

CLASSIFIED

CLASSIFIÉ

File No. Dossier 25-5-7-2-SALMON-1 ⁰⁶³⁴ C ~~0739-752~~
Volume 5 From - De 75-02-01 To - À 76-02-26

File No. _____
Storage Accession No. _____
Storage Location 18
Box Number _____
Box Series 2006-SA-25

RECEIVED
SEP 11 1975
MINISTER OF EXTERNAL AFFAIRS
SECRET
RECORDED
INDEXED
MICROFILMED
REPRODUCTION

TITLE — TITRE:

Boundaries - Water - High Seas International
Pacific Salmon Fisheries Commission - Canada -
USA

Semi-Active
SXIS-SA

Retention period - Période de retention:

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

304 (SA-25D) + 2
AND

DEPARTMENT
OF
EXTERNAL AFFAIRS

MINIS
FAIRES EXTERIEURES



2006

PAPERS IN REVERSE ORDER

001017

0634
C 0739-702
Dossier 25-7-2-SALMON-1
5 From - De 75-02-01 To - À 76-02-29

TITLE — TITRE:

Boundaries - Water - High Seas International
Pacific Salmon Fisheries Commission - Canada -
USA

ACRI

Retention period - Période de retention:

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

304 (SA-2SD) + 2
AND

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

MEMORANDUM

TO
À FLO s.23

SECURITY
Sécurité RESTRICTED

FROM
De FLA

DATE February 3, 1975

REFERENCE
Référence Your memorandum of January 10, 1975

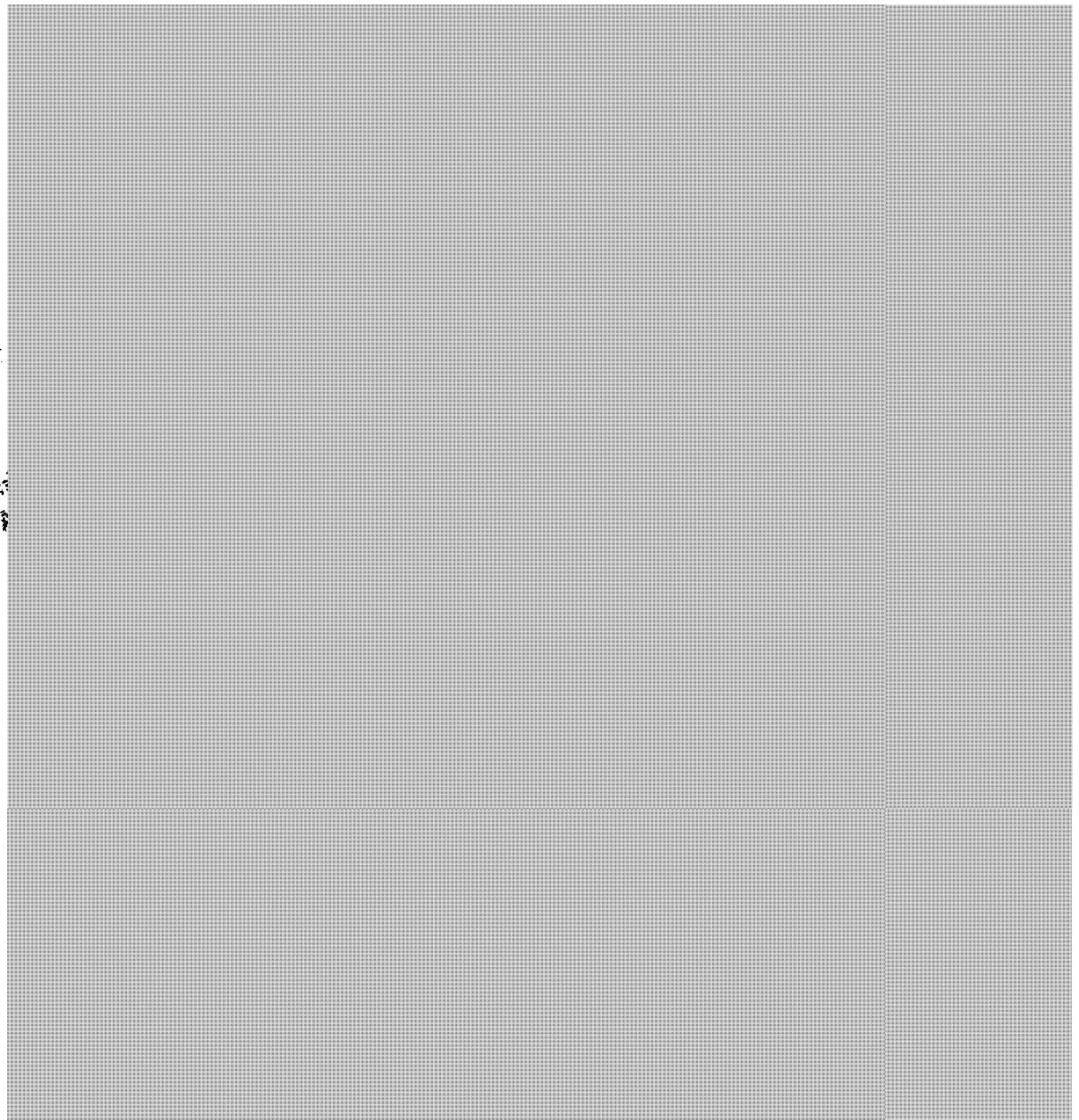
NUMBER
Numéro

SUBJECT
Sujet Canada/U.S.A. Convention Sockeye Salmon
Fisheries Convention of May 26, 1930, and
Protocol of December 28, 1956

