward a degree of doctrinaire rigidity within all agencies which reinforces the difficulties of communication".

The new Convention, if properly implemented, will tend to overcome this particular problem to a substantial degree, but not completely. There will still be problems of communication and trust between the new Commission (and the Fraser Panel) and fisheries agencies in the two countries, as well as, in interpretation of data related to establishment of regulatory measures for the sockeye and pink salmon fisheries. These must be reduced to the absolute minimum.

TRANSFER OF RESPONSIBILITIES (AND RELATED ACTIVITIES) TO THE  
DEPARTMENT OF FISHERIES AND OCEANS AND THE NEW COMMISSION  
AND ITS PANELS

Bearing in mind the foregoing, several problems must be kept in mind in designing the new structures, defining responsibilities and related activities and in allocating resources in such a way as to overcome or minimize these problems. While these have been defined above, it may be useful to set them out in summary as follows:

.../14..



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- (a) concerns of the fishermen, buyers and processors in both countries;
- (b) the capability of Department of Fisheries and Oceans and the appropriate U.S. management agency to undertake their new responsibilities;
- (c) problems of communication and cooperation between the fisheries agencies in the two countries and the new Commission (and its panels, especially the Fraser Panel); and
- (d) additional costs of operation to Canada which will inevitably occur.

Before suggesting any options, it is appropriate to review the fishery management process which will be involved under the provisions of the Convention, from the setting of the management objectives through to the inseason - day-to-day or week-by-week, management of the fisheries. The steps involved are:

- (1) Canada submits its management objectives giving estimated size (in numbers) of runs and escapement goals for the coming fishing year together with supporting data to the Fraser Panel.

.../15..

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- (2) Analysis of the Canadian submission to the Panel.
- (3) The two countries submit the interception regime developed in the Commission for the coming fishing year to the Fraser Panel.
- (4) The Fraser Panel develops the fishing plan (regulations) for the coming year for consideration by the Panel members.
- (5) The Panel considers and adopts the regulations and submits them to the Commission.
- (6) The Commission adopts the fishing plan (regulations) and recommends its implementation by the two countries.
- (7) The Panel amends the regulations during the course of the fishing season in order to achieve the management objectives of Canada (paragraph 1) and the interception regime (paragraph 3).

Whatever the eventual division of responsibilities and activities may be, it should always be borne in mind that there is provision in the new Convention for review and change. Further, more continued sound management of the sockeye and pink salmon stocks must be assured as well as improved management of the other species of salmon and steelhead.

.../16..

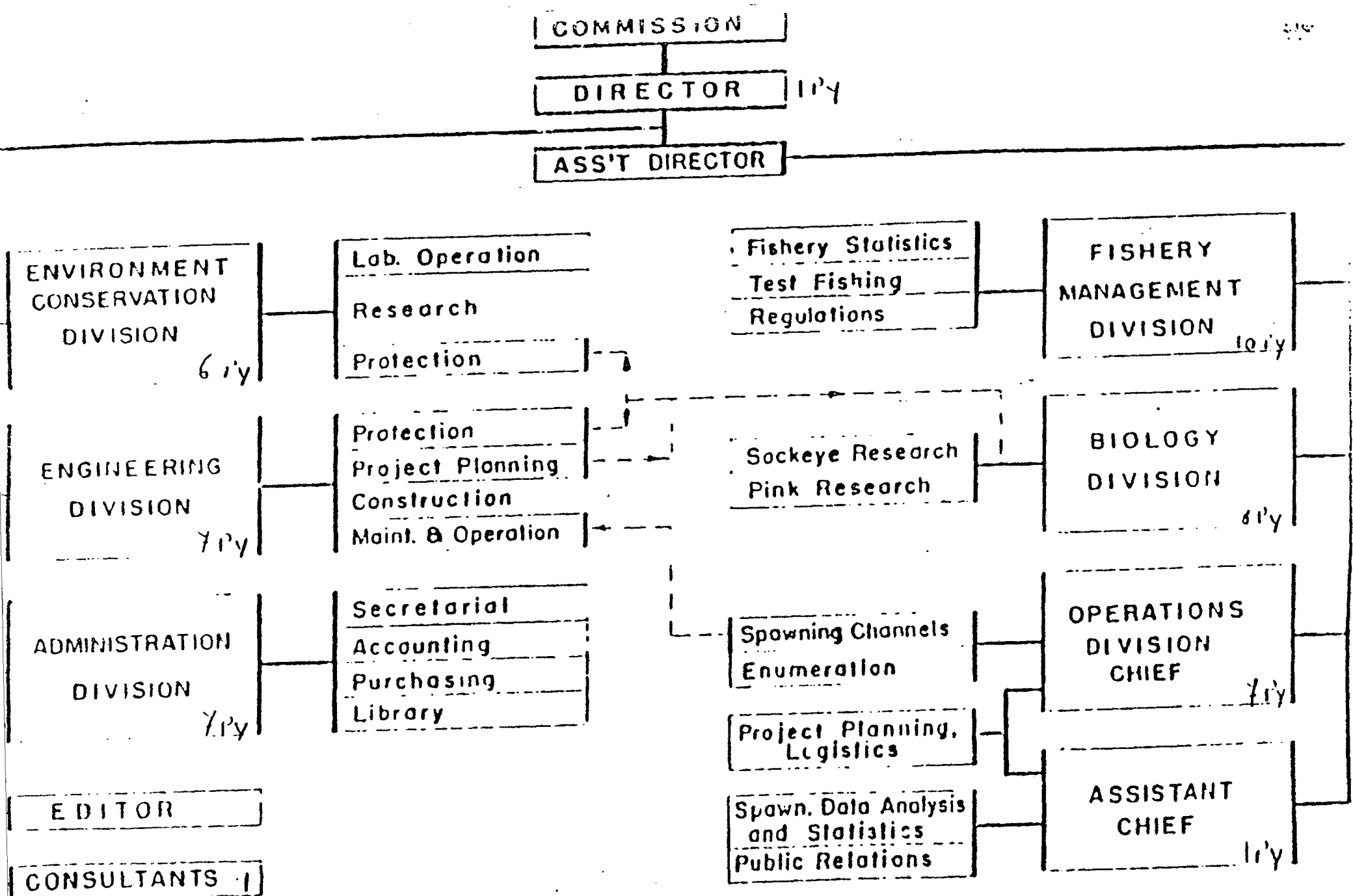
- 16 -

#### OPTIONS FOR TRANSFER OF RESPONSIBILITIES

The options are wide-ranging but will not be dealt with in detail here. At one extreme a possibility would be to have Canada and U.S. (Washington State) take over almost the whole function and staff of IPSFC leaving only a very small interpretative staff in the new Commission to enable it and the Fraser Panel to perform the regulatory function. At the other end of the scale, the fishery management function, associated with the current Fishery Management Division of IPSFC, could be transferred intact to the new Commission or Fraser Panel. The remaining divisions of IPSFC, concerned with up-river activities, would be transferred to Canada. Obviously there are options which fall between the two outlined above. Regardless of whatever decision is taken in this respect, it will be necessary to have a period of transition or phasing in of the new arrangement.

C.R. Levelton

Vancouver, B.C.  
August 31, 1982



INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION

ORGANIZATION CHART

1980

- 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.

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## 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.



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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

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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

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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.

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### 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;

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(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.]

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#### 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:

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- (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.



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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.

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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.

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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.

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[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.

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.]

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Article VIII

STEELHEAD

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

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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.



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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.]

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.

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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.

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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.

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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.]

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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.

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ANNEX II

FISHERY REGIMES

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ANNEX III

FRASER PANEL AREA



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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).

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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.]

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ANNEX VI

TECHNICAL DISPUTE SETTLEMENT

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ACTION  
SUITE A DONNER FACSIMILE TRANSMISSION

FAX OCT NO: .....  
(for Concetre Use Only)

CLASSIFICATION: ..... UNCLASSIFIED .....

DATE: SEPTEMBER 10, 1982 .....

FROM: NSHDC

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

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

NO. OF PAGES: 3

SUBJECT: OCEAN SALMON FISHERIES

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| 25-5-7-2-SALLON-1 |
| DOSSIER           |

AUTHORIZING OFFICER: BH DICKSON

SIGNATURE: R. Calkin

ADDITIONAL COMMENTS OR INSTRUCTIONS:

during which he wishes to fish. Once a fisherman notifies the Regional Director, he need not send a new letter to fish in later cycles. To participate in the reopened area during the first cycle, letters must be received by September 13, 1982. Fishermen are not committed to fishing in the reopened area if they have sent a letter.

(2) No changes in regular fishing periods for surf clam vessels in the Mid-Atlantic Area will be allowed, once a five-week cycle for fishing in the reopened area has begun. Changes may be made only during the two-week intervals between cycles.

(3) Vessels may fish both inside and outside of the reopened area on the same day, but may make only one fishing trip per day.

(4) Vessels may not claim a make-up period in the reopened area. A make-up period for time lost due to bad weather on the vessel's fishing day must be taken outside the reopened area, according to the procedures and conditions established in § 652.22(a)(4).

The provisions listed above will be applied in the reopened area in addition to the other management measures in 50 CFR Part 652, including the minimum size limit. When the catch per unit of effort in the reopened area reaches the level of the catch per unit of effort in the fishery outside the reopened area, the area will be managed under the same measures as apply to the fishery outside the reopened area at the time. A notice will be published when that determination is reached.

#### Other Matters

This action is taken under the authority of 50 CFR 652.23 and is taken in compliance with Executive Order 12291. The action is covered by the certification for Amendment 3 to the Fishery Management Plan for Surf Clam and Ocean Quahog Fisheries, under the Regulatory Flexibility Act, that the authorizing regulations do not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 50 CFR Part 652

Administrative practice and procedure, Fish, Fisheries, Reporting requirements.

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

Dated: August 27, 1982.

William G. Gordon,

Assistant Administrator, NOAA, National Marine Fisheries Service.

FR Doc. 82-22045 Filed 8-31-82; 9:00 am

BILLING CODE 3510-22-01

#### 50 CFR Part 661

[Docket No. 2513-185]

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

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

#### ACTION: Final rule.

**SUMMARY:** NOAA issues a final rule for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California that apply to the ocean commercial troll salmon fishery from Cape Blanco, Oregon, south to the U.S.-Mexico international boundary. These rules specify management measures which vary by area, but generally establish fishing seasons and gear restrictions. The intended effect of these regulations is 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.

**EFFECTIVE DATE:** 0001 hours Pacific Daylight Time, August 30, 1982.

**ADDRESS:** Copies of the final supplemental regulatory flexibility analysis are available from the Director, Northwest Region, National Marine Fisheries Service, (NMFS), 7600 Sand Point Way NE, BIN C15700, Seattle, Washington 98115.

**FOR FURTHER INFORMATION CONTACT:** H. A. Larkins (Regional Director, NMFS), 206-527-8150; or A. W. Ford (Regional Director, NMFS), 213-548-2575.

#### SUPPLEMENTARY INFORMATION:

##### Background

A Secretarial Amendment of the fishery management plan (FMP) for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California was approved by the Assistant Administrator for Fisheries, NOAA, on May 28, 1982. The Secretarial Amendment provided management measures that replaced the disapproved portion of the 1982 FMP amendment prepared by the Pacific Fishery Management Council (Council) (see 47 FR 21256, May 18, 1982). The Secretarial Amendment established season and gear restrictions for the commercial ocean salmon fisheries south of Cape Blanco, Oregon. On June 3, 1982, NOAA published emergency interim rules under the authority of section 305(e)(2) of the Magnuson Fishery Conservation and Management

Act (Magnuson Act) which implement management measures identical to those contained in the Secretarial Amendment (47 FR 24134).

The emergency interim rule was effective from June 1, 1982, through July 15, 1982; and was extended for an additional 45-day period from July 15, 1982, through August 29, 1982 (47 FR 30594). The preamble to the emergency interim rule discussed the background and objectives of the Secretarial Amendment, the management measures that were selected, and the classification of the rulemaking.

On July 2, 1982 (47 FR 25671), NOAA proposed rules to implement the Secretarial Amendment. Those rules were identical to the emergency interim rules published at 47 FR 30594. Public comments were invited on the Secretarial Amendment and the proposed rules for 45 days, through August 16. No public comments were received. However, the Council submitted three specific comments on the Secretarial Amendment to the Secretary. Those comments are summarized below, together with NOAA's responses thereto.

The Assistant Administrator has reviewed the 1982 Secretarial Amendment and implementing regulations in light of the Council's comments. He has determined that the FMP, as amended, is consistent with the Magnuson Act and other applicable law and now adopts as final, with one exception, those regulations proposed at 47 FR 25671 (which were identical to the emergency interim rules published at 47 FR 24134) without republishing them to save public expense and to reduce the volume of printed matter. Certain sections of the rule proposed at 47 FR 25671, paragraphs (b)(2) and (b)(3) of § 661.30, were reformatting in the final rule implementing the Council's 1982 amendment (see 47 FR 33483, August 18, 1982). That reformatting of those sections is incorporated into the final rule adopted here. These final rules will remain in effect until superseded or otherwise modified.

#### Comments

1. The Council's first comment concerned the Secretary's acceptance of a commitment from the State of California to rear one million yearling chinook salmon from the 1982 fall run of the Klamath River brood stock to compensate for at least 5,000 adult spawners in 1982. The Council requested the Secretary to clarify the criteria used to equate the release of yearling salmon with the return of spawning adult salmon, to state whether the future

3/4

release of yearling salmon by any State could be considered as adequate compensation in lieu of possible underescapements of spawning adult salmon, and to consider the impacts of increased hatchery-produced yearling salmon on natural stocks of salmon and other hatchery stocks.

2. The Council's second comment concerned the Secretary's request to have the Council's Salmon Plan Management Team (Team) evaluate the status of the chinook fishery during the first week of August. The Council noted that the Team previously stated that it could not assess changes in estimated chinook salmon abundance during the season.

3. The Council's third comment concerned the economic analysis that was contained in the supplemental regulatory impact review (SRIR) filed along with the Secretarial Amendment. Specifically, the Council stated that the "output multiplier" (a factor which calculates the value added throughout the economy) from the California Inter-Industry Fisheries Model seriously overstated the probable increase in gross national product (or national income) due to an increased 1982 ocean salmon harvest. The Council also stated that the economic analysis presented an unbalanced treatment of 1982 benefits from increased ocean salmon harvests versus future costs as a result of reduced spawning escapements to the Klamath River and other California river systems.

#### Responses

1. The Secretary considered both the depressed condition of the Klamath River chinook stock and the serious economic condition of the California commercial troll fishermen and the coastal communities that depend on the income from the salmon fisheries. Thus, the Secretary believed that it was necessary to balance the conservation needs of the salmon resource against the economic needs of resource harvesters, processors, and related industries. For the 1982 fishing season, the Secretary determined that the commitment of the California Department of Fish and Game to rear and release one million yearling chinook salmon from the 1982 fall run of Klamath River chinook would be compensation for an additional harvest of five thousand adult chinook by the ocean fishery this year. The Secretary believes that the impact of a reduction of five thousand adult spawners from the 1982 fall run in the Klamath River will be partially offset by the estimated increases in future chinook production from the Klamath River system resulting from the release of the one million

yearling chinook. The short-term benefits to the commercial fishermen and coastal communities from the increased harvest will help relieve the economic stress in local communities of northern California.

It should be emphasized that the Secretary's decision to accept the enhanced yearling production program to compensate for reduced adult spawning escapement should not be considered a precedent to be applied generally in salmon management. Rather, the Secretary's decision was based upon the complex of biological and socioeconomic conditions that existed in this area this season. The recurrence of such unusual conditions in a specific area which would again justify such a tradeoff appears unlikely.

Finally, the Secretary believes that the one-time release of hatchery-produced yearling chinook salmon will have no impact on the long-term productivity of natural chinook stocks or other hatchery stocks.

2. The Secretary recognized that the scientific expertise to assess the abundance of chinook salmon during the fishing season has not yet been adequately developed. The Team was asked to note any aberrations in the 1982 fishery and to recommend measures to protect immature Klamath River chinook salmon if the situation warranted such action. The Secretary asked the Team to evaluate "the fishery," meaning the total harvest, the rate of harvest, and the composition of the catch, particularly north of Point Arena, California. Since the commercial troll fishery for chinook salmon north of Point Arena has been about what was expected, the Secretary has concluded that no inseason management action is necessary.

3. The economic analysis in the SRIR used "output multipliers" derived from the California Inter-Industry Fisheries Model to demonstrate the magnitude of impacts in California related to the Secretarial Amendment. The Council correctly pointed out that the total output generated by salmon landings does include costs which should be subtracted from the total output in determining the net benefits from the Secretarial action. However, the relative impacts of the alternatives considered remain unchanged.

Costs, in terms of future reductions in chinook stocks, were included in the analysis in an attempt to account for the long-run impacts of salmon management decisions. The apparent imbalance in the bases on which short-term benefits and long-term costs were projected is in great part caused by the nature of the

fishery and the resource. The total increased value of the chinook harvest off Northern California during 1982 is included appropriately in the benefits. During the additional fishing time, trollars were allowed to fish on a mixture of salmon stocks in the ocean between Point Arena, California, and Cape Blanco, Oregon. If that area had been closed to trolling during that period, the fishermen would have lost an opportunity to harvest not only Klamath River chinook but also other stocks in the area. It was pointed out in the SRIR that a portion of these fish would be caught later in the season in that area or in other areas.

In its reports of March 18, 1982, the Team stated that fishing seasons more liberal than those in the Secretarial Amendment would meet the chinook escapement goals for Oregon coastal rivers and that a combination of seasons similar to the Secretarial Amendment would meet the total spawning escapement goal for chinook in the Sacramento River system but not the upper Sacramento goal. Since the spawning goals for these systems are expected to be met, no reduction in future runs would be expected to result from the Secretarial Amendment. Therefore, the long term costs of the Secretarial Amendment, in terms of reduced future runs, would result from the spawning shortfall in the Klamath system only.

The Council is correct in its observation that the reduction in future chinook harvests in southern Oregon was not counted as a cost of the additional harvest in 1982. Using the same assumptions as applied to Northern California in the SRIR and assuming a 40-percent contribution of Klamath River chinook to the southern Oregon fishery, the cost in 1981 dollars of the reduced 1985-86 chinook landings in Southern Oregon would be projected at \$111,000 (4,800 chinook x \$23.00). If this estimate were added to the projected cost of reduced chinook landings in Northern California, the total reduction would amount to \$478,000. The short-term benefit (\$2,247,000 ex-vessel value greater than taking no action) would still exceed the long-term costs of the Secretarial Amendment.

#### Classification

The Assistant Administrator has determined that the 1982 Secretarial Amendment is consistent with the Magnuson Act, including the national standards, and other applicable law.

The NOAA Administrator has determined that the rules implementing the 1982 Secretarial Amendment are not

"major" rules under Executive Order (E.O.) 12291 requiring a regulatory impact analysis. A supplementary regulatory impact review/initial regulatory flexibility analysis (SRIR/IRFA) was prepared. This review focused on the issues and problems in the fishery and analyzed the impacts of the adopted management measures and alternative management options. Some issues could only be partially analyzed because of data limitations. The review supports the determination that these rules are not "major" under the criteria of E.O. 12291.

The NOAA Administrator also has determined that the rules implementing the 1982 Secretarial Amendment 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 SRIR/IRFA was summarized in the preamble to the proposed rule and was made available to the public. Now, a final supplemental regulatory flexibility analysis has been prepared and is available at the address noted above.

The final supplement to the Environmental Impact Statement (FSEIS) for the 1982 FMP amendment was filed with the Environmental Protection Agency; a notice of availability of the FSEIS was published on April 30, 1982 (47 FR 18652). The action that is represented by these regulations was within the range of alternatives analyzed in the FSEIS for the 1982 amendment. Therefore an additional supplement is not required.

The Agency has determined that it is urgent to have regulations in place when the 90-day period of the section 305(e)(2) emergency interim rules expires, to protect the resource from overfishing and eliminate any late-season disruption of the ocean salmon fisheries. In

addition, the public has had ample opportunity to comment on and prepare for final implementation of these rules. For these reasons, then, the Agency finds for good cause that it is unnecessary and contrary to the public interest to delay for 30 days the effective date of these final regulations, under section 553(d) of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*

**List of Subjects in 50 CFR Part 661**

Fish, Fisheries, Fishing, Indians.

Dated August 30, 1982.

William G. Gordon,

Assistant Administrator, National Marine Fisheries Service.

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

1. The authority citation for 50 CFR Part 661 reads as follows:

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

2. For the reasons described in the preamble, the revisions to Part 661 as set forth in the interim rule published at 47 FR 24134 on June 3, 1982, are adopted as a final rule with one exception. Paragraphs (b)(2) and (b)(3) of § 661.20 are revised to read as follows:

**§ 661.20 Commercial fishing.**

(b) \* \* \*

(2)(i) 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 at least five (5) inches long in the following areas during the periods specified below.

**(A) Subarea and Season**

**Subarea and Season**

- A May 1-31
- B May 1-31
- C May 1-31 and after September 8 during the season specified in § 661.20(a)(3)(iv)

**(B) Subarea and Season**

**Subarea and Season**

- D May 1-31 and after September 8 during the season specified in § 661.20(a)(4)(iv)
- E May 1-24 (subsequent to the 1982 season)
- F April 23-May 24 (subsequent to the 1982 season)

(ii) 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)(i) No person shall engage in commercial salmon fishing using other than hooks with whole natural bait or salmon plugs at least five (5) inches long during the periods specified below.

**(A) Subarea C**

June 1-11, and from the date the commercial coho quota is reached in subareas C and D to September 8.

**(B) Subarea D**

June 1-8, and from the date the commercial coho quota is reached in subareas C and D to September 8.