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

ENCLOSURES
Annexes

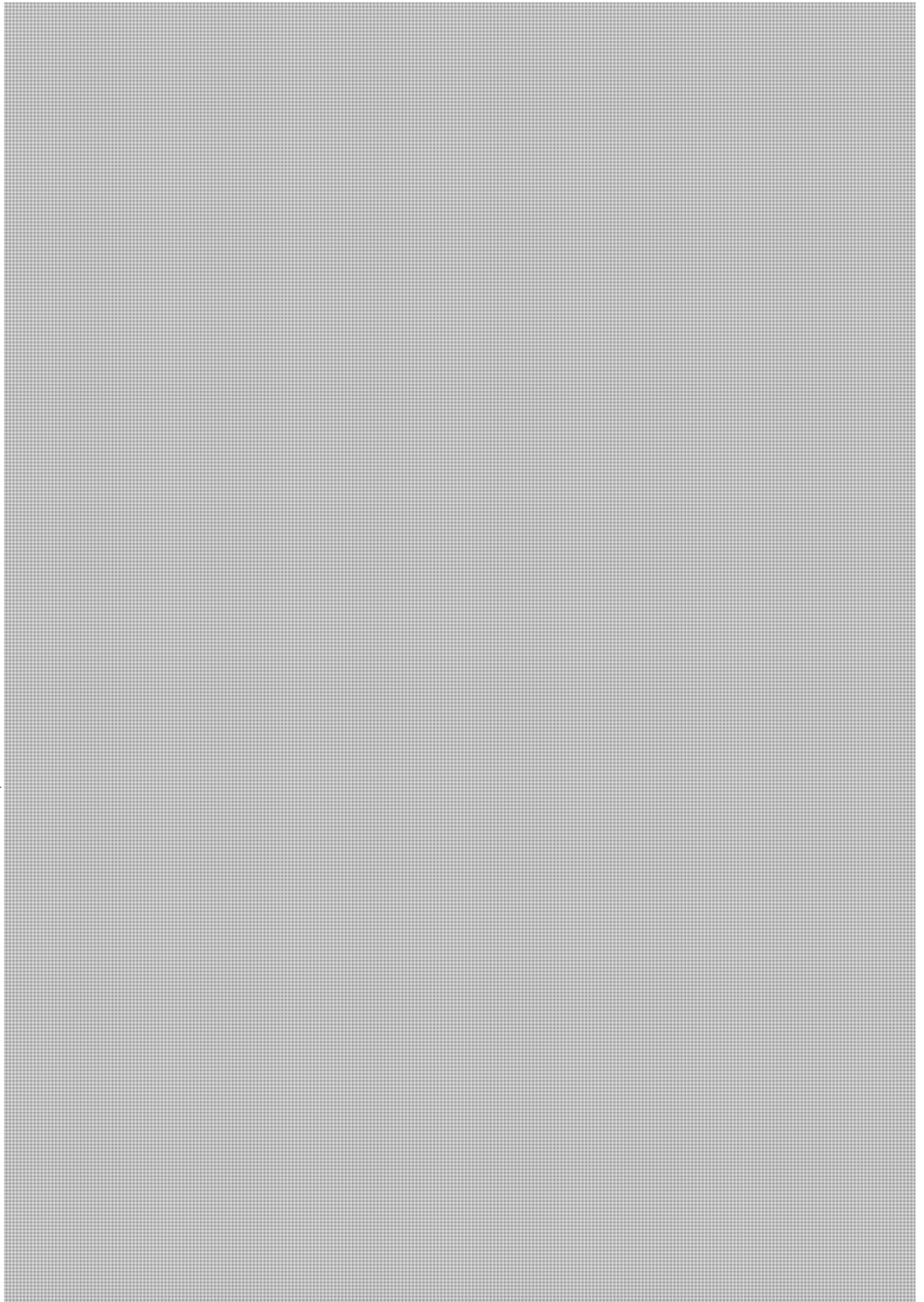
DISTRIBUTION




RECEIVED
134 1975
In Legal Operations Division
Department of External Affairs

s.23

- 2 -




A.W. Robertson
Director
Legal Advisory Division

001020

FLO/G.A. Leger/2-6692/mw

FILE DIARY CIRC. DIV

s.23

Dept. of Environment.

RESTRICTED

OTTAWA, KLA OG2

February 4, 1975

File: 25-5-7-2-Salmon-1

25-5-7-2-Salmon-1	
38.	20

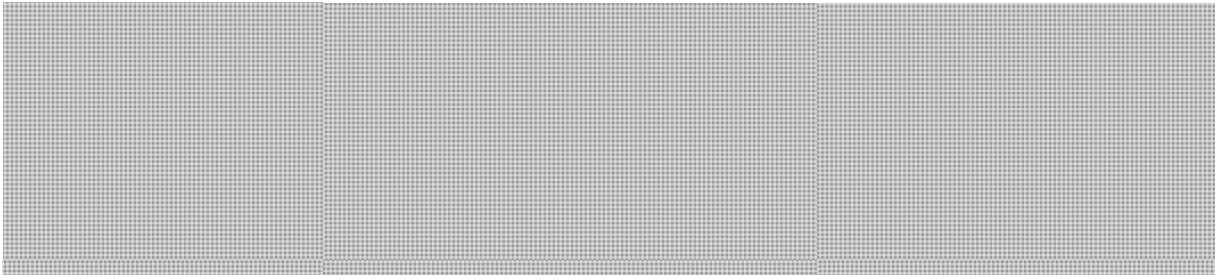
BY HAND

Dr. M.P. Shepard,
Director,
International Fisheries Policy,
International Fisheries and Marine Directorate,
Environment Canada,
EMR Tower, 580 Booth Street,
Ottawa, Ontario, KLA OH3

no attachment

Dear Dr. Shepard,

...



Sincerely yours,

EDWARD G. LEE

D.M. Miller,
Director,
Legal Operations Division

Feb. 5, 1975

Est Appleton

ANTICIPATED QUESTIONS IN THE HOUSE
AND SUGGESTED ANSWERS

for min of State Fisheries

file 25-5-7-2-salmon-1
Céj

7/3

Q. Has Canada abandoned principles agreed to with the United States regarding interceptions of salmon on the west coast?

25-5-7-2-SALMON-1

A. No. In 1971, Canada and the United States agreed tentatively to attempt to reduce interceptions of salmon and where reductions could not be achieved to create a balance in the value of interceptions. The real point of the agreement was to control interceptions so that each side could then increase its salmon runs and be assured of reaping the increased harvest itself. In subsequent negotiations the two sides failed to agree on the existing levels of interception or on their value and neither country was prepared to adjust its fisheries, both claiming the other was the aggressor. In 1974 we were faced with a break down in negotiations and so Canada proposed we get on with the job and agree that interceptions be limited to recent levels but that in the future if one side or the other increased production that country alone would reap the benefits. With the large scale spawning channels and other modern techniques we have on the drawing boards, an agreement along these lines would be of immense benefit to Canada in the years to come and would benefit all Canadian salmon fishermen. Without some agreement to level off interceptions, this increased production would be prey to United States fishermen, particularly on the approaches to the Fraser River.

38.

Q. Wouldn't the agreement proposed restrict Canadian fishermen?

A. The proposal Canada made at the 1974 meeting would place certain Canadian fisheries which depend on United States fish to a major extent on limits. However, these limits would be at levels of recent years and would be averaged over a number of years. Thus, these fishermen would not suffer reductions in catch as a result of the agreement. Our approach also permits increases in limits if the proportionate contribution of Canadian fish in the fishery increases,

RECEIVED

FEB 26 1975

In Legal Operations Division
Department of External Affairs

- 2 -

thereby allowing our fishermen to share in increased Canadian production through artificial propagation programs.

February 5, 1974

MEMORANDUM NOTE DE SERVICE

DATE February 7, 1975

FROM: R. Roberts
DE:

TO: M.P. Shepard
A:

SUBJECT: Speech For the North American Wildlife Conference
SUJET:

Our file Notre référence

RECEIVED

FEB 13 1975

Your file Votre référence

In Legal Operations Division
Department of External Affairs

25-5-7-2-SALMON-1	
38	20

Enclosed is a very preliminary draft. Some of the more ponderous prose will have to be re-done. However, I would like your comments on the more substantive points I have tried to make in the paper, preferably by Wednesday, February 13, since the final draft is to be forwarded to the conference authorities by the 15th.

I am enclosing the agenda and the terms of reference so you can see how this paper fits in with others on the panel.

Incidentally, have you informed Pollock that you won't be the discussion leader? It will be just my luck that you will be replaced by D.M. McK. If that is the case I will probably arrange to have the bubonic plague in the middle of March.

By the way, one of the constraints in writing the paper has been the fact that it is impossible to predict what might occur March 3 with the paper having to be submitted February 15 and the talk to be given on March 16.