(ii) 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. 82-20144 Filed 8-31-82; 4007 PM]  
BILLING CODE 3410-22-M

HS

**ACTION**  
**SUITE A DONNER**

R E S T R I C T E D

FM WSHDC UNGR5003 10SEP82

TO EXTOTT/LAO

INFO BH FANDOTT/APPLEBAUM/HUNTER/CAMPBELL DE OTZ

REGAM FANDO VNCVR/JONES DE OTZ

DISTR GNG GNT GNP RPF LAP ECO ETA TWR

REF OURTEL UNGR4674 25AUG

224736  
DOSSIER  
25-5-7-2-SALMON-1

---SENATE RESOLUTION ON PACIFIC SALMON STOCKS

WE RECENTLY DISCUSSED EFFECT OF SENATE RESOLUTION ON PACIFIC SALMON WITH CHRIS DAWSON OF OFFICE OF FISHERIES AFFAIRS AT STATE DEPT. SHE SAID THAT, BASED ON HER DISCUSSIONS WITH CONTACTS ON HILL, WE SHLD NOT/NOT OVER-REACT TO RESOLUTION. ACCORDING TO HER RESOLUTION WAS PRIMARILY FOR HOME CONSUMPTION AND WAS DESIGNED TO RESPOND TO PRESSURE FROM USA WEST COAST FISHERIES INTERESTS. SHE SAID THAT RESOLUTION DID NOT/NOT IMPLY SHIFT IN USA POLICY TOWARDS NEGOTIATIONS. RESOLUTION HAD IN FACT IMPLICITLY ENDORSED NEGS AND NEED FOR A BILATERAL AGMT TO EFFECTIVELY MANAGE SALMON STOCKS. WHOLE THRUST OF HER COMMENTS WAS TO DOWNPLAY IMPORTANCE OF RESOLUTION.

2. GIVEN OUR EXPERIENCE WITH EASTCOAST FISHERIES TREATY, A SENATE RESOLUTION OF THIS NATURE IS NOT/NOT AN ENCOURAGING SIGN. IT SEEMS TO US THAT PRIMARY RESPONSIBILITY FOR ENSURING SENATE SUPPORT FOR AGMT LIES WITH AMERICAN NEGOTIATORS. NEVERTHELESS, WE THINK IT WLD BE EXTREMELY USEFUL TO MAINTAIN DIALOGUE WITH MURKOWSKI.

...2



PAGE TWO UNGR5003 RESTD

LET YOU ARE PREPARING FOR AMB SIGNATURE WILL BE AN IMPORTANT  
ELEMENT.WILL LET YOU KNOW WHETHER MURKOWSKI INTENDS TO PRESS  
RESOLUTION THROUGH CTTEE AND TO VOTE ON SENATE FLOOR.WILL ALSO  
ATTEMPT TO OBTAIN FURTHER INFO RE EFFECT OF RESOLUTION FM  
CONTACTS ON HILL.

3.YOU MAY BE AWARE THAT NORTH PACIFIC FISHERIES MANAGEMENT  
COUNCIL WILL REVIEW USA/CDA NEGS AT ITS MTG 21-23 SEPT IN  
ANCHORAGE.

CCC/231 102324Z UNGR5003

.....

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

UNCLASSIFIED

WITHOUT ATTACHMENT(S) / SANS ANNEXE(S)

TO  
À

WSHDC/Brian Dixon

NO.

DATE 7Sep82

| QUANTITY<br>QUANTITÉ | DESCRIPTION - DESCRIPTION               | REFERENCE - RÉFÉRENCE |
|----------------------|---|-----------------------|
| 1                    | New Canada/USA Pacific Salmon Agreement |                       |

DATE SEP 24 1982

ACC REF

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

BY HAND PAR PORT. OR

ATTN: LAO

|  |                           |
|--|---------------------------|
| RECEIPT ACKNOWLEDGED / ACCUSER RÉCEPTION | RETURN TO / RETOURNER À   |
| Sept. 17/82 <i>Bortnick</i>              | EXTOTT/LAO/<br>H. Strauss |
| DATE                                     | SIGNATURE                 |

1/3

plan copy to rwr  
4/26/82 H. Hunt  
WDC 10/3  
HS

FACSIMILE TRANSMISSION

FAX OCT NO: .....  
(for Concurrence Use Only)

CLASSIFICATION: RESTRICTED

DATE: September 3, 1982

**ACTION  
SUITE A DONNER**

FROM: WSHDC

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

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

NO. OF PAGES: 2

|                |         |
|----------------|---------|
| ACC            |         |
| FILE           | DOSSIER |
| 25-57-2-Salmon |         |

SUBJECT: Senate Resolution on Pacific Salmon Stocks

AUTHORIZING OFFICER: B. Dickson

SIGNATURE: *B. Calkin*

ADDITIONAL COMMENTS OR INSTRUCTIONS:



Canadian Embassy

Ambassade du Canada

1746 Massachusetts Ave., N.W.  
Washington, D.C. 20036-1985

August 11, 1982

Dear Senator Murkowski,

Thank you for your recent letter concerning salmon interception in the North Pacific. I can assure you that Canada shares with the United States the goal of a healthy and prosperous salmon fishery. Canada also recognizes that salmon conservation is central to this goal. As you know, Canada and the United States have worked closely together for many years on the question of salmon conservation pursuant to the 1952 International Conservation for the High Seas Fisheries in the North Pacific Ocean and the 1930 Convention between Canada and the United States for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River. In recent years this cooperation has been extended to include the full range of salmon species from California to Alaska.

In fact, Canada and the United States have made excellent progress towards a comprehensive Pacific salmon treaty. The negotiators have presented the text of a draft framework agreement to their respective governments during the month of June. It is hoped that the agreement will be implemented prior to the 1983 fishing season. With respect to specific conservation measures taken by Canada, I enclose a copy of a letter sent May 20, 1982 by Mr. C.W. Shinnars, Director General, Pacific Region, Canadian Department of Fisheries and Oceans, to the Alaska State Senate. The letter sets out in some detail a number of salmon conservation measures that have been implemented by Canada in past years as well as additional measures announced for 1982. In his letter, Mr. Shinnars notes that the Canadian ocean troll catch has declined by 35 per cent in the last ten years.

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The Honourable Frank H. Murkowski  
United States Senator  
2104 Dirksen Senate Office Building  
Washington, D.C.

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3/3  
I hope that this information is helpful to you in demonstrating the importance Canada attaches to salmon conservation. If I can be of any further assistance to you, please do not hesitate to let me know.

Yours sincerely,

ORIGINAL SIGNED BY

J. K. B. Kinsman

A SIGNÉ L'ORIGINAL

Allan Gotlieb

Ambassador



Government of Canada  
Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

*J. Bacon*

TO  
À

Steering Committee

*File*

FROM  
DE

Chairman  
Salmon Working Group

*[Signature]*

|   |
|---|
| SECURITY - CLASSIFICATION - DE SÉCURITÉ |
| OUR FILE/NOTRE RÉFÉRENCE                |
| YOUR FILE/VOTRE RÉFÉRENCE               |
| DATE<br>September 3, 1982               |

SUBJECT Report on Working Group Meeting, August 30, 31  
OBJET

The working group discussed the items as set out in the attached Agenda. A summary of decisions and recommendations follows.

A. IPSFC transition

Mr. Levelton's discussion paper served as the focus for discussion of this item. No final consensus was reached as to the final disposition of the responsibilities of IPSFC.

|                   |         |
|-------------------|---------|
| 225928            |         |
| FILE              | DOSSIER |
| 25-5-7-2-SALMON-1 |         |
| 25-5-5-CDL-USA-2  |         |

Two basic views were developed:

- (a) leave the new Commission and Fraser River Panel with a very small staff (e.g. 2 to 3) to receive information from Canada and the USA and to propose pre-season regulations and in-season changes;
- (b) leave the current Management Division of IPSFC intact (10 people), and assign it the responsibility of designing pre-season regulations and carrying out the activities, e.g. test fishing which provide information needed for in-season management.

The pros and cons of each basic alternative are set out in the attached paper.

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It was agreed that an early decision on this matter would be helpful so that agreement could be sought with the USA, after which Mr. Smith and Mr. Levelton can begin to finalize the administrative questions remaining.

B. Review of 1982

In Northern B.C./SE Alaska, the USA exceeded the catches set out in the interim arrangement at Noyes Island and Cape Fox. They also exceeded their share of fish returning to the Stikine river. On the other hand, Canadian catches of Alaskan pink salmon were far short of expectations.

On the Yukon river, chinook salmon catches in the Canadian section are below normal levels, as are escapements past the Whitehorse fishway.

In the South, fisheries are still continuing and it is a little early to determine results. However, Adams river sockeye have migrated through Juan de Fuca Strait, and U.S. catch proportion is estimated at 25%, somewhat higher than the 19-20% of the cycle year (1978).

C. Fishing Plans 1983-84

Some progress has been made in assembling Canadian aspirations for the 83/84 fishing years. A technical working meeting will take place on September 20 and 21 at which coastwide plans will be discussed.

Considerable discussion took place on the timing of plan development. It is clear that negotiation of fishing plans in the fall is out of synchronization with both Canadian and USA domestic processes (which in the USA are governed by the Council and FCMA requirements). Moreover, IPSFC announces its regulatory plans in early December, an action which could prejudice the negotiation of a Fraser river package.

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It was, therefore, concluded that the fishing plan for 1983 at least could only be general in design, setting out gross interception limits which would leave flexibility for domestic management actions.

With respect to IPSFC, it is recommended that both Governments approach IPSFC to instruct it not to announce regulatory proposals for 1983 at its December meeting.

#### D. Scheduling

A few Canadian officials, and Dr. Shepard will meet with Dr. Alverson and U.S. officials in Seattle on September 14 or 15 to discuss scheduling. Dr. Alverson wishes to discuss approaches to resolution of the Fraser river interception issue, and we will wish to raise concerns over U.S. performance in Northern B.C.

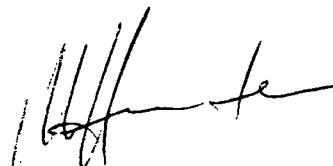
A meeting will be held with Canadian advisers during the week of September 20 in Vancouver.

#### E. Other Business

Discussion took place on the question of Alverson/U.S. officialdom links, as raised at the August 26 meeting of the Steering Committee. Further discussion is required, given the Senate resolution on Pacific salmon introduced by Mr. Murkowski.

The working group considered that it would be desirable, from a tactical point of view, to obtain ministerial approval for withdrawal from IPSFC. Withdrawal could be announced if discussions on the Fraser issues became protracted.

The Steering Committee should study the potential impact of and our reaction to the Murkowski resolution.





STEERING COMMITTEE

G. C. Vernon  
J. MacLeod  
T. Bacon  
W. Shinnars

WORKING GROUP MEMBERS

M. Hunter  
H. Smith  
M. Stanfield  
D. Pethick  
H. Strauss  
R. Morley  
C.R. Levelton  
M.P. Shepard

PACIFIC SALMON WORKING GROUP

August 30, 31 - Vancouver

AGENDA

1. Fraser River Transition:
  - Report from Mr. Levelton;
  - reports from counterpart committees;
  - identification and assignment of further work.
2. Review of 1982 Season to Date:
  - Alaska and Northern B.C.;
  - Chinook;
  - southern fisheries.
3. 1983-84 Fishing Plans:
  - Preliminary review of expectations;
  - information on U.S. stocks;
  - schedule of work;
  - Yukon.
4. Scheduling:
  - internal meetings;
  - meetings with advisers;
  - meetings with U.S. officials.
5. Drafting:
  - Dates for submission of information to Panels.
6. Research
7. Public Relations
8. Other Business

Canada-U.S. Salmon Agreement:

Options for the Phase-Out of IPSFC

Following a review of IPSFC's activities and an analysis of its organizational structure and function, a series of options for the transition of the IPSFC into DFO and the new Pacific Salmon Commission were developed. The options, while based on the assumption that Canada would take over responsibility for setting management objectives and conduct any research and enhancement programs, included a wide range of possibilities. These ranged from some form of contractual arrangement whereby the IPSFC's expertise would be hired by Canada and its organization untouched to the complete absorption of IPSFC by DFO.

After submitting the options to discussion with the Pacific Salmon Working Group, a consensus developed around one or the other of the following options.

Option One:

Canada would take over all existing divisions of the IPSFC except the Fishery Management Division. This Division would be transferred to the Fraser Panel and fall under the general responsibility of the New Commission. With this alternative the technical and analytical capability necessary to prepare annual fishery regulations, and undertake in-season adjustments, including the data collection and analysis related to management decisions in the convention area, would lie with the Panel.

Option Two:

Canada would take over all existing divisions of the IPSFC including the Fishery Management Division. A small staff would be transferred to the Fraser Panel to fulfill an interpretive function. The Panel staff would essentially rely on Canada and the U.S. for information. The basis for fishery plans or regulations would be developed through Canada-U.S. consultations

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- 2 -

(as with the Northern and Southern Panels) and information necessary for in-season adjustments of the regulations would be supplied by Canada and the U.S. as required. The Panel would have no field staff, only the capability of providing an independent interpretation for Panel members of information provided by Canada and the U.S.

These two options offer important advantages over the status quo as well as over options which would represent a less dramatic break with the status quo. They eliminate considerable duplication of effort and allow for a rationalization and five species approach to fisheries activities in the river. As a consequence under either option up-river management and development programs would be in a better position to maximize the benefits from river's resources.

#### Advantages and Disadvantages of the Two Options:

The choice of one or the other option must presuppose that two conditions are being satisfied. Firstly, that the option is saleable to the U.S. Secondly, that it provides the basis for the operational effectiveness of the Fraser Panel.

#### Advantages of Option One:

- a) Maintains the IPSFC's fishery management expertise and credibility in the convention area.
- b) Ensures the link between the regulatory decision makers and their sources of information.
- c) Is more likely to be acceptable to the U.S.

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Disadvantages of Option One:

- a) Greater DFO-Panel duplication of efforts in convention waters: test fishing, scale sampling and data collection.
- b) Lesser Canadian control over the fishery.

Advantages of Option Two:

- a) Greater Canadian control over the fishery.
- b) Less duplication of effort.

Disadvantages of Option Two:

- a) Reliance on Washington State fisheries for information related to regulations and their adjustment. In this respect, problems would include: different data collection methodologies, inadequate funding.
- b) Organizational and operational problems. Panel staff would not control the supply of information necessary for Panel decisions, particularly for in-season regulatory decisions which must be made on very short notice.
- c) Difficult saleability to the U.S.



137-5716 File

*2/2/82  
1/1/82  
1/1/82*

Your file / Votre référence

Our file / Notre référence

Ottawa, Ontario  
September 3, 1982

Dr. D.L. Alverson,  
Natural Resources Consultants,  
4055 - 21st Avenue West,  
Seattle, Washington.  
U.S.A. 98199

|                   |        |      |
|-------------------|--------|------|
| ACC               | 225921 | DATE |
| 25-5-7-2-SALMON-1 |        |      |

Dear Lee,

As indicated by Mike Shepard earlier this week, Cliff Levelton has headed up a team that, to date, has looked in some detail at the organizational structure of IPSFC.

The attached paper contains a description of his findings and, briefly, suggests a range of options that might form the basis of a final recommendation to Governments with respect to the phase-out of IPSFC.

We are anxious to discuss this matter with you and your officials, and would hope to do so at our meetings in Seattle during the week of September 13, 1982.

By copy of this letter, I am requesting Christine Dawson to ensure circulation of the attached paper to appropriate U.S. officials.

Yours sincerely,

*Mike Hunter*

M. Hunter  
Director, Pacific Rim Branch  
International Directorate

c.c. Dr. M.P. Shepard  
Ms. C. Dawson

Canada

PRELIMINARY VIEWS ON IMPLEMENTATION OF  
THE NEW CANADA/USA SALMON AGREEMENT

The organizational analysis of IPSFC has now been completed insofar as the responsibilities and activities of the Commission are concerned. Administrative, financial and personnel problems and the legal issues involved in transfer of certain responsibilities to the Department of Fisheries and Oceans in Canada and to the appropriate fishery management body in the United States are currently under study and will be dealt with at a later date.

The purpose of this memo is to describe the current responsibilities and activities of IPSFC and, in a very general way only, to consider the responsibilities and activities which might be undertaken by Canada and the new Commission in future.

PROGRAMS OF IPSFC

The Commission conducts a number of programs involving a large number of activities all of which are aimed at the conservation, protection and enhancement of the sockeye and pinks of the Fraser River. Let us now look at these programs and related activities. An organization chart of IPSFC is attached for ready reference.

Environment Conservation Division

The work of this division, involving a permanent staff of six persons, falls into the field of applied research.

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More specifically, and without going into detail, this division carries out studies of water pollution problems and their adverse effects on salmon and means of alleviating or eliminating these effects. Studies of the following nature are conducted:

- (a) Effects of municipal and industrial wastes.
- (b) Acid rain and its bearing on fish populations.
- (c) Siltation, flooding and other natural catastrophes.
- (d) Lethal and sub-lethal effects of inorganic substances on sockeye salmon (in laboratory and in the field).

In cases involving polluters, the findings of the division are usually turned over to the Department of Fisheries and Oceans which takes the necessary action.

The division conducts some of the work in collaboration with universities and other fisheries agencies looking to the best possible input by scientists of various types of expertise. There is also constant interface with the other divisions of IPSFC and especially with the Fishery Management and Biology Divisions.

.../3..



### Biology Division

This group has a permanent staff of eight people and is primarily concerned with studies aimed at optimizing the production of sockeye and pinks in the Fraser watershed. They rely heavily on the Fishery Management and Operations Divisions for basic information related to their studies.

Again more specifically, they conduct the following activities:

- (a) Productivity studies on Shuswap Lake including:
  - (i) egg to adult salmon survival;
  - (ii) feeding behaviour of young salmon;
  - (iii) growth rates of salmon; and
  - (iv) plankton production in the lake.\*
- (b) Culture of salmon - for example, three year old pinks have been produced.
- (c) Fish disease work.
- (d) Racial separation, i.e. how to identify salmon from the various stocks of Fraser sockeye.
- (e) Hydro-acoustic studies - refinement of methods and equipment used in sonar counting of adult upstream migrants and the young moving downstream.

\*NOTE: While the main effort in this respect is concentrated on Shuswap Lake, there is constant monitoring of other systems in the watershed.

- (f) Rehabilitation of waters previously occupied by salmon spawners, e.g. Upper Adams system.

This division works very closely with the Fishery Management and Operations Divisions and, to a lesser degree, with the Environment Conservation and Engineering Division.

Operations Division

This group employs seven people on a permanent basis. They take over field work from the Fishery Management Division once migrating adult sockeye and pinks have passed upstream of Mission Bridge. Basically, the work which they carry out provides the Commission with an indication of the effectiveness of the previous season's regulations and the beginning of an index of the returning adults expected the next season.

They carry out activities as follows:

- (a) Enumeration of sockeye and pink spawners in the spawning channels and on the natural spawning grounds.
- (b) Tagging of sockeye to assist in enumeration on spawning areas (dead recoveries) in ten major spawning grounds.
- (c) Sampling of redds during the pre-fry emergence period to determine egg survival.

.../5..

- (d) Fry counts and indices of fry to smolt survival.
- (e) Counts of downstream smolt migrants.
- (f) Operation of and some maintenance work on spawning channels.
- (g) Public relations.

The group has close working relationships with Biology Division, Fishery Management Division and the Engineering Division.

#### Engineering Division

This division is currently staffed by seven permanent employees. Six additional positions are vacant as the group has not conducted any real enhancement work since 1972, when Canada decided it would no longer fund any enhancement projects for sockeye and pinks on the Fraser system.

Originally, engineering was responsible for the planning, design and construction of fishways, spawning channels and hatcheries for the Commission and for determining what maintenance was required at these facilities. Its role is now as follows:

- (a) Determining what maintenance is required on facilities operated by the Commission and, in most cases, carrying it out.
- (b) Protection of sockeye and pinks where their fresh water habitat is threatened by natural disasters such as dams, stream

diversions or withdrawals of water for such purposes as irrigation or municipal and domestic use.

(c) Provision of hydrological information to the Environment Conservation Division.

It was brought to attention that restriction of funding in recent years has resulted in low levels of maintenance of Commission facilities. Some fishways are in particular need of extensive repairs and some substantial expenditures will be required in the fairly near future.

#### Fishery Management Division

Before going into the work of this important division, some philosophical background together with some statements of fact may prove helpful.

To the uninitiated, salmon management may appear to be a very precise science surrounded by a certain glamour and mystique. To say that it is a precise science would constitute over-statement. The very fact that all species of Pacific salmon spend part of their lives in freshwater and part in the ocean and, in both environments are subject to the vagaries of nature and depredations of man, some of them not well understood, makes fishery management of somewhat chancy business.

Fishery managers in both countries have, however, over the years developed a number of techniques and/or activities based upon basic research, applied research, inves-

tigations and straight trial and error which, in a package, constitute a fishery management program. IPSFC has unquestionably carried these practices to a substantial degree of refinement in managing the Fraser sockeye and pink salmon stocks. It has carried out its mandate without fear or favour and has done a creditable job in division of catch between the fishermen of the two countries and in obtaining the required escapements for the spawning grounds.

Essentially, every activity conducted within IPSFC is aimed at assisting the Fishery Management Division in carrying out its job of managing the sockeye and pink salmon fisheries in the Convention Area. This division is responsible for the achievement of several major objectives annually. They are:

- (1) Calculating the size (in numbers) of returning runs of sockeye and pink salmon and setting escapement goals for the various stocks.
- (2) Dividing the catch of sockeye and pinks on a 50/50 basis between Canadian and U.S. fishermen operating in the Convention Area.
- (3) Dividing, to the degree possible, the catch of sockeye and pinks between the various user groups

.../8..

(gillnetters, purse seiners, reef netters) and even between fishermen in one user group, e.g. Fraser River gillnetters and Juan de Fuca gillnetters.

- (4) Establishing an annual fishing plan (regulations) and amending the regulations as required during the fishing season to achieve the foregoing.

While the Biology Division and Operations Division provide constant information to the fishery managers, they (Fishery Management) carry out a number of data collection programs to assist them in making the required day-to-day or week-to-week decisions as the fishing season progresses.

These are:

- (a) Test fishing - conducted by hired gillnetters (on a regular basis) and purse seiners (occasionally) in Area 20 and on the U.S. side of Juan de Fuca Strait, at Salmon Bank in the Juan de Fuca Islands and by gillnetters in the Fraser River on the Cottonwood Drift and at Whonnock. In Adams River sockeye years there is also some purse seine test fishing off the mouth of the Fraser

River. The test fisheries provide information used for:

- (i) calculating the index of abundance (size of runs in numbers) of runs;
  - (ii) calculating escapement through the commercial fishing areas; and
  - (iii) racial analysis based on scale samples taken from salmon caught.
- (b) A racial analysis program required for an up to date accounting of sockeye catch by stock and aimed at determining what the stock composition is at any given time. This is done by reading scales from commercial net catches of sockeye in the Convention Area and in the troll fishery off the west coast of Vancouver Island. Scale samples are also provided by Fisheries and Oceans from waters as far north as Area I (northern Queen Charlotte Islands).
- (c) Hydro-acoustic (echo-sounding) program - using sonar at Mission Bridge to assist in determining the numbers of adult salmon passing upstream to the spawning grounds.

.../10..

- 10 -

(d) Statistical information used for putting together data on catches of sockeye and pink salmon of Fraser River origin by area and type of gear for each day of fishing. This is obtained from the following sources:

- (i) telephone calls by Commission staff to major and some minor fishing companies in both countries;
- (ii) dock tallies at fishing plants in both countries;
- (iii) search of fishing company records by Commission staff;
- (iv) sales slips or tickets from fishery agencies in both countries (weekly or monthly);
- (v) troll catch information in Convention Area and approaches;
- (vi) fishing gear counts by fisheries agencies in both countries and occasionally by Commission staff;
- (vii) daily catch information from DFO for waters both inside and outside the Convention Area.

.../11..



- 11 -

The Fishery Management Division has a permanent staff of ten persons.

#### THE FRAMEWORK AGREEMENT

The negotiators have noted in their report of June 23, 1982 that:

"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".

That the negotiators left detailed definition of the aforementioned responsibilities for others to develop and recommend is readily understood. It is a complex issue involving organizational structures, programs and related activities, administration, finance and personnel, legal matters and interaction between the new Commission and the fisheries agencies in both countries.

#### FACTORS TO CONSIDER IN DETERMINING ALLOCATION OF RESPONSIBILITIES AND/OR ACTIVITIES TO THE NEW COMMISSION AND DEPARTMENT OF FISHERIES AND OCEANS

1. The Commission has a competent and experienced staff of professional and technical people completely dedicated to the proper management of Fraser sockeye and pink salmon. Because of the high calibre of its people and the fact that its staff is not rigidly compartmentalized

or burdened by bureaucratic procedures, the Commission has done a creditable job over a period of about forty years in managing Fraser River sockeye. At the same time it has done a similar job in managing pink stocks of Fraser origin since 1957. Moreover, it has done its job at eminently reasonable cost.

2. The fishermen who operate in the Convention Area in both countries generally hold IPSFC in high regard and may view any diminution of its responsibilities with apprehension.
3. The Department of Fisheries and Oceans, like the Commission, has experienced, competent and dedicated people involved in managing the salmon fisheries and unquestionably can undertake the responsibilities envisaged under the new Convention and see them through effectively. Unlike the Commission, however, with its precise definition of responsibilities, it is burdened by bureaucratic procedures, compartmentalization and political considerations, all of which make doing the work more difficult and costly.
4. There is another problem of some magnitude. IPSFC and the fisheries agencies on both sides of the border have from time to time had real difficulties in communication.

Mr. E.H. Vernon, in his report of January, 1982, for the Department of Fisheries and Oceans, touched on this

- 13 -

problem stating "...these management advantages have also led to difficulties in communication because of the inevitable divergence from other agencies in methodology and approach. Since the various fisheries agencies report to different principals, this divergence has tended toward a degree of doctrinaire rigidity within all agencies which reinforces the difficulties of communication".

The new Convention, if properly implemented, will tend to overcome this particular problem to a substantial degree, but not completely. There will still be problems of communication and trust between the new Commission (and the Fraser Panel) and fisheries agencies in the two countries, as well as, in interpretation of data related to establishment of regulatory measures for the sockeye and pink salmon fisheries. These must be reduced to the absolute minimum.

TRANSFER OF RESPONSIBILITIES (AND RELATED ACTIVITIES) TO THE  
DEPARTMENT OF FISHERIES AND OCEANS AND THE NEW COMMISSION.  
AND ITS PANELS

Bearing in mind the foregoing, several problems must be kept in mind in designing the new structures, defining responsibilities and related activities and in allocating resources in such a way as to overcome or minimize these problems. While these have been defined above, it may be useful to set them out in summary as follows:

.../14..

- 14 -

- (a) concerns of the fishermen, buyers and processors in both countries;
- (b) the capability of Department of Fisheries and Oceans and the appropriate U.S. management agency to undertake their new responsibilities;
- (c) problems of communication and cooperation between the fisheries agencies in the two countries and the new Commission (and its panels, especially the Fraser Panel); and
- (d) additional costs of operation to Canada which will inevitably occur.

Before suggesting any options, it is appropriate to review the fishery management process which will be involved under the provisions of the Convention, from the setting of the management objectives through to the inseason - day-to-day or week-by-week, management of the fisheries. The steps involved are:

- (1) Canada submits its management objectives giving estimated size (in numbers) of runs and escapement goals for the coming fishing year together with supporting data to the Fraser Panel.

.../15..

- (2) Analysis of the Canadian submission to the Panel.
- (3) The two countries submit the interception regime developed in the Commission for the coming fishing year to the Fraser Panel.
- (4) The Fraser Panel develops the fishing plan (regulations) for the coming year for consideration by the Panel members.
- (5) The Panel considers and adopts the regulations and submits them to the Commission.
- (6) The Commission adopts the fishing plan (regulations) and recommends its implementation by the two countries.
- (7) The Panel amends the regulations during the course of the fishing season in order to achieve the management objectives of Canada (paragraph 1) and the interception regime (paragraph 3).

Whatever the eventual division of responsibilities and activities may be, it should always be borne in mind that there is provision in the new Convention for review and change. Further, more continued sound management of the sockeye and pink salmon stocks must be assured as well as improved management of the other species of salmon and steelhead.

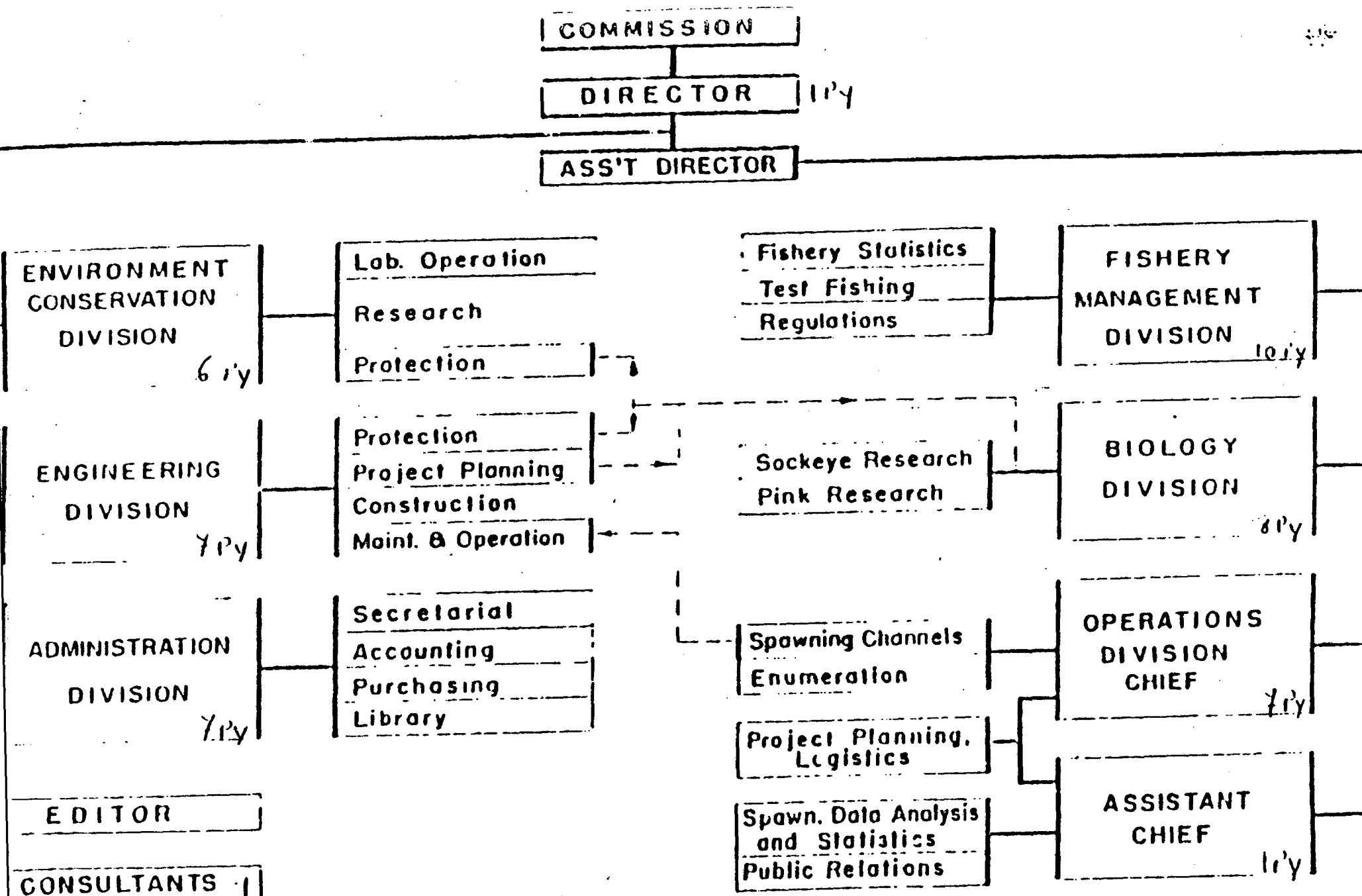
- 16 -

#### OPTIONS FOR TRANSFER OF RESPONSIBILITIES

The options are wide-ranging but will not be dealt with in detail here. At one extreme a possibility would be to have Canada and U.S. (Washington State) take over almost the whole function and staff of IPSFC leaving only a very small interpretative staff in the new Commission to enable it and the Fraser Panel to perform the regulatory function. At the other end of the scale, the fishery management function, associated with the current Fishery Management Division of IPSFC, could be transferred intact to the new Commission or Fraser Panel. The remaining divisions of IPSFC, concerned with up-river activities, would be transferred to Canada. Obviously there are options which fall between the two outlined above. Regardless of whatever decision is taken in this respect, it will be necessary to have a period of transition or phasing in of the new arrangement.

C.R. Levelton

Vancouver, B.C.  
August 31, 1982



INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION  
ORGANIZATION CHART  
1980

H. Strauss

*[Handwritten signature]*

PACIFIC SALMON WORKING GROUP

Proposed Meeting August 31 Vancouver

DRAFT AGENDA

1. Fraser River Transition:

- Report from Mr. Levelton;
- reports from counterpart committees;
- identification and assignment of further work.

2. Review of 1982 Season to Date:

- Alaska and Northern B.C.;
- Chinook;
- southern fisheries.

|      |                   |
|------|-------------------|
| ACC  |                   |
| FILE | 25-5-7-2-SALMON-1 |
|      |                   |

3. 1983-84 Fishing Plans:

- Preliminary review of expectations;
- information on U.S. stocks;
- schedule of work;
- Yukon.

4. Scheduling:

- internal meetings;
- meetings with advisers;
- meetings with U.S. officials.

5. Drafting:

- Dates for submission of information to Panels.

6. Research

7. Public Relations

8. Other Business



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To — A

File No. — Dossier N°

Date

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Commentaires☐ Draft reply  
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clear signature, date &  
"been" is necessary to  
put on file. Quotes or  
excerpts & reference should  
be incorporated (briefly) in

# Annual appraisal

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| To — À<br><br>APO <i>→ Harold</i> | File No. — Dossier N°<br><br>Date<br>Sept. 9/82 |
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"This should be taken into account  
 in Mr. Strauss's annual appraisal"

Seen, Howard Strauss  
Aug 1-28/82

# michael shepard and associates limited

4009 WHITE ROCK STREET, VICTORIA, B.C., CANADA V8N 4M4, (604) 477-0715

8/9/82  
This should be taken into  
account in Howard Strauss'  
annual appraisal  
August 27 1982.

Original to APO  
copies to Betcher  
for Strauss

Mr. T. C. Bacon,  
Assistant Under-Secretary,  
Bureau of Legal Affairs,  
Department of External Affairs,  
125 Sussex Drive,  
Ottawa, Ontario, K1A 0G2.

Terry  
Dear Mr. Bacon:

|                   |         |
|-------------------|---------|
| ALL               | Mr.     |
| FILE              | DOSSIER |
| 25-5-7-2 SALMON-1 |         |

I would like to express my appreciation for the support given to me by Howard Strauss during the past year of Canada/United States Pacific Salmon negotiations.

Howard has been a fast learner, no mean feat when one considers the immensely technical nature of the subject matter. He has continuously provided me with sound advice on the relationships between the salmon negotiations and other Canada/United States issues (such as the Dixon Entrance controversy). I have been particularly appreciative of his contribution because, as you know, I am working solely on the salmon negotiations and, as an outside consultant, am not involved on a day-to-day basis with the broader spectrum of Canada/United States fisheries problems. He has developed an excellent feel for internal United States political affairs (such as the complex activities of the two Regional Councils dealing with Pacific Salmon questions, federal and state administrations, legislature and Congress). His appraisals of the likely consequences of various Canadian initiatives in this field have been highly valued.

Howard has played a key role as our chief representative on the working group drafting the text of the Framework Agreement. This has been a difficult and often onerous job, involving reconciliation of very different approaches between the two sides regarding the structure of the Convention, a field in which I have no expertise. He has carried out his duties in the working

...2.

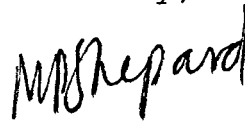
- 2 -

group with firmness and diplomacy which has led to development of a treaty structure very close to the one we proposed at the outset.

Howard is well respected by our private sector advisory group which, as you know, is sometimes prone to be critical of the Department of External Affairs. He works well with Department of Fisheries and Oceans personnel at all levels, exhibiting flexibility and understanding of the very difficult problems that Department faces in dealing with the demanding elements of our domestic fishing industry who fight many of their battles over access to resources within the forum of the salmon negotiations.

In short, Howard is one of the best officers your Department has assigned to the Canada/United States salmon discussions over the 25 years I have been involved. I am therefore gratified that he will continue to be associated with the negotiating team during the final critical stages of the negotiations.

Yours truly,

A handwritten signature in black ink, appearing to read "MShepard".

Michael Shepard  
Negotiator, Canada/United States  
Pacific Salmon Negotiations

75

**ACTION  
SUITE A DONNER**

*Strat  
ar.*

*FH*

**R E S T R I C T E D**

**FM WSHDC UNGR4674 25AUG82**

**TO EXTOTT (LAO)**

**INFO BH FANDOTT/APPLEBAUM/HUNTER/CAMPBELL DE OTZ**

**REGAM FANDO VNCVR/JONES DE OTZ**

**DISTR GNG GNT GNP RPF LAP ECO ETA TWR**

**---SENATE RESOLUTION ON PACIFIC SALMON STOCKS**

|     |                   |
|-----|-------------------|
| ACL | 224747            |
|     | 25-5-7-2-SALMON-1 |

YOU MAY BE AWARE THAT ON 20AUG SEN MUROWSKI(-ALASKA) SUBMITTED SEN  
RESLN ON STATUS OF PACIFIC SALMON STOCKS. RESLN WAS SUPPORTED BY SENS  
STEVENS(R-ALASKA), GORTON(R-WASH) HATFIELD(R-OREGON), AND JACKSON  
(D-WASH). GIST OF RESLN AS INTRODUCED BY MURKOWSKI IS THAT CDN  
OVER-FISHING IN BC WATERS OF BOTH USA AND CDN STOCKS IS PRIMARILY  
RESPONSIBLE FOR HIGH MORTALITY AND LOW ESCAPEMENT FIGURES FOR SALMON  
STOCKS AND THAT QUOTE UNREGULATED ESCALATION OF INTERCEPTIONS AND  
INTERCEPTING FISHERIES IN BC CAN ONLY AGGRAVATE THE ALLOCATION AND  
CONSERVATION PROBLEMS CURRENTLY BEING FACED BY BOTH NATIONS UNQUOTE.  
RESLN STATES THAT IT IS SENSE OF SEN THAT SECTY OF COMMERCE SHOULD  
TAKE ALL APPROPRIATE STEPS NECESSARY TO STRENGTHEN AND DEFINE A USA  
POSITION TO ENSURE THAT 1) USA ANADROMOUS FISH STOCKS ARE PERPETUATED  
AT PRODUCTIVE LEVELS 2) USA FISHERMEN ARE TREATED IN AN EQUITABLE  
MANNER IN TERMS OF SACRIFICES NECESSARY TO ACHIEVE CONSERVATION  
GOALS AND 3) INTERCEPTION PROBLEMS ARE ADDRESSED IN A MANNER HAVING  
MINIMUM IMPACT ON USERS GROUPS. WE HAVE FAXED COPY OF RESLN TO YOU.

...2

PAGE TWO UNGR4674 RESTR

2. WE CONTACTED STAFFER (KEVIN COINER) IN MURKOWSKIS OFFICE WHO HAD DRAFTED RESLN TO OBTAIN BACKGROUND AND SUPPLEMENTARY INFO. WE SAID THAT WE WERE AWARE OF MURKOWSKIS LONGSTANDING CONCERN WITH RESPECT TO PACIFIC SALMON AND REFERRED TO MURKOWSKIS EXCHANGE OF LETS WITH AMB. COINER SAID THAT PURPOSE OF RESLN WAS TO QUOTE HEIGHTEN AWARENESS OF THE PROBLEM IN WASH UNQUOTE AND TO GIVE USA DEL TO SALMON TREATY TALKS SOME BACKUP. WHILE WE HAVE SOME DIFFICULTY CREDITING THIS, HE SAID THAT USA DEL DID NOT/NOT KNOW STRENGTH OF CONCERN OF SENS FROM ALASKA, OREGON AND WASHINGTON REGARDING SALMON NEGS. RESLN WAS INTENDED TO SEND THEM A CLEAR SIGNAL. WE ENQUIRED WHETHER TIMING OR RESLN WAS DESIGNED TO STRENGTHEN USA HAND IN FORTHCOMING SALMON TALKS HE SAID THAT HE DID NOT/NOT BELIEVE THAT USA DEL WOULD TAKE A HARDER LINE BECAUSE OF SEN CONCERN BUT THAT SENS WISHED TO GIVE THEM MAXIMUM CONGRESSIONAL SUPPORT. COINER SAID THERE HAD DEFINITELY BEEN PROGRESS ON TREATY AND THERE WAS AN AWARENESS THAT CDNS WANTED TO REACH AN AGMT. HE SAID HOWEVER THAT FIGURES SHOWED THAT CDNS HAD NOT/NOT DONE THEIR FAIR SHARE IN ALLEVIATING SEVERE STOCK PROBLEMS.

3. RESLN HAS BEEN REFERRED TO CTTEE ON COMMERCE, SCIENCE AND TRANSPORTATION.

COINER SAID HE DID NOT/NOT THINK THAT RESLN WOULD MEET ANY OPPOSITION AND IT WOULD PROBABLY BE REPORTED OUT TO FLOOR. HE SAID IT MIGHT COME UP FOR A SEN VOTE ALTHOUGH PRIMARY OBJECTIVE OF RESLN HAD ALREADY BEEN ACCOMPLISHED BY ITS INTRODUCTION.

4. IN VIEW OF AMBS CORRESPONDENCE WITH MUROWSKI ON PACIFIC SALMON

...3

PAGE THREE UNGR4674 RESTR

WE WOULD BE GRATEFUL IF YOU WOULD REVIEW BOTH RESLN AND FIGURES QUOTED B  
Y

MURKOWSKI WHEN HE INTRODUCED IT.WE BELIEVE IT WOULD BE DESIRABLE FOR AMB  
TO WRITE AGAIN TO MURKOWSKI,QUESTIONING WHERE POSSIBLE MURKSOSKIS  
CONTENTIONS AND PUTTING STRONG CASE FORWARD FOR CDN STOCK MANAGEMENT  
POLICIES.IF YOU AGREE,WOULD APPRECIATE DRAFT LET FOR AMB SIGNATURE ASAP.

CCC/073 252140Z UNGR4674





Province of  
British Columbia

Ministry of  
Environment

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

Fish and Wildlife Branch  
Parliament Buildings  
Victoria  
British Columbia  
V8V 1X4

003484

*For info to return to 9/6*  
*DDW for info 31.8.82*

Mr. C. W. Shinnars,  
Director General,  
Pacific Region,  
Department of Fisheries & Oceans,  
1090 West Pender Street,  
Vancouver, British Columbia.  
V6E 2P1

TO: *Dir Gen.*  
August 24, 1982  
File: 0440  
AUG 30 1 41 PM '82

FISHERIES & OCEANS  
FISHERIES PACIFIC  
FILE: 1031-1

*CC Shinnars  
Smith  
File Sal WGP.*

Dear Mr. Shinnars:

Re: Chinook Management

|                   |
|-------------------|
| 224749            |
| 25-5-7-2-SALMON-1 |

At the recent meeting of Western Association of Fish & Wildlife Agencies, the problem of Canadian management of Chinook salmon was brought to the resolution committee. The initial draft was directed towards Canada, however, I received strong support from representatives from Alaska and Washington to change the resolution so that it requests each jurisdiction give Chinooks a much higher priority through the U. S.-Canada Salmon Interception Treaty Negotiation.

Unfortunately, I did not know of the draft resolution until the day before the Conference started, otherwise I would have requested either representation or advice from your agency so that the Canadian stance could be supported. In any case, the amended resolution passed, and I believe it strengthens your hand - at least that was my intent.