Roberts

R. Roberts

Enclosure

Meeting of North American Wildlife Conference
March 16-19, 1975
Pittsburgh, Pennsylvania

Proposed Agenda for Panel

Living Marine Resources: Extended Jurisdiction and Future Management Needs

Chairman: Howard W. Pollock

Discussion Leader: Dr. M. B. Shepard

Introductory Remarks by Panel Chairman: Emerging trends from the 1974
Law of the Sea Conference at
Caracas, Venezuela

A. Development of Fisheries Regimes under Extended Fisheries Jurisdiction

1. Coastal Fisheries Resources

Mr. Jacob J. Dykstra
President, Point Judith Fishermen's Cooperative
Association
Point Judith, Rhode Island 02882 (401-783-3368)

2. Salmon Resources

Mr. Ian Todd
Assistant Director, Pacific Area
Department of Fisheries and Forestry
1155 Robson Street
Vancouver 5, B.C., Canada

3. Tuna Resources

Dr. James Joseph
Director of Investigations
Inter-American Tropical Tuna Commission
c/o Scripps Institution of Oceanography
La Jolla, California 92037 (714-453-2820, ext 302)

4. Recreational Fisheries

Mr. Frank L. Cassidy, Jr. (Sportfishing repre. on MAFAC)
President, Son Sales, Ltd.
1020 N.W. Front Street
Portland, Oregon 97209 (206-543-5635)

3. Institutional Arrangements and Management Needs

1. Scientific and Economic Data Needs under Extended Fisheries Jurisdiction

Dr. Virgil Norton
Professor, Department of Resource Economics
127 Woodward Hall
University of Rhode Island
Kingston, Rhode Island 02881

2. Enforcement and Surveillance Needs under Extended Fisheries Jurisdiction

Mr. Ronald C. Naab
Chief, Law Enforcement and
Marine Mammal Protection Division
Alaska Region, National Marine Fisheries Service
NOAA, U.S. Department of Commerce
P. O. Box 1668
Juneau, Alaska 99801 (FTS 206-442-0150 and
ask for 907-586-7225)

3. MSY - An Obsolete Management Concept

Dr. Lee Talbot
Council on Environmental Quality
Executive Office of the President
722 Jackson Place, N. W.
Washington, D.C. 20006

Summary and Concluding Remarks:

Dr. M. B. Shepard
Director, International Fisheries
International Fisheries and Marine Directorate
Department of Environment
Fontaine Building
Ottawa, Canada (819-997-2461)

DEVELOPMENT OF FISHERIES REGIMES UNDER EXTENDED FISHERIES
JURISDICTION: SALMON RESOURCES

R. Roberts*

International Fisheries Advisor, Fisheries Management Service
Department of the Environment, Vancouver, B.C.

INTRODUCTION

The second substantive session of the third U.N. Law of the Sea Conference is just beginning its deliberations in Geneva as we discuss here today the development of new fisheries regimes. While it would be inappropriate for me at this time to speculate what the Geneva session might achieve in terms of specific results, I think that we can confidentially predict that within the ^{near future} next few months 200 mile economic zones will be a fact of life. The nature and extent of coastal state rights and obligations in these zones will be developed either by the Law of the Sea Conference or by trends that might emerge in unilateral action and regional multilateral negotiations.

A 200 mile economic zone, however established, would not on the surface appear to make much difference to future management needs with respect to salmon resources; after all, most salmon fisheries are confined to areas well within 200 miles of the coastal state and the only exception is the Japanese high seas fisheries

* The views contained herein do not necessarily reflect the official position of the Government of Canada

for western Alaska and Kamchatka salmon and this fishery ^{might} ~~can~~ be dealt with in bilateral agreements between the countries concerned. Besides, at the Law of the Sea Conference both the U.S. and Canada are pressing for a ban on fishing for salmon beyond 200 miles and it is not possible to forecast at this time whether these efforts will be successful and what accommodations, if any, might be made with respect to the Japanese high seas fishery. However, if on the surface, extended fisheries jurisdiction does not seem to make much difference, the actual implications will be much more profound and they fall into two broad but related categories: the solution to the "interception" problem, and the potential for salmon enhancement.

THE SOLUTION TO THE "INTERCEPTION PROBLEM"

Let us call "interceptions" salmon bound for the rivers of one country caught by the fishermen of another country. There are three broad categories of interception: 1) interceptions on the high seas beyond the economic zone, 2) interceptions in the economic zone of a country distant from the state of origin (e.g. the west Greenland fishery), and 3) interceptions by neighboring states either in areas of intermingling of stocks from the two countries, or in waters of one state as the salmon are on their homeward migration to the other (e.g. the Canada-U.S. Pacific coast situation).

In discussing interceptions it can be argued that principles of conservation and equity lead to the conclusion that catches by one country of salmon bound for another should be avoided or minimized. Interceptions should be avoided first of all in the

in the interest of conservation because management can be most effective when stocks are exploited close to their home streams and when the fish have reached their maximum size. Interceptions should also be avoided in the interest of equity, because the brunt of the fishery restrictions to assure spawning escapement, the costs of maintaining or improving conditions for reproduction, and the cost of the economy involved in refraining from other fresh water uses, are borne by the country where the salmon spawn. In addition there are other considerations. When interceptions are either non-existent or minimal, the country of origin has the necessary incentive to undertake programs to increase salmon stocks, either through habitat protection and improvement measures or by means of artificial enhancement techniques. Additionally, salmon fisheries dependent upon production in its own rivers provides a country the management flexibility needed to achieve social and economic goals without having to be concerned with domestic measures that might be taken by some other country.

In the light of these considerations let us examine each of these categories of interceptions separately and see how the economic zone will lead to minimizing the problems created by interceptions, or maximizing the benefits that might be created by taking advantage of salmon resource management opportunities.

1) Interceptions on the High Seas

One of the inhibiting factors facing governments as they have

made decisions in the past with respect to river development and salmon enhancement investments has been whether high seas fisheries for salmon would develop to take advantage of the salmon production of the state of origin. An economic zone extending out to 200 miles will not protect most North American Pacific salmon and Atlantic salmon from fisheries from distant waters fishing nations operating outside the zone. However, the economic zone will provide a bargaining lever heretofore unavailable to bring distant water fishing nations into line in the event that no agreement can be reached in the Law of the Sea on a special provision to protect salmon. ^{beyond 200 miles} The lever will of course be the coastal state control ^{within 12 sea zone} over exploitation of the huge groundfish and pelagic resources in the northwest Atlantic and northeast Pacific.

2) Interceptions in the Economic Zone of a Country Distant From the State of Origin

This particular category of interceptions is unique to the Atlantic salmon situation where salmon of North American origin "visit" Greenland waters and where Atlantic salmon of European origin are intermingled in the waters in the economic zones of several states. Here again ^{the incentive to fish} (leverage provided by fisheries) for other species in the economic zones of the state of origin is available to ^{the state of origin} ~~allow the~~ state to assure a responsible fishery by ^{the other} ~~that~~ state, that is a fishery responsive to the conservation and social and economic needs of the state of origin.

3) Interceptions by Neighboring States

This is a much more difficult situation as evidenced by many years of complex negotiations between Canada and the United States to solve salmon problems of mutual concern on the Pacific coast. Quite apart from the biological and technical problems encountered in these

negotiations, the existence on both sides of long established fisheries with a high interception content has made it extremely difficult to reach agreement (on salmon issues alone): both sides are locked into these long standing fisheries, and are understandably reluctant to make adjustments to decrease interceptions. High sounding principles of conservation and equity don't carry much weight across the negotiating table compared with legitimate concerns expressed in the delegation caucuses regarding the economic viability of whole segments of the commercial industry on both sides.

But agreement must be reached, for the simple reason that neither side can benefit from its own salmon enhancement opportunities without one, and without greater investments in salmon enhancement, salmon producing rivers may be developed for other purposes.

The establishment of an economic zone will expedite the settlement of the problem. Since the solution on the salmon issues alone is so difficult, both sides will no doubt seek other cards to lay on the table. These cards become more readily available in the form of other fisheries inside the two economic zones. Canadian fishermen have a long history of fishing off the west coast of the U.S. and U.S. fishermen are equally active off the Canadian coast. If an agreement cannot be reached soon within the salmon content, the broader range of trade-offs available under extended jurisdiction might make a comprehensive agreement involving salmon and reciprocal fishing privileges more easily achievable.