Yours truly,

D. J. Robinson,  
Director.

DJR:cw

Att:

RESOLUTION NO. 5

CANADIAN MANAGEMENT OF CHINOOK SALMON

WHEREAS, chinook salmon is a far ranging species crossing several national and intranational boundaries during the course of its migrations; and

WHEREAS, chinook salmon are exposed to several directed and incidental hook and line and net fisheries during their 2-3 years spent in the ocean; and

WHEREAS, many chinook salmon stocks are depressed below historical levels due to environmental degradation and continued heavy fishing pressure; and

WHEREAS, management authority for chinook salmon is shared by numerous political jurisdictions which have different management regimes; and

WHEREAS, the States of California, Oregon, Washington, Idaho, and Alaska have responded to the depressed status of many chinook stocks through the imposition of restrictive management measures and quotas and Canada has just begun to gradually regulate its chinook fishery; and

WHEREAS, coordinated coastwide management of chinook is necessary to promote rebuilding of chinook stocks; and

WHEREAS, salmon interception treaty negotiations between the U.S. and Canada have been underway for many years while devoting minimal attention to the conservation of chinook salmon.

THEREFORE BE IT RESOLVED, that the Western Association of Fish and Wildlife Agencies respectfully request the U.S. Secretary of State, the U.S. Secretary of Commerce, the Secretary of Interior, and the Canadian Minister for Fisheries through the U.S.-Canada Salmon Interception Treaty Negotiations to immediately give highest priority to the resolution of the conservation issues facing chinook stocks.

WDC 4/24

*Please copy to RING TWR Registry Mr. Strauss or. 1/3*  
**FACSIMILE TRANSMISSION**

**ACTION  
SUITE A DONNER**

FAX OCT NO: .....  
(for Concetre Use Only)

CLASSIFICATION: UNCLASSIFIED

DATE: 24AUG82

FROM: WSHDC

TO: EXTOTT/LAO/SMITH (2-6692) (DEPT/POST/ADDRESSEE/PHONE NO.)

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

NO. OF PAGES: 2 plus cover

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| 25-5-7-2-SALMON-1 |
|-------------------|

SUBJECT: PACIFIC SALMON STOCKS: CONGRESSIONAL RECORD 20AUG82 pps S11106-7

AUTHORIZING OFFICER: B. DICKSON

SIGNATURE: *R. L. Cook*

ADDITIONAL COMMENTS OR INSTRUCTIONS:

volving the sexual exploitation of minors.

S. 2851

At the request of Mr. GORTON, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 2851, a bill relating to compelling governmental interests.

## SENATE JOINT RESOLUTION 193

At the request of Mrs. KASSEBAUM, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 193, a joint resolution designating the week of November 7 through November 13, 1982 as "National Respiratory Therapy Week."

## SENATE JOINT RESOLUTION 202

At the request of Mr. DANFORTH, the names of the Senator from South Dakota (Mr. ASHDOR), the Senator from Washington (Mr. GORTON), the Senator from Alabama (Mr. HEFLIN), the Senator from Wisconsin (Mr. KASTEN), the Senator from New Mexico (Mr. SCHMITT), the Senator from New York (Mr. D'AMATO), the Senator from Idaho (Mr. SYMONS), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Alaska (Mr. STEVENS), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of Senate Joint Resolution 202, a joint resolution to express the sense of the Congress of the United States that the Nation reaffirm its commitment to the expeditious development of magnetic fusion energy.

## SENATE JOINT RESOLUTION 218

At the request of Mr. ROBERT C. BYRD, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from New York (Mr. MOYNIHAN), the Senator from Maryland (Mr. SARBANES), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Arkansas (Mr. BUMBERS) were added as cosponsors of Senate Joint Resolution 218, a joint resolution to authorize and request the President to designate the week of August 29, 1982, through September 4, 1982, as "National Railroad Week" and September 4, 1982, as "National Railroad Day."

## SENATE JOINT RESOLUTION 233

At the request of Mr. DURENBERGER, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 233, a joint resolution to provide for the designation of the week beginning October 1, 1982, as "National Sudden Infant Death Syndrome Awareness Week."

## SENATE CONCURRENT RESOLUTION 73

At the request of Mr. HEINZ, the name of the Senator from Montana (Mr. BAUCUS), was added as cosponsor of Senate Concurrent Resolution 73, a concurrent resolution to condemn the Iranian persecution of the Bahai community.

## SENATE RESOLUTION 444

At the request of Mr. DANFORTH, the names of the Senator from California (Mr. CRAWSTON), and the Senator from

Delaware (Mr. ROTH) were added as cosponsors of Senate Resolution 444, a resolution expressing the sense of the Senate that President Reagan should submit to the United States Senate a clear and comprehensive report on the administration's policy for minimizing the risk of nuclear war.

## SENATE RESOLUTION 449

At the request of Mr. ARMSTRONG, the names of the Senator from Oklahoma (Mr. NICKLES), and the Senator from North Carolina (Mr. EAST) were added as cosponsors of Senate Resolution 449, a resolution expressing the sense of the Senate with respect to human rights violations in connection with the construction of the trans-Siberian pipeline.

## AMENDMENT NO. 2006

At the request of Mr. GRASSLEY, the names of the Senator from Georgia (Mr. NUNN), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of amendment No. 2006 intended to be proposed to S. 2572, a bill to strengthen law enforcement in the areas of violent crime and drug trafficking, and for other purposes.

## SENATE RESOLUTION 454—RESOLUTION RELATING TO THE AIR TRAFFIC CONTROL SITUATION

Mrs. KASSEBAUM (for herself, Mr. CANNON, and Mr. INOUYE) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

## S. RES. 454

Whereas, Since August 3, 1981, the Nation's air traffic control system has been operated by a reduced air traffic controller workforce that is severely below the level considered by the Federal Aviation Administration to be fully operational;

Whereas, replacement of the diminished workforce at the current rate of training and employment being implemented by the Federal Aviation Administration will not result in a fully operational air traffic controller workforce until 1988, at the earliest;

Whereas, the airline industry has been restricted severely by the reduced capacity of the air traffic system which has created inequities and distorted the competitive process;

Whereas, the airline industry has been one of the most severely affected by the recessions of 1980 and 1981 and by additional unique problems such as a \$6,000,000,000 increase in fuel costs since 1979 and pricing challenges created by the ongoing transition to complete deregulation; and

Whereas, there exists a substantial number of dismissed controllers who may be eligible for reinstatement, and other qualified individuals barred by the age 30 hiring rule: Now, therefore, be it Resolved, That it is the sense of the Senate that the Department of Transportation has not utilized fully the human resources available to restore the capacity of the air traffic control system; and that immediate steps should be taken to waive the age 30 hiring rule and to expedite the processing of appeals of former traffic controllers seeking reinstatement.

## SENATE RESOLUTION 455—RELATIVE TO THE STATUS OF PACIFIC SALMON STOCKS

Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. GORTON, Mr. CANNON, and Mr. JACKSON) submitted the following resolution, which was referred to the Committee on Commerce, Science, and Transportation:

## S. RES. 455

Whereas Pacific Salmon originating in the waters of Washington, Oregon, British Columbia, and Alaska wander freely across boundaries, both as rearing juveniles and maturing fish bound for their spawning streams;

Whereas as a result of this migratory pattern, fish of one country are caught in the fisheries of the other country both as an incidental harvest to domestic salmon fisheries and, in some cases, in targeted fisheries;

Whereas the mixed stock nature of Chinook (King Salmon) fisheries which harvest fish both as immatures and matures (due to their long life history at sea) complicates the management of this species, which must also take into account attempts to harvest both healthy stocks and hatchery stocks, as well providing for the conservation needs of depressed stocks, and not neglecting that this species also enters many different forms of fishery and is taken by a number of different user groups: commercial, recreational, and personal use in the United States and Canada;

Whereas severe conservation problems have been identified with most Chinook stocks from the Columbia River to Southeast Alaska and recent work by scientists of both nations has highlighted stock problems in British Columbia, where those stocks are estimated to be reaching only one third of their optimum escapement requirements;

Whereas Chinook salmon fisheries in British Columbia harvest well over one million Chinook salmon annually compared to a harvest of slightly more than 250,000 fish in Southeast Alaska as a result of the adoption by the State of Alaska of a 15-year rebuilding program designed to return natural Chinook runs in major rivers in Southeast Alaska to their historical levels of abundance;

Whereas the realization that neither country will be able to optimize production from its salmon stocks without an agreed upon set of management ground rules governing intercepting fisheries on both sides of the border and recognizing that unregulated escalation of interceptions and intercepting fisheries in British Columbia can only aggravate the allocation and conservation problems currently being faced by both nations;

Resolved, That it is the sense of the Senate that the Secretary Commerce should take all appropriate steps necessary to strengthen and define a United States position that will ensure: (1) That our anadromous fish stocks are perpetuated at productive levels, (2) That our fishermen are treated in an equitable manner in terms of sacrifices necessary to achieve conservation goals, (3) That interception problems are addressed in a manner having minimum impact on our user groups; and report back to Congress on at least a semiannual basis progress in these areas.

Mr. MURKOWSKI. Mr. President, today I have submitted a resolution instructing the Secretary of Commerce to strengthen and define his position regarding the status of Pacific salmon

August 20, 1982

## CONGRESSIONAL RECORD — SENATE

S 11107 43

stocks. The problem we have with this west coast fishery is extremely serious and deserves immediate, priority attention. Should ongoing negotiations with Canada fail to produce a substantive cooperative management plan and should the status quo continue, we—the United States—and Canada can expect the demise of this important industry and valuable food resource in the Pacific Northwest.

Severe conservation problems have been identified with most Chinook (king salmon) stocks from Oregon to southeastern Alaska. However, scientific research conducted by both the United States and Canada has also highlighted severe stock problems in British Columbia, where stocks are estimated to be reaching only one-third of their optimum escapement requirements.

Canadian Fisheries and Ocean Ministry statistics indicate that the total coastwide catch of Canadian Chinook salmon by Canadian and United States commercial, sports, and native food fisheries for the period 1976-80 averaged 1,176,000 fish, while the average escapement during the same period was only 194,000 fish. In other words, it indicates a fishing mortality of nearly 86 percent of the total stocks. It is generally believed that Chinook stocks cannot withstand a fishing pressure of more than 70 percent. It is our opinion, buttressed by scientific research, that Canadian overfishing in British Columbian waters, on both United States and Canadian stocks is primarily responsible for these high mortality and low escapement figures.

Canadian Fisheries and Ocean Minister Romeo LeBlanc has stated that:

Despite the substantial salmon enhancement work and conservation restrictions introduced in 1981 and previous years, escapements of wild Chinook to British Columbia coastal streams and rivers is less than 50 percent of that required for optimum production. This situation means that to save the stock we must impose more strict catch restrictions . . .

Canadian fishery management actions proposed for implementation this year are designed to increase 1982 British Columbia Chinook spawning escapements by 20,000 fish. This reduction in take seems inconsequential given the fact that Chinook harvest by British Columbia fishermen is expected to be well over 1 million fish. Their conservation measures over recent years have been aimed principally at the commercial net fisheries whose catch of Chinook salmon currently represents only 18 percent of the total catch of Canadian Chinooks. Not enough has been done to curtail harvests in the troll fishery.

Southeast Alaska catches of Chinook for the period 1970-80 have averaged 301,000. This year, despite strong opposition from our fishermen, we set our quota at 255,500 fish, a 15-percent reduction over our 10-year historical catch level. This was done to protect stocks and to insure productive harvest levels in the future. Similar Cana-

dian conservation efforts to increase 1982 British Columbia spawning escapements by 20,000 fish will amount to a 2-percent reduction in quota assuming a harvest of at least 1 million fish. It seems obvious that any actions taken in southeast Alaska to conserve Chinook stocks will be doomed to failure unless other jurisdictions also take significant conservatory actions.

I have submitted this resolution today to bring to the attention of my colleagues and the the administration the severity of this problem and to impress upon all concerned that action taken too late or not at all will entail significant costs in terms of a declining industry and fishery.

To my colleagues here today I urge the consideration and passage of this resolution. To the administration and related individuals, I ask that an accord with the Canadians be reached expeditiously that will insure the proper, cooperative management of all salmon stocks for the benefit of all citizens in the Pacific Northwest.

#### SENATE RESOLUTION 456—RESOLUTION OPPOSING PLANS FOR WAGING AND WINNING NUCLEAR WAR

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 456

Whereas the policy of the United States has been to maintain strategic nuclear forces solely for the purpose of deterring war;

Whereas a nuclear war cannot be "won" in any meaningful sense of the word because the resulting destruction would be so extensive;

Whereas substantial unease has developed within the United States and abroad regarding current American policy on the role of nuclear weapons in our defense;

Whereas uncertainty regarding U.S. nuclear doctrine and forces has already resulted in the stalemate, since 1976, of the arms control process designed to reduce reliance upon nuclear weapons and to minimize the risks of accidental war;

Whereas the risks of nuclear war appear greater today than ever before; and

Whereas planning to enable the United States to win a nuclear war may make nuclear war more likely: Now, therefore be it

Resolved, That it is the sense of the Senate that the United States should not engage in planning for nuclear forces and strategies whose objective is to enable the United States to wage and win a nuclear war.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. SPECTER. Mr. President, I am today submitting a sense of the Senate resolution declaring that the Senate is opposed to any plan to wage and win a nuclear war. This sense of the Senate resolution follows a floor statement which I made 3 days ago on August 17, 1982, when the Senate was considering the Department of Defense authorization conference report.

While I have contemporaneously wrote to appropriate officials in the

executive branch on this and related subjects, I consider it important to proceed at this time with the submission of this resolution so that its consideration may move ahead, including referral to the Subcommittee on Arms Control of the Committee on Foreign Relations.

I firmly believe that it is absolute folly to plan to wage and win a nuclear war, because a nuclear war cannot be won. The consequences would be devastating, the destruction unimaginable. My concern is that any such plans and preparations will, in and of themselves, increase the likelihood of a nuclear war, which we should instead be working to avoid. The wish is father to the thought; the plan is father to the act.

Recent news accounts have reported that the U.S. Government is in the process of revising its long-standing strategy of deterrence to focus instead on developing the capabilities and strategies to prepare us to, so to speak, win a prolonged nuclear conflict. "Win" is, however, a hollow word here.

I do not know if these assertions and their implications are accurate. However, the very fact that such articles appear creates undue apprehension among our own people, among our allies, and in the minds of potential adversaries.

Recently, I returned from a trip to the Soviet Union terribly concerned by the confusion in the minds of Soviet officials responsible for policies toward the United States and its allies. It is dangerous and unwise if American officials think they enhance our own security by keeping the Soviets as confused about our nuclear war policies as the U.S. Government sometimes seeks to be. Confusion can lead to miscalculation and miscalculation to devastation that no rational person would ever intentionally, willingly accept.

I believe that, to deter war, America must be strong and that improving our strategic forces can promote the important goal of concluding arms control agreements that will restrain and, I hope, someday end the nuclear arms race and the delusions of governments throughout the world that nuclear weapons can be tolerated. Even the existence of nuclear weapons, and the nuclear stockpiles which support them, pose substantial risks to the well-being of people everywhere, since, as the people in my own State of Pennsylvania learned not too long ago, all forms of nuclear energy—peaceful or military—involve some degree of risk.

I support and have been encouraged by the President's arms control initiatives, particularly his proposals at the START and INF negotiations in Geneva. I have also supported the President's initiatives regarding nuclear arms modernization, such as the B-1 bomber and improvements in our command, control, and communications systems.

WDC04/24

Please

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INV. T.W.H.  
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Mr. Strauss  
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FACSIMILE TRANSMISSION

**ACTION**

**SUITE A DONNER**

FAX OCT NO: .....  
(for Concetre Use Only)

CLASSIFICATION: UNCLASSIFIED .....

DATE: 24AUG82 .....

FROM: WSHDC

TO: EXTOTT/LAO/SMITH (2-6692)

25-5-72-Salmon-1  
(DEPT/POST/ADDRESSEE/PHONE NO.)

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

NO. OF PAGES: 2 plus cover

SUBJECT: PACIFIC SALMON STOCKS: CONGRESSIONAL RECORD 20AUG82 pps S11106-7

AUTHORIZING OFFICER: B. DICKSON

SIGNATURE: 

ADDITIONAL COMMENTS OR INSTRUCTIONS:

volved the sexual exploitation of minors.

S. 2851

At the request of Mr. GORTON, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 2851, a bill relating to compelling governmental interests.

## SENATE JOINT RESOLUTION 193

At the request of Mrs. KASSEBAUM, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 193, a joint resolution designating the week of November 7 through November 13, 1982 as "National Respiratory Therapy Week."

## SENATE JOINT RESOLUTION 202

At the request of Mr. DANFORTH, the names of the Senator from South Dakota (Mr. ANDERSON), the Senator from Washington (Mr. GORTON), the Senator from Alabama (Mr. HEFLIN), the Senator from Wisconsin (Mr. KASTEN), the Senator from New Mexico (Mr. SCHMITT), the Senator from New York (Mr. D'AMATO), the Senator from Idaho (Mr. SYMONS), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Alaska (Mr. STEVENS), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of Senate Joint Resolution 202, a joint resolution to express the sense of the Congress of the United States that the Nation reaffirm its commitment to the expeditious development of magnetic fusion energy.

## SENATE JOINT RESOLUTION 218

At the request of Mr. ROBERT C. BYRD, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from New York (Mr. MOYNIHAN), the Senator from Maryland (Mr. SARABANUS), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of Senate Joint Resolution 218, a joint resolution to authorize and request the President to designate the week of August 29, 1982, through September 4, 1982, as "National Railroad Week" and September 4, 1982, as "National Railroad Day."

## SENATE JOINT RESOLUTION 233

At the request of Mr. DURENBERGER, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 233, a joint resolution to provide for the designation of the week beginning October 1, 1982, as "National Sudden Infant Death Syndrome Awareness Week."

## SENATE CONCURRENT RESOLUTION 73

At the request of Mr. HEINZ, the name of the Senator from Montana (Mr. BAUCUS) was added as cosponsor of Senate Concurrent Resolution 73, a concurrent resolution to condemn the Iranian persecution of the Bahai community.

## SENATE RESOLUTION 444

At the request of Mr. DANFORTH, the names of the Senator from California (Mr. CRAWFORD), and the Senator from

Delaware (Mr. ROTH) were added as cosponsors of Senate Resolution 444, a resolution expressing the sense of the Senate that President Reagan should submit to the United States Senate a clear and comprehensive report on the administration's policy for minimizing the risk of nuclear war.

## SENATE RESOLUTION 449

At the request of Mr. ARMSTRONG, the names of the Senator from Oklahoma (Mr. NICKLES), and the Senator from North Carolina (Mr. EAST) were added as cosponsors of Senate Resolution 449, a resolution expressing the sense of the Senate with respect to human rights violations in connection with the construction of the trans-Siberian pipeline.

## AMENDMENT NO. 2006

At the request of Mr. GRASSLEY, the names of the Senator from Georgia (Mr. NUNN), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of amendment No. 2006 intended to be proposed to S. 2572, a bill to strengthen law enforcement in the areas of violent crime and drug trafficking, and for other purposes.

## SENATE RESOLUTION 454—RESOLUTION RELATING TO THE AIR TRAFFIC CONTROL SITUATION

Mrs. KASSEBAUM (for herself, Mr. CANNON, and Mr. INOUE) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

## S. RES. 454

Whereas, Since August 3, 1981, the Nation's air traffic control system has been operated by a reduced air traffic controller workforce that is severely below the level considered by the Federal Aviation Administration to be fully operational;

Whereas, replacement of the diminished workforce at the current rate of training and employment being implemented by the Federal Aviation Administration will not result in a fully operational air traffic controller workforce until 1985, at the earliest;

Whereas, the airline industry has been restricted severely by the reduced capacity of the air traffic system which has created inequities and distorted the competitive process;

Whereas, the airline industry has been one of the most severely affected by the recessions of 1980 and 1981 and by additional unique problems such as a \$6,000,000,000 increase in fuel costs since 1979 and pricing challenges created by the ongoing transition to complete deregulation; and

Whereas, there exists a substantial number of dismissed controllers who may be eligible for reinstatement, and other qualified individuals barred by the age 30 hiring rule: Now, therefore, be it Resolved, That it is the sense of the Senate that the Department of Transportation has not utilized fully the human resources available to restore the capacity of the air traffic control system; and that immediate steps should be taken to waive the age 30 hiring rule and to expedite the processing of appeals of former traffic controllers seeking reinstatement.

## SENATE RESOLUTION 455—RESOLUTION RELATIVE TO THE STATUS OF PACIFIC SALMON STOCKS

## S. RES. 455

Whereas Pacific Salmon originating in the waters of Washington, Oregon, British Columbia, and Alaska wander freely across boundaries, both as rearing juveniles and maturing fish bound for their spawning streams;

Whereas as a result of this migratory pattern, fish of one country are caught in the fisheries of the other country both as an incidental harvest to domestic salmon fisheries and, in some cases, in targeted fisheries;

Whereas the mixed stock nature of Chinook (King Salmon) fisheries which harvest fish both as immatures and matures (due to their long life history at sea) complicates the management of this species, which must also take into account attempts to harvest both healthy stocks and hatchery stocks, as well providing for the conservation needs of depressed stocks, and not neglecting that this species also enters many different forms of fishery and is taken by a number of different user groups: commercial, recreational, and personal use in the United States and Canada;

Whereas severe conservation problems have been identified with most Chinook stocks from the Columbia River to Southeast Alaska and recent work by scientists of both nations has highlighted stock problems in British Columbia, where those stocks are estimated to be reaching only one third of their optimum escapement requirements;

Whereas Chinook salmon fisheries in British Columbia harvest well over one million Chinook salmon annually compared to a harvest of slightly more than 250,000 fish in Southeast Alaska as a result of the adoption by the State of Alaska of a 15-year rebuilding program designed to return natural Chinook runs in major rivers in Southeast Alaska to their historical levels of abundance;

Whereas the realization that neither country will be able to optimize production from its salmon stocks without an agreed upon set of management ground rules governing intercepting fisheries on both sides of the border and recognizing that unregulated escalation of interceptions and intercepting fisheries in British Columbia can only aggravate the allocation and conservation problems currently being faced by both nations;

Resolved, That it is the sense of the Senate that the Secretary Commerce should take all appropriate steps necessary to strengthen and define a United States position that will ensure: (1) That our anadromous fish stocks are perpetuated at productive levels, (2) That our fishermen are treated in an equitable manner in terms of sacrifices necessary to achieve conservation goals, (3) That interception problems are addressed in a manner having minimum impact on our user groups; and report back to Congress on at least a semiannual basis progress in these areas.

Mr. MURKOWSKI. Mr. President, today I have submitted a resolution instructing the Secretary of Commerce to strengthen and define his position regarding the status of Pacific salmon



stocks. The problem we have with this west coast fishery is extremely serious and deserves immediate, priority attention. Should ongoing negotiations with Canada fail to produce a substantial cooperative management plan and should the status quo continue, we—the United States—and Canada can expect the demise of this important industry and valuable food resource in the Pacific Northwest.

Severe conservation problems have been identified with most Chinook (king salmon) stocks from Oregon to southeastern Alaska. However, scientific research conducted by both the United States and Canada has also highlighted severe stock problems in British Columbia, where stocks are estimated to be reaching only one-third of their optimum escapement requirements.

Canadian Fisheries and Ocean Ministry statistics indicate that the total coastwide catch of Canadian Chinook salmon by Canadian and United States commercial, sports, and native food fisheries for the period 1976-80 averaged 1,176,000 fish, while the average escapement during the same period was only 194,000 fish. In other words, it indicates a fishing mortality of nearly 86 percent of the total stocks. It is generally believed that Chinook stocks cannot withstand a fishing pressure of more than 70 percent. It is our opinion, buttressed by scientific research, that Canadian overfishing in British Columbian waters, on both United States and Canadian stocks is primarily responsible for these high mortality and low escapement figures.

Canadian Fisheries and Ocean Minister Romeo LeBlanc has stated that:

Despite the substantial salmon enhancement work and conservation restrictions introduced in 1981 and previous years, escapements of wild Chinook to British Columbia coastal streams and rivers is less than 50 percent of that required for optimum production. This situation means that to save the stock we must impose more strict catch restrictions . . .

Canadian fishery management actions proposed for implementation this year are designed to increase 1982 British Columbia Chinook spawning escapements by 20,000 fish. This reduction in take seems inconsequential given the fact that Chinook harvest by British Columbia fishermen is expected to be well over 1 million fish. Their conservation measures over recent years have been aimed principally at the commercial net fisheries whose catch of Chinook salmon currently represents only 16 percent of the total catch of Canadian Chinooks. Not enough has been done to curtail harvests in the troll fishery.

Southeast Alaska catches of Chinook for the period 1970-80 have averaged 301,000. This year, despite strong opposition from our fishermen, we set our quota at 255,800 fish, a 15-percent reduction over our 10-year historical catch level. This was done to protect stocks and to insure productive harvest levels in the future. Similar Cana-

dian conservation efforts to increase 1982 British Columbia spawning escapements by 20,000 fish will amount to a 2-percent reduction in quota assuming a harvest of at least 1 million fish. It seems obvious that any actions taken in southeast Alaska to conserve Chinook stocks will be doomed to failure unless other jurisdictions also take significant conservatory actions.

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#### SENATE RESOLUTION 456—RESOLUTION OPPOSING PLANS FOR WAGING AND WINNING NUCLEAR WAR

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S. Res. 456

Whereas the policy of the United States has been to maintain strategic nuclear forces solely for the purpose of deterring war;

Whereas a nuclear war cannot be "won" in any meaningful sense of the word because the resulting destruction would be so extensive;

Whereas substantial unease has developed within the United States and abroad regarding current American policy on the role of nuclear weapons in our defense;

Whereas uncertainty regarding U.S. nuclear doctrine and forces has already resulted in the stalemate, since 1976, of the arms control process designed to reduce reliance upon nuclear weapons and to minimize the risks of accidental war;

Whereas the risks of nuclear war appear greater today than ever before; and

Whereas planning to enable the United States to win a nuclear war may make nuclear war more likely: Now, therefore be it

Resolved, That it is the sense of the Senate that the United States should not engage in planning for nuclear forces and strategies whose objective is to enable the United States to wage and win a nuclear war.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

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executive branch on this and related subjects, I consider it important to proceed at this time with the submission of this resolution so that its consideration may move ahead, including referral to the Subcommittee on Arms Control of the Committee on Foreign Relations.

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Recent news accounts have reported that the U.S. Government is in the process of revising its long-standing strategy of deterrence to focus instead on developing the capabilities and strategies to prepare us to, so to speak, win a prolonged nuclear conflict. "Win" is, however, a hollow word here.

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Recently, I returned from a trip to the Soviet Union terribly concerned by the confusion in the minds of Soviet officials responsible for policies toward the United States and its allies. It is dangerous and unwise if American officials think they enhance our own security by keeping the Soviets as confused about our nuclear war policies as the U.S. Government sometimes seeks to be. Confusion can lead to miscalculation and miscalculation to devastation that no rational person would ever intentionally, willingly accept.

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I support and have been encouraged by the President's arms control initiatives, particularly his proposals at the START and INF negotiations in Geneva. I have also supported the President's initiatives regarding nuclear arms modernization, such as the B-1 bomber and improvements in our command, control, and communications systems.





Government of Canada  
Fisheries and Oceans

Gouvernement du Canada  
Pêches et Océans

H. Strauss:  
LAO

C.R.Levelton's preliminary document for  
discussion in Vancouver next week.

Diana Pethick

Aug 23/82

FOR INTERNAL DISCUSSION ONLY

CONFIDENTIAL

THE OPTIONS FOR TRANSFER OF RESPONSIBILITIES  
FROM IPSFC TO DEPARTMENT OF FISHERIES & OCEANS  
AND TO THE NEW PACIFIC SALMON COMMISSION

INTRODUCTION

|      |                 |         |
|------|-----------------|---------|
| FILE | 25-5-7-2-SALMON | SUBJECT |
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This memorandum embodies some preliminary thinking on allocation of responsibilities and related activities to the Department of Fisheries and Oceans and the new Pacific Salmon Commission under provisions of the new Convention. Its major objective is to provide a series of options laying out the spectrum of alternatives available in phasing out IPSFC.

When considering the various options presented, it should be borne in mind that they have been developed after consultation with a number of people in the Department of Fisheries and Oceans, the International Pacific Salmon Fisheries Commission and some Canadians of lengthy experience and wide knowledge who were formerly associated with one or both organizations. This is not to say that any majority opinions or even real consensus has yet emerged.

Readers are also asked to consider four overriding factors when perusing the memo and, especially, when commenting upon the options:

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- 2 -

1. Whatever the division of responsibilities and activities, Canada is achieving some fundamental national objectives in controlling the destiny of fisheries on the Fraser River system i.e. conduct of research enhancement and the setting of management objectives.
2. Whatever the division of responsibilities and activities, continued sound management of the sockeye and pink salmon stocks must be assured as well as improved management of the other species of salmon and steelhead.
3. The concerns of the United States in terms of what they conceive as their "interest" or equity in Fraser sockeye and pinks must be alleviated.
4. Decisions as to allocation of responsibilities and activities will not be graven in stone. There is provision in the new Convention for review and change.

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- 3 -

## PROGRAMS OF IPSFC

The Commission conducts a number of programs involving a large number of activities all of which are aimed at the conservation, protection and enhancement of the sockeye and pinks of the Fraser River. Let us now look at these programs and related activities. An organization chart of IPSFC is attached from ready reference.

### Environment Conservation Division:

The work of this division, involving a permanent staff of six persons, falls into the field of applied research. More specifically, and without going into detail, this division carries out studies of water pollution problems and their adverse effects on salmon and means of alleviating or eliminating these effects. Studies of the following nature are conducted:

- a) Effects of municipal and industrial wastes.
- b) Acid rain and its bearing on fish populations.
- c) Siltation, flooding and other natural catastrophes.
- d) Lethal and sub-lethal effects of inorganic substances on sockeye salmon (in laboratory and in the field).

In cases involving polluters, the findings of the division are usually turned over to Department of Fisheries and Oceans who will take the necessary action.

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- 4 -

The division conducts some of the work in collaboration with universities and other fisheries agencies looking to the best possible input by scientists of various types of expertise. There is also constant interface with the other divisions of IPSFC and especially with the Fishery Management and Biology Divisions.

Biology Division:

This group has a permanent staff of eight people and is primarily concerned with studies aimed at optimizing the production of sockeye and pinks on the Fraser watershed. They rely heavily on the Fishery Management and Operations Divisions for basic information related to their studies.

Again more specifically, they conduct the following activities:

- a) Productivity studies on Shuswap Lake including:
  - i) egg to adult salmon survival
  - ii) feeding behaviour of young salmon
  - iii) growth rates of salmon and,
  - iv) plankton production in the lake.

NOTE: While the main effort in this respect is concentrated on Shuswap Lake, there is constant monitoring of other systems in the watershed.

.../5

- 5 -

- b) Culture of salmon - for example, three year old pinks have been produced.
- c) Fish disease work.
- d) Racial separation, i.e. how to identify salmon from the various stocks of Fraser sockeye.
- e) Hydro-acoustic studies - refinement of methods and equipment used in sonar counting of adult upstream migrants and the young moving downstream.
- f) Rehabilitation of waters previously occupied by salmon spawners, e.g. Upper Adams system.

This division works very closely with the Fishery Management group and Operations and, to a lesser degree with the Environment Conservation and Engineering Division.

Operations Division:

This group employs seven people on a permanent basis. They take over field from the Fishery Management Division once migrating adult sockeye and pinks have passed upstream of Mission Bridge. Basically, the work which they carry out provides the Commission with an indication of the effectiveness of regulations of the fishing season just past and the beginning of an index of the returns of adults expected in the next cycle.

They carry out activities as follows:

- a) Enumeration of sockeye and pink spawners in the spawning channels and on the natural spawning grounds.

- 6 -

- b) Tagging of sockeye to assist in enumeration on spawning areas (dead recoveries) in ten major spawning grounds.
- c) Sampling of redds during pre-fry emergence period to determine egg survival.
- d) Fry counts and indices of fry to smolt survival.
- e) Counts of downstream smolt migrants.
- f) Operation of and some maintenance work on spawning channels.
- g) Public relations.

The group has close working relationships with Biology Division, Fishery Management Division and the Engineering Division.

Engineering Division:

This division is currently staffed by seven permanent employees. Six additional positions are vacant as the group has not conducted any real enhancement work since 1972, when Canada decided it would no longer fund any enhancement projects for sockeye and pinks on the Fraser system.

Originally, engineering was responsible for the planning, design and construction of fishways, spawning channels and hatcheries for the Commission and for determining what maintenance was required at these facilities. Its role is now as follows:

.../7

- 7 -

- a) Determining what maintenance is required on facilities operated by the Commission and, in most cases, carrying it out.
- b) Protection of sockeye and pinks where their fresh water habitat is threatened by natural disasters such as dams, stream diversions or withdrawals of water for such purposes as irrigation or municipal and domestic use.
- c) Provision of hydrological information to the Environment Conservation Division.

It was brought to attention that restriction of funding in recent years has resulted in low levels of maintenance of Commission facilities. Some fishways especially, are needing extensive repairs and some substantial expenditures will be required in the fairly near future.

Fishery Management Division:

Before going into the work of this important division, some philosophical background together with some statements of fact may prove helpful.

To the uninitiated, salmon management may appear to be a very precise science surrounded by a certain glamour and mystique. To say that it is a precise science would constitute over-statement. The very fact that all species of Pacific salmon spend part of their lives in freshwater and part in the ocean and, in both environments are subject to the vagaries of



- 8 -

nature and depredations of man, some of them not well understood, makes fishery management of somewhat chancy business.

Fishery managers in both countries have, however, over the years developed a number of techniques and/or activities based upon basic research, applied research, investigations and straight trial and error which, in a package, constitute a fishery management program. IPSFC has unquestionably carried these practices to a substantial degree of refinement in managing the Fraser sockeye and pink salmon stocks. It has carried out its mandate without fear or favour and has done a creditable job in division of catch between the fishermen of the two countries and in obtaining the required escapements for the spawning grounds.

Essentially, every activity conducted within IPSFC is aimed at assisting the Fishery Management Division in carrying out its job of managing the sockeye and pink salmon fisheries in the Convention Area. This division is responsible for the achievement of several major objectives annually as follows:

1. Calculating the size (in numbers) of returning runs of sockeye and pink salmon and setting escapement goals for the various stocks.
2. Dividing the catch of sockeye and pinks on a 50/50 basis between Canadian and U.S. fishermen operating in the Convention Area.

.../9

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- 9 -

3. Dividing, to the degree possible, the catch of sockeye and pinks between the various user groups (gillnets, purse seiners, reef nets) and even between fishermen in one user group, e.g. Fraser River gillnetters and Juan de Fuca gillnetters.
4. Establishing an annual fishing plan (regulations) and amending the regulations almost weekly during the fishing season to achieve the foregoing.

While the Biology Division and Operations Division provide constant information to the fishery managers, they (Fishery Management) carry out a number of data collections programs to assist them in making the required day-to-day or week-to-week decisions as the fishing season progresses. These are as noted below:

- a) Test fishing - conducted by hired gillnets (on regular basis) and purse seiners (occasionally) in Area 20 and on the U.S. side of Juan de Fuca Strait, at Salmon Bank in the Juan de Fuca Islands and by gillnets in the Fraser River on the Cottonwood Drift and at Whonnock. In Adams River sockeye years there is also some purse seine test fishing off the mouth of the Fraser River. The test fisheries provide information used for:

.../10

- 9a -

- i) calculating the index of abundance (size of runs in numbers) of runs,
  - ii) calculating escapement through the commercial fishing areas, and
  - iii) racial analysis based on scale samples taken from salmon caught.
- b) Racial analysis program aimed at determining what the stock composition is at any given time because an up to date accounting of sockeye catch by stock is required. This is done by reading scales from commercial net catches of sockeye in the Convention Area and in the troll fishery off the west coast of Vancouver Island. Scale samples are also provided by Fisheries and Oceans from waters as far north as Area I (northern Queen Charlotte Islands).
- c) Hydro-acoustic (echo-sounding) program - using sonar at Mission Bridge to assist in determining the numbers of adult salmon passing upstream to the spawning grounds.
- d) Statistical information used for putting together data on catches of sockeye and pink salmon of Fraser River origin by area and type of gear for each day of fishing. This is obtained from the following sources:

- 10 -

- i) telephone calls by Commission staff to major and some minor fishing companies in both countries,
- ii) dock tallies at fishing plants in both countries
- iii) search of fishing company records by Commission staff,
- iv) sales slips or tickets from fishery agencies in both countries (weekly or monthly),
- v) troll catch information in Convention Area and approaches,
- vi) fishing gear counts by fisheries agencies in both countries and occasionally by Commission staff.
- vii) daily catch information from DFO for waters both inside and outside the Convention Area.

The Fishery Management Division has a permanent staff of ten persons.

#### THE FRAMEWORK AGREEMENT

The negotiators and those who worked on the draft of the new Convention have, without spelling out the details, stated that the responsibility for management of the Fraser River sockeye and pink salmon will be turned over to Canada. The following quote illustrates this point:

"...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

- 11 -

and U.S. fisheries on the approaches to the river to ensure that these Canadian objectives are met".

That the negotiators left detailed definition of the aforementioned responsibilities for others to develop and recommend is readily understood. It is a complex issue involving organizational structures, programs and related activities, administration, finance and personnel, legal matters and interaction between the new Commission and the fisheries agencies in both countries.

FACTORS TO CONSIDER IN DETERMINING ALLOCATION OF RESPONSIBILITIES AND/OR ACTIVITIES TO THE NEW COMMISSION AND DEPARTMENT OF FISHERIES & OCEANS

1. The Commission has a competent and experienced staff of professional and technical people completely dedicated to the proper management of Fraser sockeye and pink salmon. Because of the high calibre of its people and the fact that its staff is not rigidly compartmentalized or burdened by bureaucratic procedures, the Commission has done a creditable job over a period of about forty years in managing Fraser River sockeye. At the same time it has done a similar job in managing pink stocks of Fraser origin since 1957. Moreover, it has done its job at eminently reasonable cost.
2. The Fishermen who operate in the Convention Area in both countries generally hold IPSFC in high regard and will view any diminution of its responsibilities with apprehension.

- 12 -

3. The fishing industry in the United States will have to be convinced that their interests will be protected under the new Convention. Failing this there will be pressure on Congress to delay or even prevent ratification. While some Canadians may scoff at the idea of the United States "interest" in Fraser sockeye and pinks, this interest was awarded recognition by the 1937 Treaty. From a management and conservation standpoint, the U.S.A., like Canada, could unilaterally act to decimate the stocks if international agreement is not maintained.
4. The Department of Fisheries and Oceans, like the Commission, has experienced, competent and dedicated people involved in managing the salmon fisheries and unquestionably can undertake the responsibilities envisaged under the new Convention and see them through effectively. Unlike the Commission with its precise definition of responsibility however, it is burdened by bureaucratic procedures, compartmentalization and political considerations, all of which make doing the work more difficult and costly.
5. There is another problem of some magnitude. IPSFC and the fisheries agencies on both sides of the border have from time to time had real difficulties in communication.

.../13

- 13 -

Mr. E.H. Vernon, in his report of January, 1982 for the Department of Fisheries and Oceans touched on this problem stating "...these management advantages have also led to difficulties in communication because of the inevitable divergence from other agencies in methodology and approach. Since the various fisheries agencies report to different principals, this divergence has tended toward a degree of doctrinaire rigidity within all agencies which reinforces the difficulties of communication".

The new Convention, if properly implemented, will tend to overcome this particular problem to a substantial degree, but not completely. There will still be problems of communication and trust between the new Commission (and Fraser Panel) and fisheries agencies in the two countries as well as in interpretation of data related to establishment of regulatory measures for the sockeye and pink salmon fisheries. These must be reduced to the absolute minimum.

OPTIONS FOR TRANSFER OF RESPONSIBILITIES  
(AND RELATED ACTIVITIES) TO DEPARTMENT OF  
FISHERIES AND OCEAN AND THE NEW COMMISSION  
AND ITS PANELS

Bearing in mind the foregoing, several problems must be borne in mind in designing the new structures, defining responsibilities and related activities and in allocating resources in such a way as to overcome or minimize these problems.

.../14

- 14 -

While these have been defined above, it may be useful to set them out in summary as follows:

- i) concerns of the fishermen, buyers and processors in both countries over substantial changes in the functions of IPSFC,
- ii) possible problems of ratification of the new Convention in Congress of the United States,
- iii) the capability of Department of Fisheries and Ocean to undertake its new responsibilities (in the eyes of U.S. nationals as well as our own),
- iv) problems of communication and cooperation between the fisheries agencies in the two countries and the new Commission (and its panels, especially the Fraser panel), and
- v) additional costs of operation which will inevitably occur, though these cannot be assessed at this stage.

Before listing the options, it would be well to consider the process which will be involved under the provisions of the new Convention in terms of setting the management objectives through day to day or week by week management of the fisheries. The steps involved are:

.../15



- 15 -

✓ 1. Canada submits its management objectives giving estimated size (in numbers) of runs and escape-ment goals for the coming fishing year together with supporting data to the Fraser Panel.

✓ 2. Analysis of the Canadian submission to the Panel.

3. The two countries submit the interception regime developed in the Commission for the coming fishing year to the Fraser Panel.

*This is it for  
from V1(B)? ✓  
(3) is appropriate*

*Drops  
consideration  
of fishing  
regime  
as opposed  
to reg. 1.  
(V1(2))*

✓ 4. The Fraser Panel instructs (Commission), (Panel), technical staff to prepare the fishing plan (regulations) for the coming year for consideration by the Panel members.

5. The Panel considers and adopts the regulations and submits them to the Commission.

*Does fully plan =  
regulations*

6. The Commission adopts the fishing plan (regulations) and recommends its implementation by the two countries.

7. The Panel amends the regulations during the course of the fishing season in order to achieve the management objectives of Canada (para 1) and the interception regime (para 3).

.../16

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- 16 -

Let us now look at the options and the pros and cons of each in a preliminary manner and without a great deal of detail at this juncture, always having in mind that the prime consideration is continued sound management of the sockeye and pink resources as well as improvement in management of coho, chinook, chum and steelhead.

OPTION I

Assimilate the Environment Conservation Division, Engineering Division and Biology Division into the appropriate sectors of the Department of Fisheries and Ocean leaving Fishery Management and Operations with the new Commission in the Fraser Panel. Contract with the new Commission to have Fishery Management and Operations perform the functions to be assumed by the Department of Fisheries and Ocean with respect to Fraser River sockeye and pinks in the Fraser watershed and commercial fisheries in the Convention Area. The Commission and Fraser Panel would then set regulations as envisaged in the new Convention.

Advantages - an existing, skilled and dedicated staff would continue to perform those functions directly related to management of the fisheries.

- the increase in cost would be kept to the lowest possible minimum.

.../17

- 17 -

- continuity would be maintained.
- the fishing industries in both countries would be reassured with respect to their concerns.
- problems of coordination would be lessened.

Disadvantages - continued duplication of effort on the Fraser watershed in spawning ground work.

- annual renewal of contractual arrangements, probably through DSS.
- personnel problems, i.e. those under contract receiving lesser pay and benefits than those directly employed by the Department of Fisheries and Ocean.
- rather an "untidy" arrangement.

#### OPTION 2

Canada take over all existing divisions of IPSFC leaving only several people from the Fishery Management Division to perform an analytical function within the new Commission and the Fraser Panel. The Department of Fisheries and Oceans would perform all the activities now conducted by IPSFC including the test fishing, scale sampling, statistical work and hydro-acoustical work downstream from Mission Bridge and in the Canadian section of the

- 18 -

Convention Area. During the season the results would be fed daily to the Fraser Panel to enable it to make the daily or weekly changes to the regulations.