THE POTENTIAL FOR SALMON ENHANCEMENT

The establishment of economic zones will protect many salmon races, particularly Pacific salmon, from the threat of high seas fisheries by distant water fishing nations. In addition the existence of an economic zone will help facilitate the negotiation of bilateral agreements that would allow salmon producing countries to continue, or embark upon, major salmon enhancement programs.

Concurrent with the trends in world opinion towards extended jurisdiction has been the development of the technological foundation for a big push in increasing salmon stocks beyond current levels. While it is true that salmon culture ^{projects} ~~operations~~ ^{have} ~~been~~ ^{around} for a long time - 80 or 90 years - it is only recently that techniques have been developed and perfected to make these investments pay off.

Dealing specifically with the Pacific coast, in the forefront of salmon enhancement efforts in recent years is the work of the Federal and State agencies in the extensive development of chinook and coho salmon and steelhead hatchery and pond rearing facilities in the States of Washington and Oregon. Much of this work has been done as mitigation of the loss of natural spawning and rearing areas due to hydro electric dam construction and damage done by industrial and agricultural ^{environmental} degradation. Currently, an impressive total of ^{facilities are in operation} ~~and~~ and total output is increasing at a remarkable rate. This might be expected to continue for some time, as old facilities are modernized and expanded, and new ones built.

In British Columbia, some 36 facilities - hatcheries, spawning channels, flow control works, and fishways - have been built by either the Federal Government or the International Pacific Salmon Fisheries Commission since 1945. However, this effort has barely scratched the surface of the potential increases in salmon output which might some day result from a large scale enhancement program. Such increases would come from a coordinated program to take advantage of the opportunities afforded by British Columbia's still largely unpolluted and unobstructed river systems.

The Alaskan potential for salmon production must be enormous: if Japanese high seas exploitation can be controlled, reduced, or eliminated, fisheries management techniques alone could rehabilitate many major stocks, while enhancement technology could contribute to realizing even greater returns.

The development of these techniques ^{now} ~~will~~ allows fisheries agencies to embark on large scale salmon enhancement programs. While the establishments of economic zones will bring new challenges to fisheries managers concerned with conduct of offshore groundfish fisheries, including solving stock exploitation, surveillance, enforcement and licensing problems, large scale enhancement programs will bring about the need for major innovations in salmon management.

There will be a need to develop systems approaches to the enhancement of salmon stocks on major water sheds. In conjunction with this there will be a need to study exploitation patterns and

choose those patterns which best harvests natural and enhanced stocks at appropriate rates so that we do not have a situation arise where natural stocks ~~of one species~~ are over harvested in order to exploit *the more productive of enhanced stock,* ~~heavy runs of artificially produced salmon.~~

In the international context, of special concern will be the management of research to acquire the necessary information to plan the enhancement programs, to determine optimal exploitation patterns, and to assess the results.

Looking in particular at the Canada-US West Coast situation and assuming that agreement on the interception problem ^{will} ~~may~~ some day be reached and that Canada and the US expand their salmon enhancement programs, a great deal of attention will have to be paid to the machinery established to undertake the research necessary to support such programs. This not only is a matter between Canada and the U.S., the Province of British Columbia might also be involved with its interest in steelhead and the State agencies in Alaska, Washington and Oregon are already deeply involved in salmon enhancement activities.

Research programs related to these large scale enhancement programs would necessarily involve tagging and mark and recovery experiments, requiring properly designed sampling follow-up not only in the commercial and recreational catches but also in natural and artificial spawning locations. Since many of the stocks that might be enhanced through artificial measures would be subject to interception by the other country, eventhough these numbers might be controlled under some

agreement covering interceptions, the need for cooperation between the responsible agencies on both sides of the border is apparent.

Canadian authorities participation in the Columbia River and Puget Sound hatchery evaluation programs in the 1960's and some other coordinated research has been carried out in the aegis of what is known as the Informal Committee on Chinook and Coho. While these ad hoc and informal arrangements have been fairly satisfactory in the past new arrangements should be more formal and better defined *on the future.* Since one of the objectives of any agreement on the interception problem will be to assure for the country of origin, most, if not all, of the benefits of its salmon enhancement investments, provision should be made in an agreement for the obligations of each country to cooperate in research activity required by the other in the conduct of its enhancement programs. For example, if Canada were to build spawning channels to increase pink salmon production in the Skeena River and did extensive marking of fry output it would be important in the assessment of the program that certain Alaskan fisheries were sampled at certain times at certain rates. The agreement should provide for a mechanism to sort out cost sharing difficulties and to assure that the work done in one country, as part of an experiment benefiting principally the other country, will be carried out satisfactorily. In the example cited above, a properly drawn up contract between the two responsible agencies might well be in order.

CONCLUSION

The extension of fisheries jurisdiction will have considerable impact on all North American fisheries. The impact on salmon fisheries is not ^{so} obvious, but it does ^{might} set the stage for removing the threat of high seas fishing for salmon of North American origin and for solving interception problems leading to both Canada and the US being able to realize the full benefits of its salmon enhancement opportunities. New or expanded salmon enhancement programs will require innovations in fisheries management mostly of a domestic nature. However, there is a international flavour to the research requirements associated with salmon enhancement programs and certain obligations and research coordination mechanisms must be built into any agreement designed to solve the salmon interception problem.

File EKO
25-5-7-2-salmon-1
WJB

25-5-7-2-SALMON-1	
38.	_____

26/3

INTERDEPARTMENTAL COMMITTEE ON FISHERIES POLICY
AND PROGRAMS - MEETING ON FEBRUARY 11, 1975 -
TO CONSIDER PROPOSED PACIFIC SALMON ENHANCEMENT
PROGRAM

Minutes of the Formal Meeting (75-1) of the Interdepartmental Committee on Fisheries Policy and Programs, held in the 11th Floor Board Room, 580 Booth Street, Ottawa, on February 11, 1975.

Chairman: Mr. K.C. Lucas,
Senior Assistant Deputy Minister,
Fisheries and Marine Service.

Members: Mr. D.J. McEachran,
Assistant Deputy Minister,
Fisheries and Marine Service, Department of Environment.

Mr. W.C. MacKenzie	....	Department of Environment (FMS)
Mr. J.R. MacLeod	....	Department of Environment (FMS)
Mr. P.D. Murray	....	Department of Environment (FMS)
Mr. G. Ouellet	....	Department of Finance
Mr. G.M. Deyell	....	Privy Council Office
Mr. J.G. Tompkins	....	Industry, Trade and Commerce
Mr. R.A. Stevens	....	Department of Regional Economic Expansion
Dr. D. West	....	Department of Agriculture
Mr. D. Gimmer	....	Department of Indian Affairs and Northern Development (representing Mr. Budgell)
Miss S. Humber	....	Treasury Board
Mr. E.R. Gaudet	....	Department of Environment (FMS)
<u>Secretary</u> Mr. C.E. McGee	....	Department of Environment (FMS).

(For complete membership of Committee, please see Annex A)

(Written comments from Mr. J. Barclay of the Department of Manpower and Immigration are included as Annex B).