Advantages - a clean cut break out of responsibilities from the organizational standpoint.

- direct Canadian control over all activities
- elimination of duplication of effort on Canadian side of Convention Area.

Disadvantages - Washington State would have to conduct test fishing, scale sampling and gathering of statistics in U.S. waters of Convention Area for transmittal to the Fraser Panel.

- possibility of differences in methodology in the two fisheries agencies carrying out these activities.
- almost certain periodic breakdowns in communicating information to the Panel on timely basis and problems of quality of information.
- probably unacceptable to U.S.A.

.../19

- 19 -

OPTION 3

Same as option 2 except that Canada would second to the Fraser Panel during each fishing season those people involved in test fishing, scale sampling, hydro-acoustic surveys and gathering of statistics. This would give the Panel seasonal control over those people and over the quality of information which they provide.

Advantages - a clean cut break out of responsibilities from organizational standpoint.

- direct Canadian control over staff and activities except a small group seasonally.
- substantial elimination of duplication of effort in Canadian section of Convention Area.
- Panel ensured of getting daily information needed for in-season fishery management.

Disadvantages - probably unacceptable to U.S.A.

- same people may not be seconded each year (lack of continuity, experience factor, quality of work).

.../20

- 20 -

OPTION 4

Canada take over all existing divisions of IPSFC except the Fishery Management Division. This would go to the new Commission giving it an analytical capability and the people to conduct the in-season test fishing, scale sampling, hydro-acoustical work and collection of statistics.

Advantages - still a fairly clean cut break out from organizational standpoint.

- control of people and quality of information needed for in-season changes to fishing plan (regulations) would lie in Panel.
- substantial elimination of duplication of effort in Canadian section of Convention Area.
- Canada still fully responsible for people and activities in environmental protection, enhancement, research and in setting management objectives.
- quite possibly acceptable to U.S.A.

Disadvantages - some duplication of effort downstream from Mission Bridge and in Convention Area.

.../21

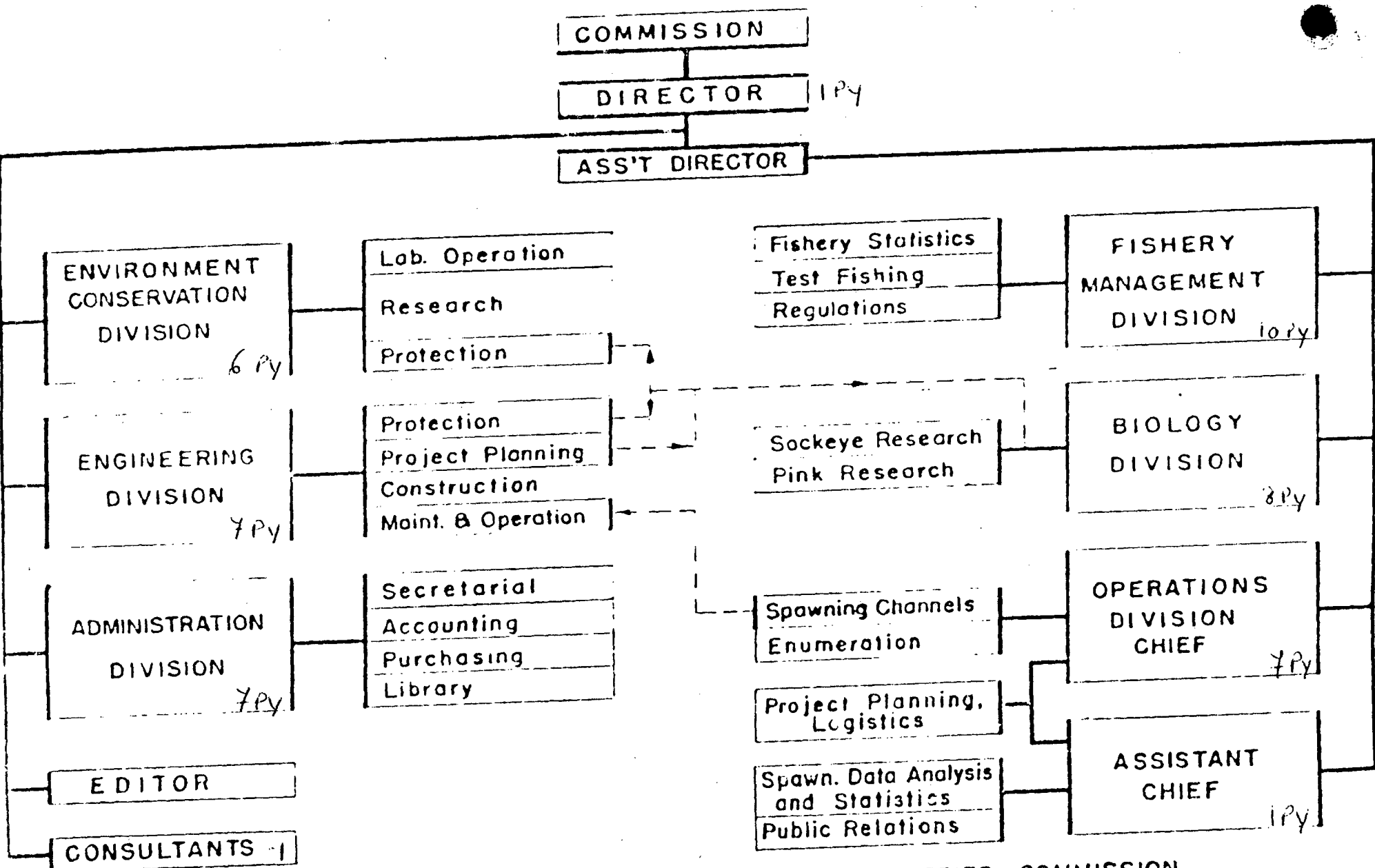
- 21 -

CLOSING REMARKS

This memorandum has been prepared for internal consideration only and in preparation for some initial discussions with people from the U.S. side. It deals only with the options for division of responsibilities in a preliminary way without any real consideration of administrative, financial and personnel problems and the legal issues involved. These are currently under study and will be dealt with at a later date.

C.R. Levelton.

OTTAWA, ONTARIO  
August 23rd, 1982.



INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION  
 ORGANIZATION CHART  
 1980



Government  
of Canada

Gouvernement  
du Canada

007793  
MEMORANDUM

NOTE DE SERVICE

TO: Rob Morley  
Intergovernmental Affairs  
Vancouver

FROM: B. Riddell  
Fisheries Research Branch  
Pacific Biological Station  
Nanaimo

TO: R. Morley

AUG 9 9 06 AM '82

FISHERIES RESEARCH BRANCH  
FISHERIES RESEARCH BRANCH

FILE: 1031-1

|  |
|--|
| SECURITY - CLASSIFICATION - DE SÉCURITÉ          |
| OUR FILE - NOTRE RÉFÉRENCE<br>46-3<br>336945     |
| YOUR FILE - VOTRE RÉFÉRENCE<br>25-5-7-2-SALMON-1 |
| DATE<br>July 30, 1982                            |

SUBJECT  
OBJECT

Draft U.S./Canada Agreement - Article I

I have several comments regarding the definitions in the draft agreement.

1. Enhancement - The definition precludes enhancement via improved or altered management practices. Enhancement resulting from such actions has been discussed in context of the agreement previously and I am only drawing this point to your attention. Is this an omission or a decision not to define improved run sizes via such actions as enhancement? I would agree with the latter.
2. Fishery - A fishery implies more than the activity of harvesting salmon, especially since the interception reports assign interception rates to fisheries or fishing areas which are believed to intercept salmon. A fishery usually denotes a harvest of a species in a particular location and by a specific gear type.
3. Overfishing - In this definition the term "significantly less" is vague and biologically undefinable. The intention of the term is obvious but the modifier significantly implies a quantity beyond which reduced escapements become of notable concern. I do not believe a specific level of reduced escapement at which overfishing is claimed is estimable, desirable, or justifiable. For example, we would be hard pressed to even estimate the relative importance of environmental versus fishery causes for a stock's decline. Further, overfishing seems meaningless unless referring to specific stocks or groups of stocks. This point is missing from the proposed definition.

A seeming omission from the definitions is a definition of "stock." The term is apparently taken as having a well-defined meaning but many biologists probably have very different concepts about the spatial and temporal limits which should be assigned to a stock. In terms of the Agreement, a stock must be a recognizable and manageable population or group of populations. It is not sufficient to suggest a stock be defined by its species and river of origin since many sockeye stocks exist in the Fraser system but maybe only one exists in Smith Inlet, for example. If a precise definition is required I will assist in the wording but at this moment I wish to draw attention to a need for standardizing the meaning of stock.

Rob Morley

July 30, 1982

- 2 -

You may also be interested that several of the terms defined in the draft Agreement have recently been discussed by the U.S. Government. The U.S. Federal Register dated June 23, 1982, details proposed revisions to Guidelines for U.S. Fishery Management Plans. A copy of this Register is available from the International North Pacific Fisheries Commission (6640 N.W. Marine Drive; received July 9th) or we could provide a Xerox.

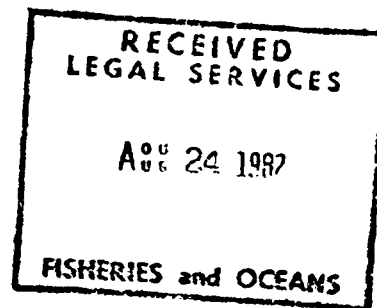
These comments can be distributed as you wish.



Brian Riddell  
International Salmon  
Unit

BR/at

c.c. F. R. Bernard



Government of Canada  
Gouvernement du Canada

007793  
MEMORANDUM

NOTE DE SERVICE

TO  
A

Rob Morley  
Intergovernmental Affairs  
Vancouver

TO: R. Morley  
AUG 9 9 06 AM '82

FISHERIES AGRARIAS  
PACIFIC

FILE: 1031-1

FROM  
DE

B. Riddell  
Fisheries Research Branch  
Pacific Biological Station  
Nanaimo

|  |
|--|
| SECURITY - CLASSIFICATION - DE SÉCURITÉ          |
| OUR FILE - NOTRE RÉFÉRENCE<br>46-3<br>257307     |
| YOUR FILE - VOTRE RÉFÉRENCE<br>25-5-7-2-SALMON-1 |
| DATE<br>July 30, 1982                            |

SUBJECT  
OBJECT

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Rob Morley

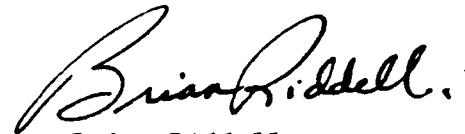
July 30, 1982

- 2 -

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These comments can be distributed as you wish.



Brian Riddell  
International Salmon  
Unit

BR/at

c.c. F. R. Bernard



Government  
of Canada

Gouvernement  
du Canada

# MEMORANDUM

# NOTE DE SERVICE

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

TO  
A

MEMBERS OF THE IPSFC COUNTERPART COMMITTEE

FROM  
DE

R. W. Morley  
Advisor  
Intergovernmental Affairs

|   |
|---|
| SECURITY - CLASSIFICATION - DE SÉCURITÉ |
| OUR FILE/NOTRE RÉFÉRENCE                |
| YOUR FILE/VOTRE RÉFÉRENCE               |
| DATE<br>July 26, 1982                   |

SUBJECT  
OBJET IPSFC Counterpart Committee Meeting - August 10 and 11, 1982

Further to my memo of July 23, 1982 please note that the abovementioned meeting of the Counterpart Committee has been confirmed with Mr. Roos and scheduled as follows:

Date: August 10, Tuesday  
Time: 9:30 am and 2:00 pm  
Place: IPSFC Office - Rm. 419  
549 Columbia Street  
New Westminster, B. C.

August 11, Wednesday  
9:30 am only  
(originally scheduled as an all day meeting but will only extend for the morning)

|         |                   |     |
|---------|-------------------|-----|
| DATE    | 820809            | REF |
| ACC     |                   |     |
| FILE    | 25-5-7-2-SALMON-1 |     |
| BY HAND | PAR PORTEUR       |     |
| ATTN:   | LAD               |     |

Please note that the earlier memo indicated Wednesday and Thursday as meeting days but should read Tuesday and Wednesday, August 10 and 11.

*R. W. Morley*  
R. W. Morley

DISTRIBUTION: C. Levelton J. McNally M. Stanfield  
D. Pethick K. Sandercock R. Palmer  
G. Norberg J. Stockner F. Fraser  
J. Oliver F. Boyd  
R. Harrison B. Scholey

c.c.: Pacific Salmon Working Group (M. Hunter, H. Smith, H. Strauss)

H.S.

*[Handwritten signature]*

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

FM CAIRO ZZTD1171 26JUL82

TO FXTOTT ETA

INFO ITCOTT/FPB/TORRIE

PH FANDOOTT/STEIBOCK/GERVAIS DE OTZ

DISTR GAM LAO DAM DAA

REF YOURTEL ETA2420 21JUL

---SALMON EMBARGO

EMB NOT/NOT AWARE OF ANY EMBARGOES ON CDN OR USA ORIGIN

SALMON PRODUCTS.

CCC/182 261100Z ZZTD1171

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|------|-------------------|------|
| ACC  | REF               | DATE |
| FILE | 25-5-7-2-SALMON-1 |      |



Government  
of Canada

Gouvernement  
du Canada

MEMORANDUM

NOTE DE SERVICE

TO  
À

Members of the IPSFC Counterpart Committee

FROM  
DE

R. W. Morley  
Advisor  
Intergovernmental Affairs

|      |                 |
|------|-----------------|
| DATE | 820729          |
| ACC  |                 |
| FILE | 25-572-Salmon-1 |
| PAR  | PAR PORTEUR     |
| DATE |                 |

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|---|
| SECURITY - CLASSIFICATION - DE SÉCURITÉ |
| OUR FILE / NOTRE RÉFÉRENCE              |
| DOSSI / VOTRE RÉFÉRENCE                 |
| DATE                                    |

July 23, 1982

LAO

SUBJECT Notes of July 22, 1982 Meeting  
OBJET

Attached are some notes from our inaugural meeting and revised terms of reference for the committee.

*Robert W. Morley*

R. W. Morley

Distribution:

|                |               |              |
|----------------|---------------|--------------|
| C. R. Levelton | J. McNally    | M. Stanfield |
| D. Pethick     | K. Sandercock | R. Palmer    |
| G. Norberg     | J. Stockner   | F. Fraser    |
| J. Oliver      | F. Boyd       |              |
| R. Harrison    | B. Scholey    |              |

cc: PACIFIC SALMON WORKING GROUP (M. Hunter, H. Smith, H. Strauss)

## Notes of Meeting of IPSFC Counterpart Committee

In attendance:

R. W. Morley, C. R. Levelton, D. Pethick, J. Oliver,  
G. Norberg, R. Harrison, J. McNally, B. Scholey,  
K. Sandercock, J. Stockner, F. C. Boyd

Mr. Morley began the meeting by introducing Mr. Levelton as the contractor hired to investigate and report on implementation of the new Canada/USA salmon agreement.

Mr. Levelton briefly reviewed his terms of reference and work plan for this task, the status of talks held to date with IPSFC staff and the deadline for completion of his task. He mentioned that these items had been reviewed with and approved by Wayne Shinnars and Ward Falkner.

A general discussion was held regarding the organization and responsibilities of the current IPSFC and some options for the new arrangements. Mr. Levelton mentioned that he would be developing a paper for review in this regard.

The draft terms of reference for this committee were discussed and changes suggested. (The amended draft is attached).

The schedule of meetings and attendance for the interviews of IPSFC Division Chiefs was discussed with the following schedule suggested:

Wednesday, August 10

a.m.: Engineering  
Operations }

J. McNally, K. Sandercock,  
F. Boyd

p.m.: Environment &  
Conservation }  
Biology

F. Boyd, J. Stockner  
R. Harrison

Thursday, August 11

all day : Fishery  
Management

F. Fraser, J. Stockner  
R. Harrison

This schedule was tentative, to be confirmed with John Roos by Rob Morley.

Each committee member was asked to prepare a list of questions to be posed at the meetings with the IPSFC Division Chiefs for review and a further meeting of the committee was scheduled for August 9th at 2:00 p.m.

There was a brief review of the discussions on administrative arrangements and it was decided that no further meetings were required at this time with the IPSFC administration Division Chief.

The committee members were provided with copies of the organization chart and job descriptions for the IPSFC and the information release containing the joint report of the Canada/USA Negotiations and the Draft Framework Agreement.



DRAFT #2

Terms of Reference

Pacific Salmon Working Group

IPSFC Counterpart Committee

1. Organizational analysis of present IPSFC:

- assist in the development of questions for fact finding mission/meetings with Division Chiefs August 9 Deadline
- participate in interviews with Division Chiefs as appropriate August 10-12 Deadline
- further define and clarify any problem areas following fact finding meetings

2. Definition of new regime for Fraser sockeye and pink research, enhancement, protection and management

- assist in cataloging of current DFO activities on the Fraser and relationship with IPSFC August ? Deadline
- provide advice and guidance on the responsibilities and related activities which DFO and the new Commission will assume and including the resources, PY and \$'s, required to carry out these activities. September ? Deadline

July 23/82



Government  
of Canada

Gouvernement  
du Canada

MEMORANDUM

NOTE DE SERVICE

TO  
A

PACIFIC SALMON WORKING GROUP

FROM  
DE

M. Hunter

800806  
25-5-7-2-Salmon-1

SUBJECT  
OBJET

Acting Chairmanship

SECURITY - CLASSIFICATION - DE SÉCURITÉ

OUR FILE/NOTRE RÉFÉRENCE

YOUR FILE/VOTRE RÉFÉRENCE

DATE

July 21, 1982

During my absence on annual leave from July 26 to August 13, 1982, I have asked Rob Morley to assume the chairmanship of the working group.

M. Hunter

c.c. C.R. Levelton  
M. Stanfield  
D. Pethick

 Government of Canada    Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO  
A

PACIFIC SALMON WORKING GROUP

FROM  
DE

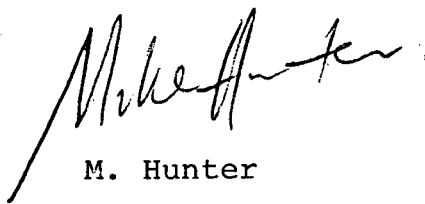
M. Hunter

SUBJECT  
OBJET

Attached Discussion Paper

|   |  |
|---|--|
| SECURITY - CLASSIFICATION - DE SÉCURITÉ                         |  |
| OUR FILE / NOTRE RÉFÉRENCE<br>FILE DOSSIER<br>25-5-7-2 - SALMON |  |
| YOUR FILE / VOTRE RÉFÉRENCE                                     |  |
| DATE<br>July 19, 1982   |  |

As promised at our June 16 meeting in Vancouver, I have drafted the attached paper which addresses adviser input to the Commission and Panels. After your review, it would be my intention to circulate it to the advisers for comment.

  
M. Hunter

WORKING GROUP MEMBERS

J.R. MacLeod  
H. Smith  
H. Strauss ✓  
M. Stanfield  
R. Morley  
C.R. Levelton  
D. Pethick

DRAFT DISCUSSION PAPER

M. Hunter/es  
July 16, 1982

CANADA/USA PACIFIC SALMON AGREEMENT

The Structure of the Commission and its Panels

Issue

How best to provide for the full input from and participation of industry advisers at Panel and Commission meetings.

Factors

1. The draft framework agreement provides that each National Section shall appoint up to four Commissioners, and up to four alternates (Article 1, paragraphs 3, 4). In addition each Panel shall consist of not more than six members from each country, again with provision for an unlimited number of alternates (Article 1, paragraph 21).
2. During delegation meetings at the April 1982 Vancouver negotiating session, it was made clear that the active participation of industry advisers in the Commission/Panel process would be sought.
3. Industry advice has been of key importance in the development of Canadian positions e.g. the local knowledge made available by northern fishermen played a key role in the development of the 1981-82 interim arrangements as they affect the north. This type of input is essential to the development of Canadian positions in what will become an annual interception negotiation process. The question is, therefore, not whether, but how, industry advice can be incorporated into Canadian actions within the Commission and Panels in the most efficient and cost effective

manner. The following section reviews the functions of the Commission and Panels and addresses the "how" of adviser input.

### Commission

The Commission will be the forum in which the annual negotiations on interceptions, review of enhancement plans, research programs etc. will be carried out, based on the reviews of information exchanged in meetings of the various Panels.

The Commission will make recommendations to Governments with respect to these issues, as well as administrative and budgetary issues.

### Panels

#### (a) Northern/Southern Panels:

These Panels will review information submitted by both sides with respect to management of intercepting fisheries etc., and make recommendations to the Commission.

#### (b) Fraser River Panel:

This Panel will, in addition to the functions of the other Panels, prepare regulatory recommendations for transmission via the Commission to the Governments for fisheries on Fraser River sockeye and pink salmon in the waters described in an Annex to the Convention (similar to but smaller than the present IPSFC "Convention Area"). In preparing these regulatory recommendations, the Fraser River Panel will take account

- 3 -

of (1) Canada's management objectives for sockeye and pinks;  
(2) U.S. entitlements, as negotiated; (3) conservation and  
management requirements of other species.

The Fraser River Panel will, therefore, require input  
from technical experts to carry out its functions.

### Options

#### (a) Commission:

- (1) Appoint up to two industry representatives as  
Commissioners on a (two year) rotational basis;
- (2) Appoint civil servants to Commission and establish  
formal advisory mechanism.

Since the Commission will be the forum where annual  
negotiations take place, it is clear that Department officials  
will play a lead role (as will U.S. officials in the U.S. Sec-  
tion). However, this is a situation not different in principle  
from that which exists in IPHC, IPSFC and INPFC, where industry  
Commissioners have always provided a useful input into the  
Commission's work. Option (1) would, therefore, seem to be  
a viable one.