1
Summary Record of the Formal Meeting (75-1) of the
Interdepartmental Committee on Fisheries Policy and Programs
held on February 11, 1975

1. The Interdepartmental Committee on Fisheries Policy and Programs met on Tuesday, February 11, to discuss the proposed "Pacific Salmon Enhancement Program" to be presented to cabinet within the following two weeks. The following attended:

Mr. K. C. Lucas (Chairman)	Fisheries and Marine Service, DOE
Mr. D. J. McEachran	"
Mr. W. C. MacKenzie	"
Mr. J. R. MacLeod	"
Mr. P. D. Murray	"
Mr. G. Ouellet	Finance
Mr. G. M. Deyell	P. C. O.
Mr. J. G. Tompkins	I.T. & C.
Mr. R. A. Stevens	DREE
Dr. D. West	Agriculture
Mr. D. Gimmer	DINA
Miss S. Humber	Treasury Board
Mr. E. R. Gaudet	Fisheries and Marine Service, DOE
Mr. Charles McGee	Secretary

2. Mr. Lucas emphasized the importance of the Interdepartmental Committee on Fisheries Policy by indicating that this Committee would be used as a "clearing house" for Fisheries and Marine Service Cabinet Submissions. Though the Cabinet Submission had been signed by both Ministers because of a pending visit to B.C., the department would, if substantial concerns were expressed at this meeting, be prepared to annex information or request on the basis of major changes that the document be re-signed. Mr. McGee indicated that the Departments of Manpower and Immigration, External Affairs, National Health & Welfare had advised by telephone that they have no reservations about the document; a letter signed by the M & I representative was tabled and is attached as an annex to these minutes. The Chairman then requested Mr. McEachran to introduce the subject to be discussed.

- 2 -

3. Mr. McEachran indicated that the proposal should be considered as an investment opportunity for the future and not as a problem. This program is unique in a sense that it cannot be applied to areas other than B.C. since there are no other freshwater systems in other Provinces which are comparable. The salmon population today in B.C. is estimated to be half of what it was in 1915. This reduction has been caused by and large by several factors, such as the Hell's Gate slide in 1913 and the pressures of man's development.

This decline in the resource has finally been halted in the 1960's by various technical and conservation developments. The introduction of hatcheries, fish ladders, and artificial spawning channels have proven to be very successful and it is intended through the salmon enhancement program to increase the resource to a level equal to that of 1915.

This resource in the present circumstances has a high economic value. Present salmon landings account for \$200,000,000 one-third of the total landed value of fish in Canada. Also, the recreational fishery amounts for an estimated one million user days.

This proposal requests approval to establish a two-year planning process for the major development of the resource.

Status of the proposal: Senior officials of the Fisheries and Marine Service held discussions in B.C. at a policy development seminar to examine the proposal in January 1974 which involved labour, the Provincial government, academics and scientists. The proposal then and now is receiving thorough encouragement from all sectors. In summary, this proposal requests approval to plan a program over a two-year period and to negotiate with the Province of British Columbia about matters such as water rights, etc.

- 3 -

Mr. Ouellet suggested that information explaining a summary of the proposed studies be attached to the Cabinet document so that the proposal will be better understood by Cabinet. The Chairman accepted this suggestion, but indicated that financial estimates relating to the studies would be excluded.

4. Miss Humber (Treasury Board) indicated that information gaps seemed to be filled now, but wondered if it would be possible to develop alternatives for government for the investment of these funds.

While it would be appropriate to present alternatives to Cabinet on this matter, it was felt that the proposal was to seek approval to develop a plan over the next two years, and as such it would not require financial alternatives.

Mr. Stevens, DREE, inquired as to how vulnerable our investment would be to environmental disaster (e.g. a major oil spill in the Fraser estuary).

It was pointed out by Mr. MacLeod that salmon now inhabit all suitable river systems from the Washington Border to Alaska and that it was the intention to enhance spawning in most of these waters. While a major spill could have dire effects on one or more projects within the program, the program as a whole could not be destroyed by one, or even several calamities of this type.

Mr. Stevens said he thought this should be specified in the Cabinet memorandum.

5. In response to a suggestion by the Chairman that D.I.N.A. may want to participate in the planning to develop employment opportunities for Indians; Mr. Gimmer of D.I.N.A. stated that he felt Indians themselves

- 4 -

should be directly involved with the planning phase and Indians should be hired to explain the program to Indian bands.

Mr. MacLeod explained the make-up of the existing technical federal-provincial sub-committee. It is the intention to bring in more provincial representation on this committee, such as an environmental land use representative. Mr. MacLeod pointed out the Fisheries and Marine Service commitment to develop an enhancement plan by March 1, 1977 as well as a federal-provincial agreement to formalize the Ottawa-Victoria relationship.

Miss Humber said she would like to see a more positive statement on the value of the sport fishery but it was pointed out by Mr. McEachran that this was hard to evaluate as there were intangible benefits as well as many spin off benefits to ancillary industries such as motels, boat, rentals, marinas, etc.

Mr. Lucas pointed out that it was projected that the present level of sport fishing (1,000,000 user days annually) would triple during the life of the program.

Mr. Tompkins of I.T. & C. enquired if the present level of protection provided by the F. & M.S. would be able to maintain salmon stocks at existing levels and was advised by Mr. McEachran that this could not be done without a substantial increase, perhaps a doubling of our present protection capability.

Miss Humber asked what the attitude of the fishing industry, as represented by the Fisheries Association of B.C., was toward the program.

Mr. MacLeod replied that the Fisheries Association of B.C., United Fishermen & Allied Workers Union, the Pacific Trawler's Association

- 5 -

and other bodies representing all fishing interests, have frequently voiced strong support for the program.

6. The Chairman asked Mr. MacLeod to include in the Cabinet memorandum a statement on the support that exists within the industry, including the fishermen and on their willingness to contribute a share of the cost of the project, in the form of licence fees, royalties, taxes, etc.

Miss Humber asked if there could be more participation by the users of the resource in the planning and implementation of the program.

The Chairman replied that, at the February 1972 held in Vancouver there had been a strong feeling expressed that the program should be managed by a joint government-industry committee based in B.C., and that several methods of managing, including a crown corporation, were considered. However, since management of enhanced stocks is so closely integrated with management of natural stocks, it was deemed advisable to maintain the management of the whole resource under one authority, i.e. the existing F. & M.S. Staff in the Region.

✓ Mr. Ouellet stated that he did not fully understand the alternative outlined in Section 16 of the Cabinet Document, and did not think that this was a viable alternative. After some discussion, the meeting decided the alternative described in Section 16, i.e. to take no action to permit the resource to decline, would be deleted.

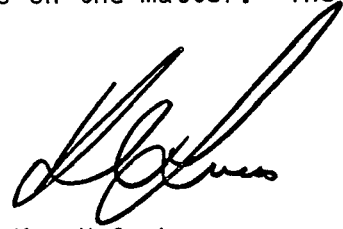
Mr. Deyell questioned whether B.C. was fully aware of the opportunities for economic development it would have to forego to commit its natural resources to an enhancement program. He was assured, both

- 6 -

by the Chairman and Mr. McEachran that the province was aware, and was still desirous of participating in the program.

7. The Chairman stated that the revised Cabinet Document would contain a description of the planning program but would not include the costs that were shown in the precis that Mr. MacLeod had given out at this meeting.

It was agreed that the present Document would be withdrawn from PCO, revised to take into account views expressed at this meeting, and presented to Ministers Roméo LeBlanc and Jeanne Sauvé for re-signing as soon as possible. He invited the members of the Committee to contact Mr. McEachran's office if they had any further thoughts on the matter. The meeting was adjourned at 5 p.m.