#### (b) Northern/Southern Panels:

These panels will deal essentially with information  
and data exchanges pre-and post-season. Because of the techni-  
cal nature of the Panels' activities, it would be appropriate  
for Panel members to be Department officials, supported by a  
formal industry advisory organization.

.../4..

- 4 -

(c) Fraser River Panel:

In addition to the technical exchange functions of the other Panels, the FRP will be responsible for developing regulations and making in-season amendments. The Panel will likely have access to independent (Commission) and national expertise in making its decisions (which unlike IPSFC will be on the basis of one country one vote). In this case, it would be appropriate to consider the rotational appointments of up to three private sector Panelists.

Overall Considerations

The meetings of the Panels and Commission will be public (except for sessions to deal with confidential matters, e.g. personnel) which will be held in camera.

The Canadian side, at all meetings, must have access to industry advice and it is therefore proposed that a formal advisory body be established, with one representative from each organization who would be paid an honararium plus travel and living expenses.

# ORGANIZATION CHART – ORGANIGRAMME

Chart Title – Titre de l'organigramme

## PACIFIC SALMON COMMISSION

CANADIAN SECTION  
UP TO 4 PEOPLE  
1 VOTE

U.S. SECTION  
UP TO 4 PEOPLE  
1 VOTE

2 OFFICIALS DFO eg.  
Dir-Gen Fraser R Mgr  
2 IND REPS (Rotate  
every 2 yrs or off-  
set rotation to  
provide continuity)

ADVISORY GROUP

DFO EXPERTS

NORTH/SOUTH PANELS  
(Canadian Section)  
Maximum 6 people  
1 vote

UP TO 6 DFO  
OFFICIALS

ADVISORY GROUP  
OTHER DFO TECHNICAL  
EXPERTS

FRASER PANEL  
(Canadian Section)  
Maximum 6 people  
1 vote

2 DFO OFFICIALS  
3 INDUSTRY REPS

ADVISORY GROUP  
DFO TECHNICAL  
ADVISERS

|                                 |    |      |
|---------------------------------|----|------|
| Page                            | Of | Page |
| Effective Date – Prend effet le |    |      |
| Approved by – Approuvé par      |    |      |



UNCLASSIFIED

FM EXTOTT LAO-980

TO WSHDC

INFO SEATTLE FANDOTT/HUNTER

DISTR GNG TWR ETA

--PACIFIC SALMON AGREEMENT

WE ARE SENDING BY BAG A LETTER FROM HUNTER(FANDO) TO DAWSON (STATE  
OES/OFA)TO WHICH IS ATTACHED A WORK PLAN DEVELOPED BY CDN SIDE  
RESPECTING TRANSITION FROM CURRENT IPSFC TO NEW ARRANGEMENTS FORE-  
SEEN IN DRAFT SALMON AGREEMENT.

2.GRATEFUL YOU PASS LETTER TO DAWSON ON RECEIPT.

JUL 16 16 16 '82

16 JUL 82

|      |                   |
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| FILE | 25-5-7-2-Salmon-1 |

M. HUNTER/es

INTERNATIONAL 5-2186

001820

UNCLASSIFIED

FM EXTOTT LA00980 16JUL82

TO WSHDC

INFO SEATL FANDOOTT/HUNTER

DISTR GNG TWR ETA

---PACIFIC SALMON AGREEMENT

WE ARE SENDING BY BAG A LETTER FROM HUNTER(FANDO) TO DAWSON (STATE  
OES/OFA) TO WHICH IS ATTACHED A WORK PLAN DEVELOPED BY CDN SIDE  
RESPECTING TRANSITION FROM CURRENT IPSFC TO NEW ARRANGEMENTS FORE-  
SEEN IN DRAFT SALMON AGREEMENT.

2.GRATEFUL YOU PASS LETTER TO DAWSON ON RECEIPT.

UUU/130 161618Z LA00980

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O/MDB (4)  
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USSEA  
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LAO-985

CONFIDENTIAL

July 16, 1982

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| 218974 |                   |
| FILE   | 25-5-7-2-SALMOX-1 |

BRIEF FOR:

Minister of State (International Trade)  
Minister of State (External Relations)  
cc: Secretary of State for External Affairs

Cabinet Committee on Economic and Regional Development - July 19

Item:

Canada/USA Pacific Salmon  
Arrangement

Purpose:

This Memorandum is intended to  
brief you for Cabinet discussion  
of this item.

Proposal:

The Memorandum to Cabinet pro-  
poses that 1.5 million dollars  
be allocated for salmon fisheries  
research along the B.C./Alaska  
border. The Department of  
Fisheries and Oceans is prepared  
to add .51 million dollars for  
job creation funds that have  
already been allocated.

Background:

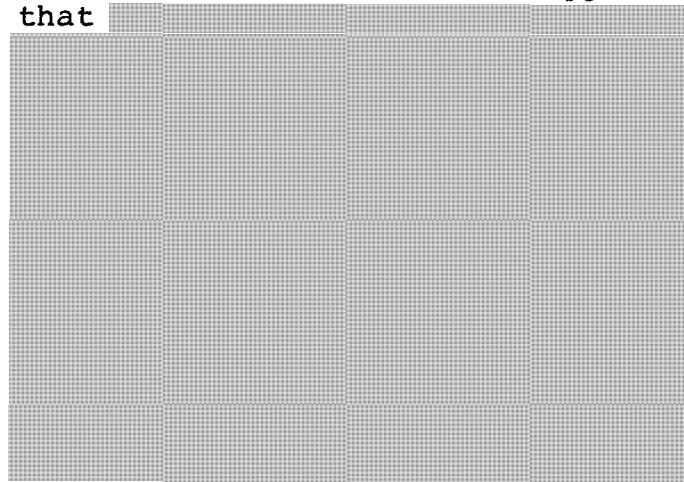
It now appears that, after sev-  
eral years of negotiation, a  
comprehensive salmon intercep-  
tion agreement with the USA is  
possible. However, uncertainty  
concerning the origin of salmon  
caught along the B.C./Alaska  
border continues to be a major  
stumbling block to successful  
conclusion of the negotiations.  
The proposed research would help  
to reduce friction between Canada  
and the USA over the right to har-  
vest salmon stocks. It would also  
remove some of the basis for ob-  
jections from fishermen of both  
countries to constraints on their  
fishing.

s.23

- 2 - CONFIDENTIAL

If the research is not done, the existing uncertainties will continue to trouble and probably prolong the negotiations. Some Canadian industry support would be lost as a decision not to fund the research would likely be seen as a lack of serious commitment to the negotiations on the part of the federal government. In addition, some credibility may be lost vis-a-vis the USA which has already allocated funds for salmon research in this area.

The Memorandum to Cabinet suggests that



Talking Points:

The funds should be provided because of the importance of the proposed research to the successful conclusion of the Pacific Salmon Interception Agreement.

Recommendation:

We recommend that you support the request for research funds.

ORIGINAL SIGNED BY  
ORIGINAL SIGNÉ PAR  
L. H. LEGAULT

L.H. Legault  
Legal Adviser

**KH. TAYLOR**

de Montigny Marchand



Government  
of Canada

Gouvernement  
du Canada

MEMORANDUM

NOTE DE SERVICE

H. Strauss

TO  
A

C.W. Shinnars  
Director-General - VIA TELECOPIER  
Pacific Region

FROM  
DE

M. Hunter  
Director, Pacific Rim Branch  
International Directorate

*Handwritten notes and signatures:*  
"Max" (circled)  
"File" (circled)  
"MS" (signature)  
"H" (signature)

|   |
|---|
| SECURITY - CLASSIFICATION - DE SÉCURITÉ |
| OUR FILE/NOTRE RÉFÉRENCE                |
| YOUR FILE/VOTRE RÉFÉRENCE               |
| DATE<br>July 15, 1982                   |

SUBJECT  
OBJET

Pacific Salmon Working Group Activities

You are already aware that Mr. C.R. Levelton has been contracted to undertake a study leading to recommendations for implementation of the new Canada/USA salmon agreement. Mr. Max Stanfield and Ms. Diana Pethick of this office have been assigned to work with him on this project.

Mr. Levelton will be consulting widely with Canadian officials, members of staff of the International Pacific Salmon Fisheries Commission and certain U.S. officials during the course of the study. He will also have to call on people from Ottawa Headquarters and your region for advice and assistance from time to time. The job is extensive, requiring input by individuals who have knowledge, experience and expertise in a variety of fields.

I am enclosing a copy of the work plan which has been developed. The first undertaking is an organizational analysis of the Salmon Commission to determine its activities in some detail, how these activities are conducted and the people, equipment and dollars involved. When this has been done work will commence on defining the new responsibilities of the Department of Fisheries and Oceans and the new Commission, the resources each will require and the period of transition involved in transfer of responsibilities and resources from IPSFC.

Work has already commenced. Mr. Levelton and his party were in Vancouver last week holding preliminary discussions with the Director of the Commission and Messrs. Fraser, Scholey and Norberg of your staff. There is a good deal to be done in understanding the Commission's administrative, financial and personnel procedures. While Mr. R. Smith is to undertake this task, it would be most helpful, in view of the time limits imposed for the study, to start this work at once.

.../2..

- 2 -

Mr. Levelton and Ms. Pethick will be in your office on July 20 for this purpose. I would be most appreciative if you could assign Mr. Scholey and Mr. Norberg, or appropriate substitutes, to work with them in the period prior to Mr. Smith's return.

During the second week of August, Mr. Levelton and Mr. Stanfield will be interviewing division heads in the Commission on details of their responsibilities and related activities. Here again I would appreciate your kind assistance in assigning one individual from your staff to them in the following areas of expertise:

- (1) Engineering (fishways, spawning channels, hatcheries, etc.), perhaps from SEP.
- (2) Environmental conservation or protection.
- (3) Fishery management, biology and related operations - preferably Fred Fraser.

All the above individuals will also be asked to serve on a committee of counterparts to give advice and guidance in defining the new responsibilities of DFO and the new Commission and the resources required.

Finally, I am enclosing the draft of a letter which the Chairman of the Commission might send to Mr. Roos seeking his full cooperation in this entire study. Could you please arrange to have a final version prepared for Mr. Dixon's signature on Commission letterhead.

I fully realize that this is a busy time of year for you and your staff but, in view of the time constraints involved, earnestly request any assistance you can provide.

  
M. Hunter

c.c. J.R. MacLeod  
H. Smith  
H. Strauss ✓  
R. Morley - via telecopier  
C.R. Levelton  
M. Stanfield  
D. Pethick

## OVERALL WORK PLAN

- I. ORGANIZATIONAL ANALYSIS OF COMMISSION (IPSFC)
  - a) Activities (Sal. management, research, enhancement)
  - b) Administration & personnel (finances, library, assets  
inc. all inventory)
  - c) Legal aspects (legal status of IPSFC)
  - d) Interaction between DFO and (Wash. State) by Commission
  
- II. DEFINE NEW RESPONSIBILITIES OF DF&O (Inc. objectives)
  - a) Current activities on Fraser and interface with  
IPSFC (inc. staff and resources)
  - b) Additional activities under new Convention  
(sal. management, research and enhancement)
  - c) Resources required for (b) above
  - d) Transition (phasing)
  
- III. DEFINE RESPONSIBILITIES OF NEW COMMISSION & PANELS
  - a) Objectives (Canada/US concerns)
  - b) Responsibilities & activities arising out of objective
  - c) Resources required (personnel, equipment, money)
  - d) Transition (phasing)

- 2 -

DETAILED WORK PLAN

- I. ORGANIZATIONAL ANALYSIS OF IPSFC (Sal. management, research, enhancement)
  - A. Activities including interface with DFO and Wash. State
    - (i) Interviews with division heads individually  
(Working group - Fraser - Vernon and other  
Dept. counterparts) - Aug. 15 completion
    - (ii) Counterpart working group to get more details and  
provide working document based on terms of reference  
to be given them. - Aug. 31 completion
  - B. Administration & Personnel (Including Finance)

Establish admin. and Finance committee which will  
document existing admin. and personnel practices,  
finance and budgetting including lines of commun-  
ication and reporting relationships Aug. 31 completion

    1. Administration:
      - (i) Roles & responsibilities of management
        - as stipulated by Convention or Contracting Parties
        - reporting relationships
        - decision making process
        - information (library, technical data etc.)
    2. Personnel
      - (i) Updated review of personnel
        - expertise )
        - classification ) each permanent individual
        - salary )
        - contractual (permanent or seasonal)
        - pensions
        - personnel practices (hiring & firing)



- 3 -

3. Finance:

(i) Practices & procedures (internal)

- expenditures (purchasing, salaries etc.)
- inventory control (also provide updated inventory of all assets) including \$ value
- management input & control

(ii) Financial role of Contracting Parties:

- provision (gratis) of lands, buildings etc. (\$ value)

4. Budgets:

(i) Preparation of annual budget:

- management input (priorities etc.)
- external input (?) - interface with DFO & Wash. State

(II) Submission & approval process

- Commissioners
- Contracting parties

(iii) Implementation & review within Commission

- management input
- Commissioner's input

C. Legal Aspects:

(i) Legal status of IPSFC

(ii) Legal status of Commission assets in light of transfer to DF & O and New Commission

(iii) Privileges and immunities of Commission & staff.

(iv) Legal aspects of actual institutional change

Aug. 31 completion

NOTE: Detailed work plans for II and III of overall work plan to be developed at later date.

DRAFT LETTER

Mr. John Roos,  
Director,  
International Pacific Salmon Fisheries Commission,  
P.O. Box 30,  
New Westminster, B.C.  
V3L 4X9

Dear Mr. Roos:

As you are aware, the Department of Fisheries and Oceans has hired Mr. C.R. Levelton to undertake a study leading to recommendations for implementation of the new Canada/U.S. salmon agreement. He will be consulting widely with Canadian and U.S. officials and Commission staff during the course of the study.

I know that all Commissioners are anxious that there be full Commission input to the study. Therefore I request your kind co-operation in providing Mr. Levelton with the assistance, advice and guidance he will be seeking. I realize that this is a busy time of the year for you. There are, however, severe time constraints on the study agreed to by <sup>Canada and the USA</sup> ~~both Contracting Parties~~ and I therefore feel certain that you will do your best to meet any reasonable requests of the nature mentioned above.

Yours sincerely,

Alvin Dixon,  
Chairman, IPSFC.



# The CANADIAN FISHING COMPANY Limited

Head Office: Foot of Gore Avenue • VANCOUVER, B.C. CANADA V6A 2Y7

Telex 04-53372

Cable CANFISCO Vancouver

Phone (604) 681-0211

July 15, 1982

*[Handwritten signature]*

|         |                  |             |
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| DATE    | 820723           | REF         |
| ACC     | 21904            |             |
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| BY HAND |                  | PAR PORTEUR |
| ATTN:   | LAO              |             |

25-5-7-2-SALMON-1

Mr. M. Hunter  
Director, Pacific Rim Branch  
International Directorate  
Dept. of Fisheries & Oceans  
240 Spark Street  
Ottawa, Ontario.  
K1A 0E6

Dear Mike:

Re: Status of North American Steelhead Trout  
Under INPFC

In replying to your confidential memo of June 28th, 1982 regarding steelhead, I enclose for your information a letter from the Secretariat detailing the Japanese position. You will notice that in the last paragraph this subject will be on the agenda at the 1982 meeting of the Commission.

The suggestion that Canada might wish to prostitute the legal position re steelhead to "negotiate" leverage with the U.S.A. in connection with the Canada/U.S.A. Pacific Salmon negotiations - particularly with the Yukon River arrangements - I personally find distasteful and unnecessary.

Canada's position re the Yukon River salmon stocks is justified and obviously the U.S.A. is applying pressure to obtain the best deal possible. I am not opposed to pressuring the opponent in negotiations, but I am opposed to the use of another International Convention as a scapegoat, thereby tarnishing Canada's integrity as a partner in the INPFC.

Should Canada use the INPFC steelhead issue as leverage in the U.S. Salmon negotiations, who is to say that sometime in the future the Pacific Salmon "Agreement" will not be used to serve another international convention in which Canada is a partner.

Mr. M. Hunter

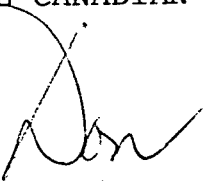
July 15, 1982

Page Two

I believe our case on the Yukon River is sound and if the U.S.A. dragged their feet why not submit the question to international arbitration? In the meantime let's not compromise our legal position and jeopardize our relations with Canada's second most valuable customer, Japan. The B. C. fishing industry needs the Japanese market and their goodwill at the international bargaining table.

Yours very truly,

THE CANADIAN FISHING COMPANY LIMITED



D. F. Miller,  
Commissioner

DFM/pc

cc: H. D. Johnston  
M. Florian  
J. Garcia  
L. Margolis  
E. Zyblut  
R. Steinbock  
H. Strauss ✓  
D. Kowal

## INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION

Established by Convention between Canada, Japan and the United States  
for the Conservation of the Fisheries Resources of the North Pacific Ocean

CABLE: NORTHCOM  
PHONE: (604) 228-1128

6640 NORTHWEST MARINE DRIVE  
VANCOUVER, B.C., CANADA V6T 1X2

1982 June 23

To ~~Mr. D.F. Miller~~ Correspondent, Canadian National Section  
Mr. E.E. Rasmuson, Correspondent, United States National  
Section

From INPFC Secretariat

Subject Response from Japan to request for clarification of  
status of steelhead with respect to the Convention

Gentlemen

As instructed by the Commission at the third plenary session of the 28th Annual Meeting, the Secretariat on April 28, 1982 requested from each Contracting Government a clarification of the status of steelhead with respect to the Convention. A response from the Government of Japan was received June 18, 1982 as follows--

The Government of Japan has understood that catch of steelhead shall be allowed both inside and outside the U.S. 200 mile zones. The basis for this understanding is--

- (1) According to Article V, item 2 of the Convention, the Contracting Parties have agreed that in fishing for anadromous species they shall respect the conservation measures specified in the Annex to this Convention. Although "anadromous species" in this section of the Convention includes the steelhead, there is no description of regulations for catch and incidental take in the Annex.
- (2) That is, for salmon fisheries operations, Japanese nationals and fishing vessels are obliged only to observe the conservation measures specified in the Annex, and judging from (1) above, any incidental catch of steelhead by the salmon fishery shall not be considered to be in violation of the terms of the Convention.

...continued

Page 2  
1982 June 23  
Correspondents

In addition, in reference to the term "salmon fishery operations conducted by Japanese nationals and fishing vessels", in the first paragraph of the Annex, some objections may be presented which insist that the incidental catch of the steelhead shall not be permitted. However, this term was used only to define the operation of the fishery for salmon generally, and Japan cannot consider that a condition which prohibits the incidental catch of steelhead is in the Annex.

- (3) In accordance with the Memorandum of Understanding which was drawn up when the Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean was signed, the Government of Japan is obliged to provide statistics for the landbased driftnet fishery and the mothership gillnet fishery, not only on the salmon which are the main target species of these fisheries, but on all salmonidae (in which steelhead are naturally included). From this fact, it is obvious that the catch of steelhead is not prohibited by the Convention.

This response will be documented for submission to the Commission under what the Secretariat anticipates will be a specific agenda item at the 1982 Annual Meeting.



C.R. Forrester  
Executive Director

cc Mr. Y. Matsuda, Correspondent, Japanese National Section  
Mr. T. Isogai



Government  
of Canada

Gouvernement  
du Canada

Fisheries  
and Oceans

Pêches  
et Océans

*Mr. Strauss  
i  
File*

Your file    Votre référence

Our file    Notre référence

Ottawa, Ontario  
July 14, 1982

|         |                   |
|---------|-------------------|
| DATE    | 820722            |
| ACC     |                   |
| FILE    | 25-5-7-2-SALMON-1 |
| BY HAND | PAR PORTEUR       |
| ATTN:   | LAO               |

Mr. D.W. Smith,  
Deputy Director,  
Legal Operations Division,  
Department of External  
Affairs,  
LAO, Tower A, 4th floor,  
Lester B. Pearson Building,  
Sussex Drive,  
Ottawa, Ontario.

Dear Don,

This will acknowledge receipt of your letter dated July 12, 1982 regarding the meeting that was held on June 18, 1982 with the Commissioners and staff of the International Pacific Salmon Fisheries Commission.

I agree with the comments you made and have circulated copies of your letter to members of the Salmon Working Group.

Yours sincerely,

*Mike H.*

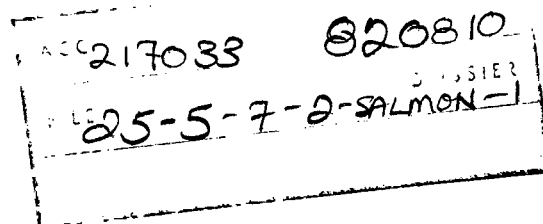
M. Hunter  
Director, Pacific Rim Branch  
International Directorate

Canada

LAO/H. STRAUSS/di/6-2643

SSEA/2  
PARL SEC  
USS  
FPR  
SPF  
FILE

LAO-910




OTTAWA, July 13, 1982.

Dear Dr. Shepard,

Thank you for your letter of June 23 and the attachments thereto. I congratulate you on the work done to date and I look forward to receiving a full agreement later this year. As you know, from contact with officers of my Department, the work that you recommended be done this summer has already been started.

Yours sincerely,

RETURN TO LAO DS  
Original Signed by  
Original signé   
MARK MacGUIGAN  
Mark MacGuigan

Dr. M.P. Shepard,  
Michael Shepard and Associates Ltd.,  
4009 White Rock Street,  
VICTORIA, B.C. V8N 4M4.

JUL 12 1982

LAO

22201

9.7.26(us)

copy of attachments  
sent to WS432 - 20 July 82.

001835



DRAFT PRESS RELEASE

"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.

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 benefits from each country's total salmon production are fairly shared.

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.

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

- 2 -

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:

- development of agreed fishery management plans for intercepting fisheries for 1983 and 1984;
- 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;
- preparation of proposals for increased research on the extent of salmon interceptions; and
- development of arrangements for the Yukon River.

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 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."