Approved: Mr. K.C. Lucas

MEMBERS OF THE INTERDEPARTMENTAL COMMITTEE ON FISHERIES

POLICY AND PROGRAMS

Mr. H.M. Budgell	.....	Development Services Division Department of Indian and Northern Affairs, 400 Laurier Avenue West, Ottawa, Ontario. (6-1064).
Mr. A.L. Cobb	.....	Department of Manpower and Immigration, E.A. Bourque Memorial Bldg., 305 Rideau Street, Ottawa, Ontario. (6-9656)
Mr. G. Deyell	.....	Privy Council Office, Room 279, East Block, Parliament Buildings, Ottawa, Ontario. (2-1206)
Mr. P. Dickerson	.....	Department of National Health and Welfare, Brook Claxton Building, Tunney's Pasture, Ottawa, Ont. (5-9964)
Mr. F.J. Doucet	.....	Freshwater Fish Marketing Corporation, Sixth Floor, 580 Booth St. (5-2181)
Mr. A.J. Hemming	.....	Agriculture, Fisheries and Food Products Branch, Department of Industry, Trade and Commerce, Tower B, Place de Ville, Ottawa. (5-8107)
Miss S. Humber	.....	Industry and Natural Resources Division, Treasury Board Secretary, 160 Elgin Street, Place Bell Canada, Ottawa. (2-8524)

Mr. K.C. Lucas	.....	Senior Assistant Deputy Minister, Fisheries and Marine Service, Department of Environment, 580 Booth Street. (5-2195).
Mr. W.C. MacKenzie	.....	Strategic Planning Branch Fisheries and Marine Service, Department of Environment, Fisheries and Marine Service, 580 Booth Street, Ottawa. (5-2005)
Mr. W. McKinnon	.....	Unemployment Insurance Commission, 222 Nepean Street, Ottawa, Ontario. (6-3601).
Mrs. A. Pollock or Mr. G. Leger	.....	Commercial Policy Division, Department of External Affairs, 6th Floor, Tower A, Lester B. Pearson Building, 125 Sussex Dr., Ottawa. (2-8760)
Mr. R.A. Stevens	.....	Planning and Co-ordination Branch, Department of Regional Economic Expansion, 12th Floor, Sir Guy Carleton, Room 1232, Laurier Av. West, Ottawa. (5-6827).
Mr. H.G.P. Taylor	.....	Federal-Provincial Relations and Economics Branch, Department of Finance, 26th Floor Northwest, Place Bell, Ottawa. (2-0782).
Mr. P. Thibodeau	.....	Consumer Standards Directorate, Department of Consumer and Corporate Affairs, Zone 6, 18th Floor, Place du Portage, Hull. (7-1591)
Mr. J. M. Wright	.....	Social Policy Secretariat, Privy Council Office, Room 166, East Block Parliament Buildings, Ottawa. (6-0691).

Dr. D.A. West

.....

Economics Branch,
Department of Agriculture,
Sir John Carling Building,
Ottawa, Ontario. (6-0961).

or
Mr. K. Hunter

Secretary -
Mr. C.E. McGee

.....

Fisheries and Marine Service,
Department of Environment,
580 Booth Street. (5-2201).

March 12, 1975.



Manpower
and Immigration

Main-d'œuvre
et Immigration

Manpower
Division

Division de la
main-d'œuvre

January 31, 1975.

Mr. Charles McGee,
Director,
Provincial and Federal Affairs,
Fisheries and Marine Service,
Department of the Environment,
11th Floor,
580 Booth Street,
OTTAWA, Ontario.
K1A 0H3

Dear Charles:

Interdepartmental Committee on Fisheries Policy
and Programs - Pacific Salmon Enhancement Program

This letter is in response to your on January 30, 1975,
with attachments, and further to our telephone conversation of this
morning.

I have carefully examined your Cabinet document, and see
that are very definite and substantive possibilities for greatly
increased production in the Pacific salmon fishery. As production
generates employment, this Department fully supports your submission
on the subject.

Although the subject will probably be discussed at future
meetings of the Committee, we would be interested in keeping in close
touch with the development of the program due to the fact that there
may be requirements for training of new entrants into the salmon
fishery in the Province in existing or new skills. We would thus
require lead time in this regard due to the fact that it may take some
months to train new entrants or upgrade the skills of those now engaged
in the industry so that they can be as productive as possible. This,
I think you will agree, would be particularly pertinent to Indian
fishermen, whose skill levels are generally below those of the fisheries
labour force on the West Coast in general. I would add the additional
hope that your program, if approved, would be directed to a considerable
extent toward areas where there are concentrations of this racial group.

If it develops that there will be a requirement for a larger
work force in the industry in the Province, there could be a problem
in attracting capable people to it, in view of the tight labour market
situation which normally prevails in British Columbia. This is not the

.../2

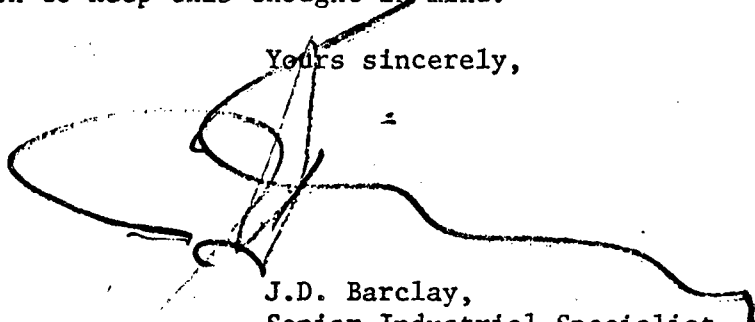
305 Rideau Street
Ottawa
K1A 0J9

305, rue Rideau
Ottawa
K1A 0J9

- 2 -

situation now, as you know, due to the economic situation in general, the uncertain investment climate which currently exists, and weaknesses in the forestry, mining and construction sectors, all of which are in decline at present. Matters are expected to improve in early 1976, however. You might wish to keep this thought in mind.

Yours sincerely,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

J.D. Barclay,
Senior Industrial Specialist,
Manpower Employer Services Branch.

BA/mo

February 7, 1975

L.H. Legault

Mr. K.C. Lucas

25-5-7-2-SALMON-1	
38.	/

RECEIVED

FEB 11 1975

In Legal Operations Division
Department of External Affairs

PACIFIC SALMON ENHANCEMENT PROGRAM
MEMORANDUM TO CABINET

The subject memorandum has been drawn to my attention and particularly paragraph 13, which deals with the salmon problem at the Law of the Sea, the Canada-USA salmon negotiations, and the interests of Canadian Indians.

2. I think that the areas dealt with in paragraph 13 should be described in somewhat different terms and that the native Indian problem requires separate treatment. The attached draft has been developed with these considerations in mind.

Attach.

L.H. Legault

c.c. Mr. D.J. McEachran
Mr. G. Leger, FLO ✓

Difficulties in securing the full benefits of the program could arise from the possibility that other nations may harvest the salmon in international waters and, in the case of the U.S.A., in their national waters including extended zones of jurisdiction. However, Canada has consistently maintained that salmon (both Pacific and Atlantic) should not be fished in international waters, but should be fished only by coastal states within their areas of jurisdiction, with exclusive management rights and preferential harvest rights for the state of origin. This position will be pursued at the forthcoming Law of the Sea session in Geneva and afterwards, if it fails to achieve recognition at the Conference. As regards the Canada-U.S.A. Pacific salmon problem, negotiations are continuing on the hope of achieving an agreement to limit interceptions by one country of salmon bound for the streams of the other, so as to ensure that the full benefits of enhancement accrue to the country of origin. On balance, while it must be recognized that the international situation poses problems, there is reason to believe that these can be satisfactorily dealt with by negotiations.

BEST ORIGINAL AVAILABLE
MEILLEUR ORIGINAL

s.23

1576 Newton Crescent,
Vancouver, B.C. V6T 1W7

21st February, 1975

Mr. Lloyd Brooks,
Deputy Minister,
Department of Recreation and Conservation,
Victoria, B.C.