---

**OFFICE OF THE MINISTER/CABINET DU MINISTRE**  
**ACTION REQUEST/FICHE DE SERVICE**

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

|  |  |   |
|--|--|---|
| From/De<br><br>M. P. Shepard                 | No.<br>22201<br>No                                       | Action to be completed and white slip returned to MIN by/L'action doit être complétée et la feuille blanche retournée à MIN avant<br>Date<br>82-07-02 |
| Letter dated/Lettre en date du<br>82-06-23   | Date received in MIN/Date de réception à MIN<br>82-06-24 | Date sent to Division/Date d'envoi à la direction<br>82-06-24   |
| Action Division/Direction responsable<br>LAO | Information Division/Direction(s) informée(s)            | Referred by/Référée   |
| Subject/Sujet<br>Pacific Salmon etc          |  | Comments/Commentaires   |

**ACTION REQUIRED/ACTION REQUISE**

- ☐ Reply for minister's signature  
Réponse pour la signature du ministre
- ☐ Reply for the signature of  
Réponse pour la signature de
- ☐ Reply by division  
Réponse de la direction
- ☐ Note and file  
Noter et mettre au dossier
- ☐ Draft reply to be incorporated in letter by Minister's staff  
Projet de réponse requis pour inclusion dans lettre rédigée par les assistants du Ministre

ALL TRANSFERS TO BE REPORTED TO MIN REGISTRY (5-1047)  
 LE REGISTRE DE MIN DOIT ÊTRE AVISÉ DE TOUT CHANGEMENT (5-1047)

**FOR DIVISIONAL USE  
 POUR L'UTILISATION DE LA DIRECTION**

Date received in Division/Date reçu à la direction  
 June 21

Action officer/Agent responsable  
 H. Shoun

Disposition and date/Disposition et date

For MIN use/Pour utilisation de MIN

OFFICE  
OF THE  
SECRETARY OF STATE  
FOR  
EXTERNAL AFFAIRS

CABINET  
DU  
SECRÉTAIRE D'ÉTAT  
AUX  
AFFAIRES EXTÉRIEURES

TO/A: LAO

Date July 13/82

FROM/DE: MINA

REFERENCE RÉFÉRENCE:



SUBJECT/SUJET: Minister's decision/Decision du Ministre

SSEA's comment: "Press release  
agreed to. MRM"

DRAFT PRESS RELEASE

|                   |        |
|-------------------|--------|
| 215756            | 820730 |
| 25-5-7-2-SALMON-1 |        |

"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.

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 benefits from each country's total salmon production are fairly shared.

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.

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

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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:

- development of agreed fishery management plans for intercepting fisheries for 1983 and 1984;
- 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;
- preparation of proposals for increased research on the extent of salmon interceptions; and
- development of arrangements for the Yukon River.

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 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."

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LAO/H. Strauss/6-2643/mm

LAO-933

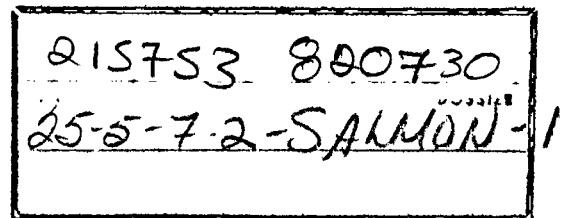
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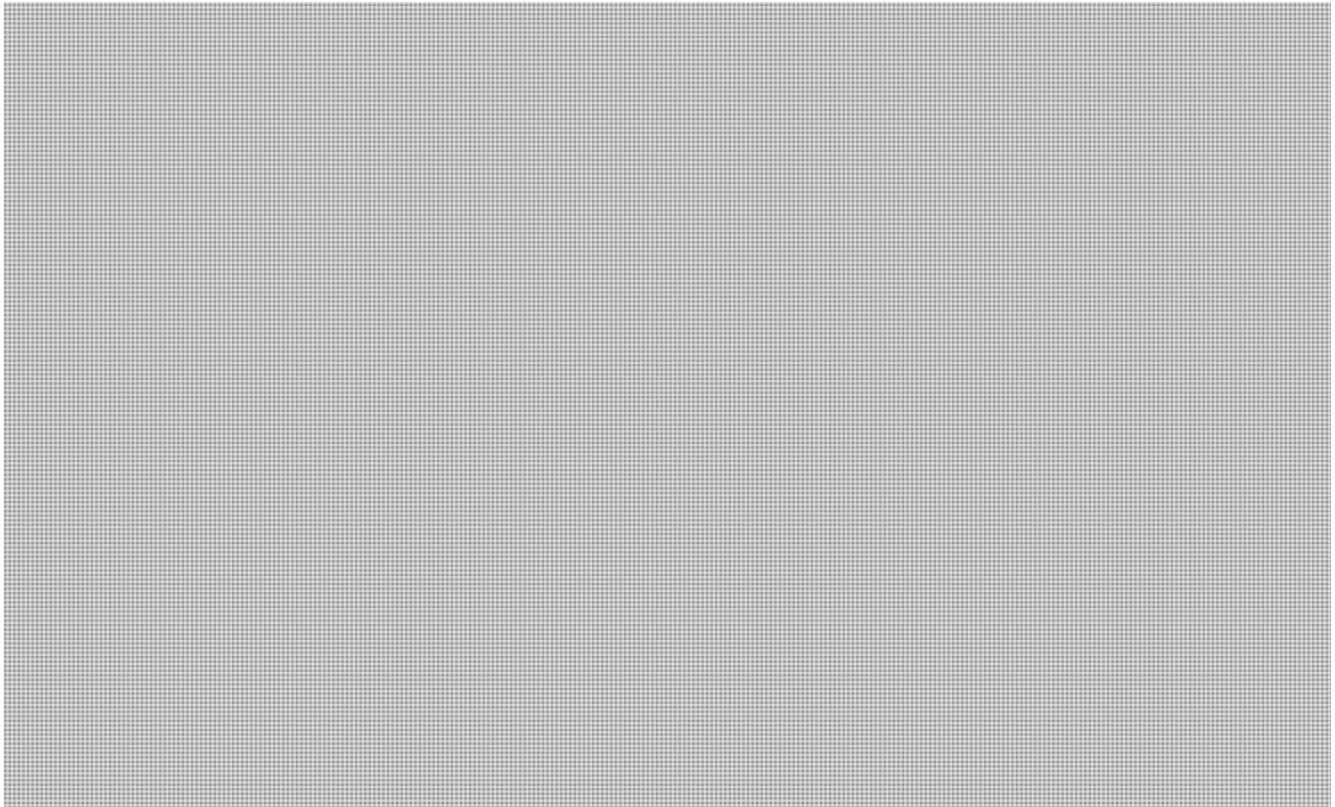
OTTAWA, Ontario  
K1A 0G2

July 12, 1982

Mr. M. Hunter  
Director, Pacific Rim Branch  
International Directorate  
Department of Fisheries and Oceans  
240 Sparks Street, 8th Floor  
OTTAWA, Ontario



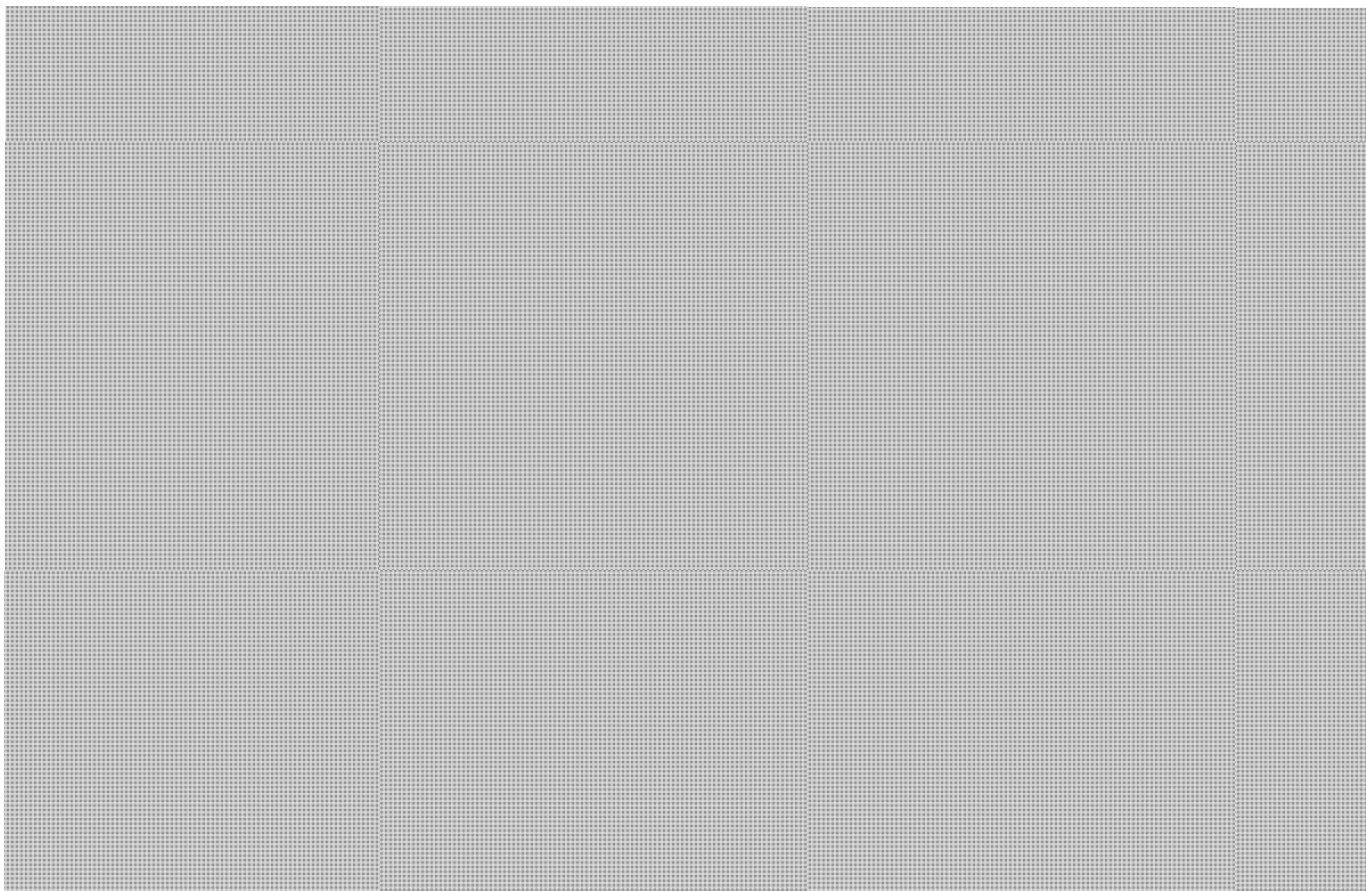
Dear Mike,



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Yours sincerely,

**D. W. SMITH**

D. W. Smith  
Deputy Director  
Legal Operations Division





Government  
of Canada

Gouvernement  
du Canada

MEMORANDUM

NOTE DE SERVICE

TO  
A

Pacific Salmon Steering Committee

FROM  
DE

Chairman  
Pacific Salmon Working Group

|   |               |
|---|---------------|
| SECURITY - CLASSIFICATION - DE SÉCURITÉ |               |
| OUR FILE / NOTRE RÉFÉRENCE              | 215761 820730 |
| 25-5-7-2 - SALMON                       |               |
| YOUR FILE / VOTRE RÉFÉRENCE             |               |
| DATE<br>July 6, 1982                    |               |

SUBJECT  
OBJET

Update on Pacific Salmon Working Group

Attached are minutes of the two most recent Pacific Salmon Working Group Meetings, held June 8 and June 16. Also attached are notes of meetings between the Working Group and U.S. counterparts, held on June 17, and with the International Pacific Salmon Commission on June 18.

The project manager, R.P. Smith, has been appointed to take charge of all institutional questions related to the Agreement. C.R. Levelton has been hired to assist the project manager.

*[Handwritten signature]*

MEETING WITH INTERNATIONAL  
PACIFIC SALMON FISHERIES COMMISSION

June 18, 1982

Participants: E.R. Zyblut, M. Stanfield, F. Fraser, A. Dixon  
M. Forrest, C. Dawson, D. Reifsnnyder, H. Larkin  
and J. Røos.

State of Negotiations and Phasing Out of IPSFC

Zyblut opened the meeting with a review and update of the developments leading up to the Framework Agreement and presented an outline of the work plan leading up to the November 30 target for submission of the Agreement to Governments. He also discussed the proposed establishment of the Pacific Salmon Commission and the phase-out of IPSFC. Dawson emphasized the desire of both parties to maintain the expertise of the IPSFC in the new Commission. This would include, to the extent possible, assuring positions for IPSFC staff, including Americans. Modalities of the phase-out were brought up. To the extent possible details were clarified. The Commissioners were assured that collaboration would be constant during all stages of the phase-out and that once the project manager was appointed it was hoped that representatives from the IPSFC would be selected, by the IPSFC, to work closely with him and the designated U.S. officials.

General Discussion

To this point the Commissioners did not express any undue anxiety. However, when details of the new institutional arrangements were being discussed a certain amount of confusion, coupled with outright disagreement on the proposals, lead the Commissioners to ask some difficult and detailed questions. Their main concern, apart from the maintenance of credibility, etc., was the division of what had previously been done under one roof - the technical work and management decision making, into two bodies: DFO and the Fraser River Panel. There was the feeling that there was considerable advantage in having management closely linked with the technical or resource people working up river and that the new institutions would break this link. There was the added fear that the Panel would be subject to political or other pressures from which the IPSFC had been immune, and that this might influence fishery management decisions.

There was also some feeling that there would necessarily be some trade-off between the Panels. Their main concern was the price the Fraser River would have to pay when the bottom line was reached, i.e. balancing the overall interception problem. Fraser emphasized that there would not be any radical alteration of course and that while there might have to be some such trade-off it would be minimal.

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Considerable discussion was directed towards the question of U.S. treaty tribes. Several Commissioners voiced their opinion on this matter. It was suggested that Indians would continue fishing as they now do and ignore the Agreement.

Larkin, a U.S. Commissioner, disagreed. He felt there would be a tremendous battle every spring to establish the regimes, but once the Panel had provided its advice, it would hold. Indians might take action of various sorts against the regimes but they would lose. (There was by no means a consensus on the possible outcome of this issue). */ No*

Commissioner Forrest emphasized what he felt would be a major problem of altering the Fraser River management structure - the maintenance of confidence among fishermen. He expressed the assurance that the IPSFC had built up a wealth of credibility and that this would not be easily transferable, especially in the light of DFO's image to date. He concluded by insisting on the need to keep as much staff as possible.

A certain amount of confusion surrounded the staffing question: whether existing IPSFC staff would be attached to DFO or the Panel and whether any of them would be international. Both Dawson and Zyblut said that undoubtedly the staff would be with DFO. There remained a strong element of uncertainty about the staffing question among the Commissioners. By reiteration of the Working Group's position i.e. thoughts, not to mention progress on the transition process, are of the most rudimentary nature, the Commissions' fears were allayed. */ No*

While the meeting did not serve to entirely placate the Commissioners, and in some instance may have awakened them to some of the thornier issues which will crop up during the transition, it did appear to establish a good working rapport and lay the foundation for future collaboration.

*MA*

## Salmon Working Group Report

### Notes on Meeting with U.S. Counterparts on Pacific Salmon Agreement June 17, 1982

Present: M. Hunter, H. Strauss, M. Stanfield, C. Dawson,  
D. Reifsnyder

#### Timing

Because the Agreement would have to be handled as a treaty by the U.S. government, the process of ratification would be greatly extended; consequently there is considerable uncertainty of the possibility of ratification in time for the 1983 season. It was agreed that the best strategy to ensure the minimum time lost by U.S. ratification process was first to obtain the negotiators' signature (ad referendum) on November 30 and then to obtain Canadian and U.S. authorities' signature in January 1983. This would prepare the document for submission to the U.S. Congress as early as possible in 1983. Neither Dawson nor Reifsnyder were prepared to provide a date for completion of the ratification process. A proposed Canadian schedule of fishery regime negotiations was passed to the U.S. side for later comment.

Reaction of North Pacific Management Council (NPMC) to Fishery Regimes. The question was raised as to how the NPMC would react to the fishery regimes agreed by the negotiators in November. Hunter felt that as far as chinook were concerned the Council would be faced with fait accompli: The Agreement's signature will suppose Alaskan, Washington and B.C. support for the regimes. Dawson felt that, while it is not possible to predict the reaction of the NPMC at its annual meeting in January 1983, it is unlikely they will be in a position to inflict much damage.

Negotiators. Reifsnyder expressed a desire to maintain Alverson on the front line of the final negotiating process. This he felt was an important assurance for U.S. fishery observers.

It was confirmed that the U.S. component of the working group would be C. Dawson, D. Reifsnyder and K. Henry.

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Pacific Salmon Working Group

Minutes of Meeting June 16, 1982

The Working Group met in Vancouver on June 16, 1982, to discuss the work program for the six months leading up to completion of the Salmon Agreement negotiations. Those present from the region were: E. Zyblut, R. Morley, C. Graham, D. Schutz, R. Palmer, T. Perry, R. Kadowaki, P. Burton, K. Pitre, and from Ottawa, M. Hunter, H. Smith, H. Strauss, M. Stanfield.

The following items were discussed:

- 1) Fishery Regimes. Following discussions it was agreed that the three areas would produce draft indicative fishery plans by September 15. The major concerns presented were those relating to timing, work load and interrelation with US counterparts. Several of those present outlined their preoccupation with the limited time frame in which they were being requested to develop a fishery plan and the limited staff which would be available to undertake this task. A further concern discussed was the problem of obtaining complete data from the 1982 fishery before final completion of negotiations of the 1983 regimes. It was pointed out that the initial nature of the fishery plans was purely indicative and in no way binding should modifications be required subsequent to the receipt of more complete data.
- 2) IPSFC. Plans for the transition from the IPSFC to a Pacific Salmon Commission were discussed. The major questions revolved around the problems of phasing the IPSFC and its staff into the Fraser River Panel and the up river DFO technical staff in an effective manner. Beyond the need for introducing this issue to the IPSFC staff, it was generally agreed upon that close collaboration with the staff would be necessary at all times, particularly, during the present formative stage of the new institutional framework. To ensure a high degree of collaboration it was agreed that two counterparts from the IPSFC, a technician and an administrator, be chosen to work with the project manager responsible for the transition.

.../2

- 2 -

- 3) Research. M. Hunter briefly outlined the significance of research in determining the success of the Agreement in the long run. Discussions would be commenced in the near future with B. Riddell in view of developing a research plan.
- 4) Drafting Issues. It was agreed that minor editorial changes requested by the US in the Framework Agreement and Negotiations report would be discussed over the next two days with Dawson and Reifsnnyder and incorporated in the final document by H. Strauss.
- 5) Information Package. The importance of a proactive information strategy was discussed, particularly its role in ensuring that participants in the B.C. fishery are provided with accurate information on the Agreement and its progress towards final negotiation. To this end it was agreed that a Special Bulletin be produced containing the Negotiators Report and the Framework Agreement. It was also suggested that an informal discussion of issues with the informed press would be useful.
- 6) Schedule Leading to Final Negotiation of Salmon Agreement.

| <u>July</u>                            | <u>August</u>   | <u>September</u>  | <u>October</u>                                | <u>November</u>  |
|--|---|---|---|--|
| Assignment<br>of Project<br>Management |   | Sept 15: Review<br>completed drafts<br>for 1983-84<br>indicative<br>fishery regimes.  | Negotiation<br>of 1983<br>fishery<br>regimes. | Nov 1: Full<br>negotiating<br>session - Shepard,<br>Alverson incl.<br>discussion on<br>Yukon.                                |
|  | Phase-out of IPSFC<br>Research planning   |   |   |  |
|  | Information: prepara-<br>tion of Special<br>Bulletin on Framework<br>Agreement.   | Sept 25: Comple-<br>tion draft regi-<br>mes; Meet with<br>advisors; and<br>exchange infor-<br>mation with U.S.<br>counterparts. |   | Nov 15: Finalize<br>and produce<br>documentation.<br><br>Nov 30: Submission<br>of Document with<br>Negotiators<br>signature. |
|  | Initiate development of<br>draft indicative 1983/84<br>fishery regimes (3 areas),<br>including integrated<br>regulations for Chinook<br>and Coho Plans. |   |   | Nov 30: US/Cda<br>agreed research<br>program.  |

Prepared by M. Stanfield  
Pacific Rim Division  
International Directorate  
June 24, 1982

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Pacific Salmon Working Group

Minutes of Meeting June 8, 1982

The Working Group on Pacific Salmon met on June 8, 1982 at 10:15 a.m. In attendance were M. Hunter (Chairman), H. Smith, M. Stanfield, H. Strauss and E. Somenzi.

The group reviewed documents accumulated and a memorandum reporting on the meeting on June 2 of the Steering Committee was distributed to working group members. Mr. Hunter noted that the memo failed to mention the item of public relations. This matter was discussed and it was decided that public relations work would be done through the Regional Office in Vancouver.

The meeting focussed on the issue of the phase-out of the International Pacific Salmon Fisheries Commission. H. Strauss commented that the working group should start developing a strategy paper on this. H. Smith suggested it might be worthwhile to ask the Commission to appoint someone on their staff to help develop the phase-out program. It was decided that a meeting would be set up for sometime during the week of June 14 with John Roos (Director of IPSFC) and other appropriate members of the Commission and its staff to discuss the phase-out and to find out about the set-up and work of the Commission.

M. Stanfield was asked to prepare a draft joint press release for the Minister which could be discussed at the meeting of the Working Group in Vancouver next week.

Work Program

It was decided that the following items would be reviewed at the next Working Group meeting in Vancouver:

- 1) Schedule of items/work to be done;
  - 2) Phase-out of IPSFC (ideas as to ways to proceed);
  - 3) Presentation to IPSFC staff;
  - 4) Fishing plan development;
  - 5) Research plans;
  - 6) Public relations;
  - 7) Press release and future press relations.
- WTH

The meeting adjourned at 11:30 a.m.