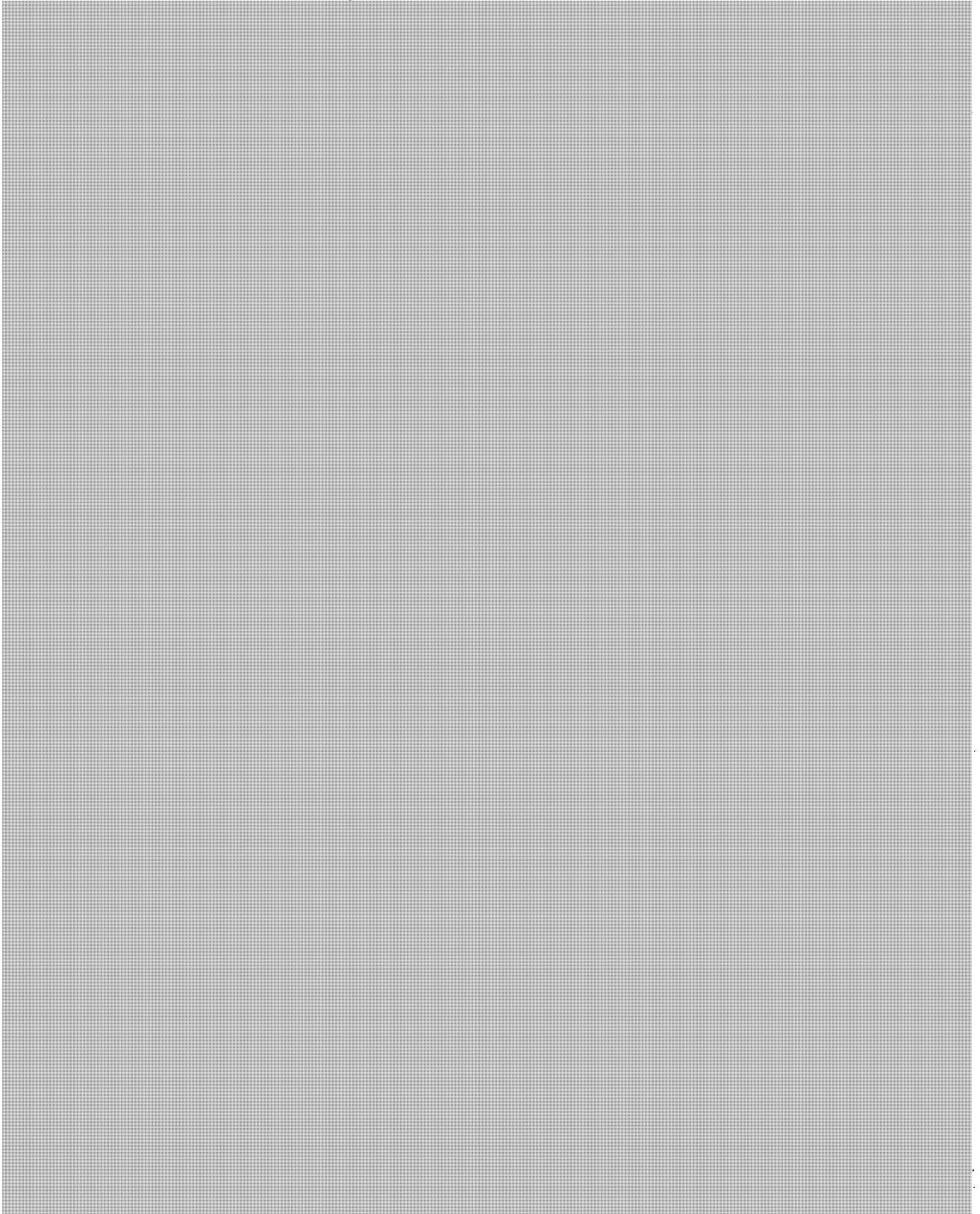
25-5-7-2-SALMON-1	
38	/

Dear Mr. Brooks,



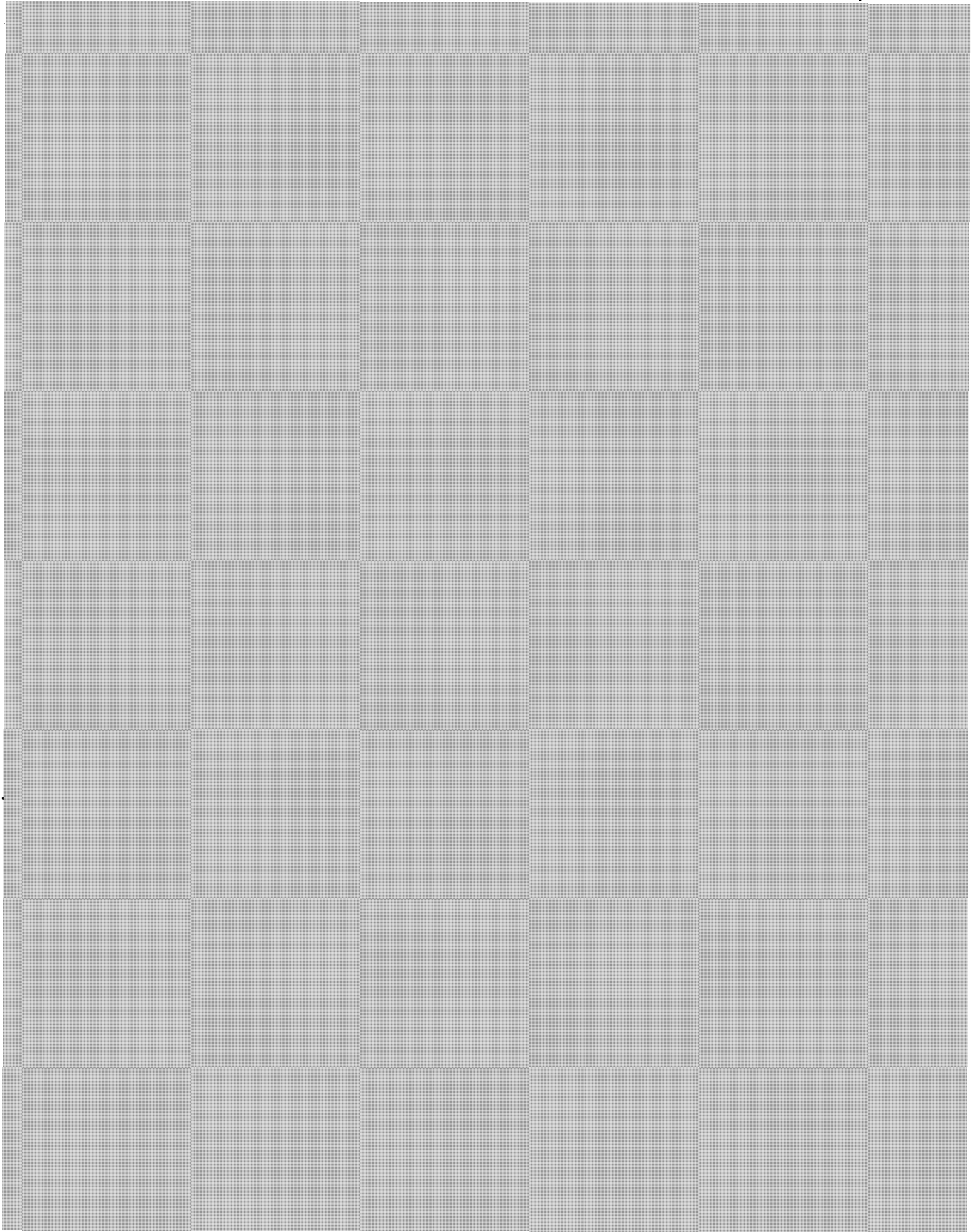
s.23

-2-



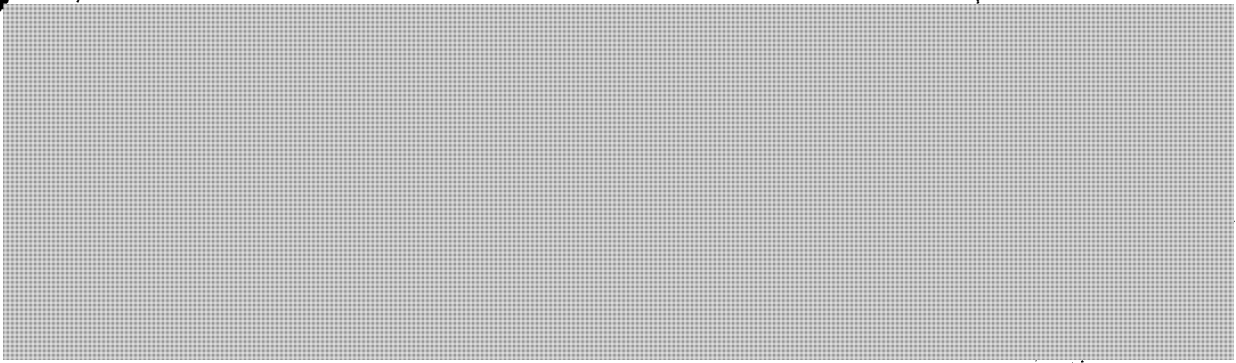
s.23

-3-



s.23

-4-



Yours sincerely,

Charles B. Bourne

URGENT

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
A Georges Léger

FROM
De Robert Auger

REFERENCE
Référence

SUBJECT
Sujet Livre de référence du Ministre.

*File
25-5-7-2-Salmon-1
Léger
7/3*

SECURITY
Sécurité SANS COTE

DATE Le 6 mars 1975.

NUMBER
Numéro

FILE	DOSSIER
OTTAWA	
25-5-7-2-SALMON-1	
MISSION	
38.	

ENCLOSURES
Annexes

DISTRIBUTION

Malone du bureau du Ministre m'a téléphoné aujourd'hui pour m'informer que le Ministre serait appelé à témoigner au Comité de la Chambre sur les Affaires extérieures, le mardi 11 mars et qu'en conséquence son livre de référence devrait être mis à jour pour qu'il puisse répondre à toutes les questions qui lui seront posées. Malone m'a demandé s'il était nécessaire de mettre à jour les questions et réponses que tu avais préparées au sujet des négociations Canado-Américaines sur le saumon. Si une telle mise à jour est nécessaire, pourrais-tu prendre les mesures qui s'imposent dans le plus bref délai.

ok

Robert Auger
Robert Auger

FLO/G.A.Léger 2-6692/dan

(B. The C.F. pl.) Howe

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

s.23

TO
À FLP

FROM
De FLO/G.A.Léger

REFERENCE
Référence

SUBJECT
Sujet Canada-U.S.A. Negotiations on
Pacific salmon fishing

*Mr. Léger, FLO
What about para 4?
Can we check their charts?
Are we enforcing up to the line?
Effect FLO
Mar 11*

SECURITY
Sécurité

RESTRICTED

DATE March 7, 1975

NUMBER
Numéro

FILE	DOSSIER
OTTAWA	
25-5-7-2-SALMON-1	
MISSION	21

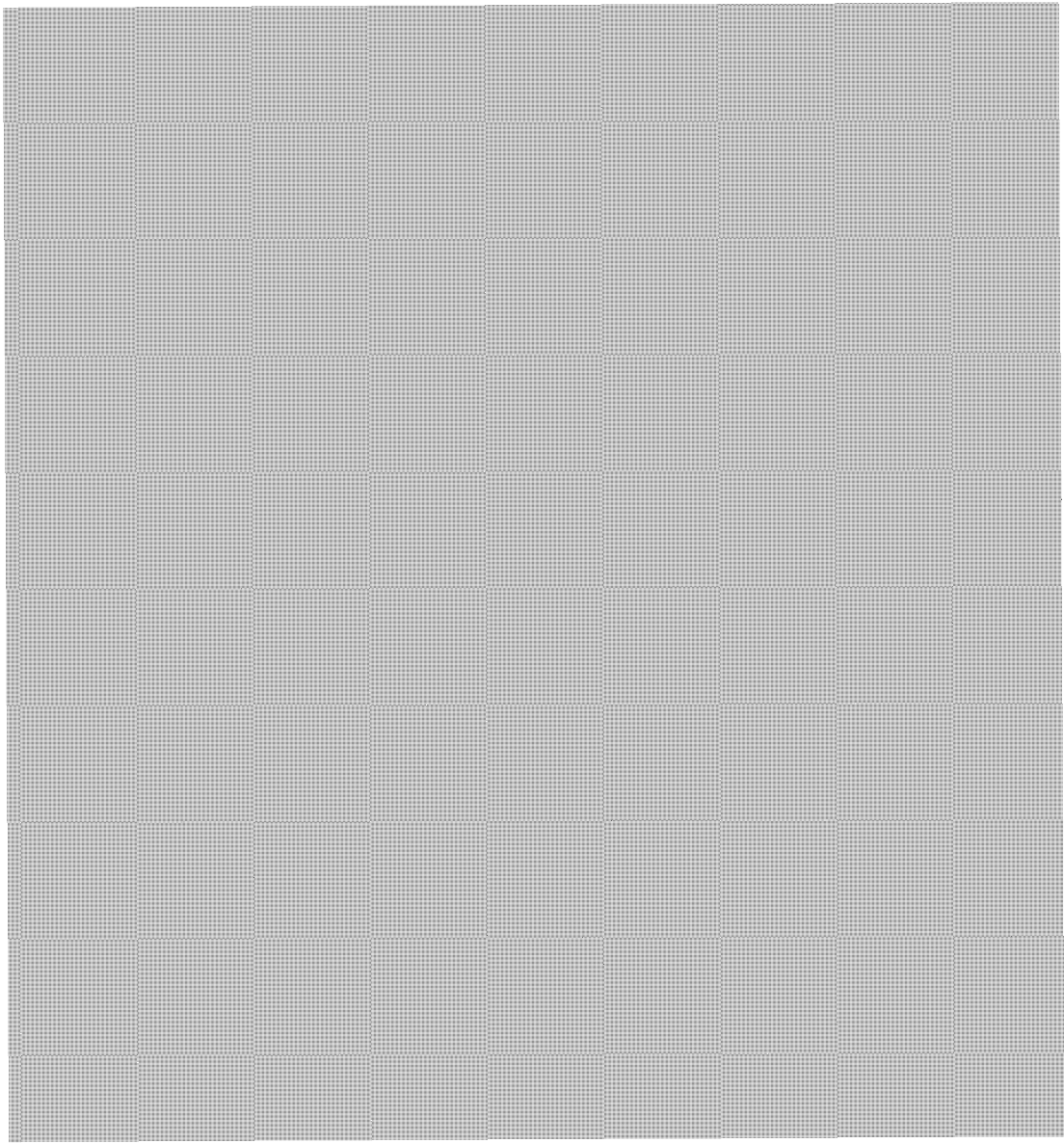
ENCLOSURES
Annexes

DISTRIBUTION

FLO/Lapointe
" /Phillips

GWU

ECL



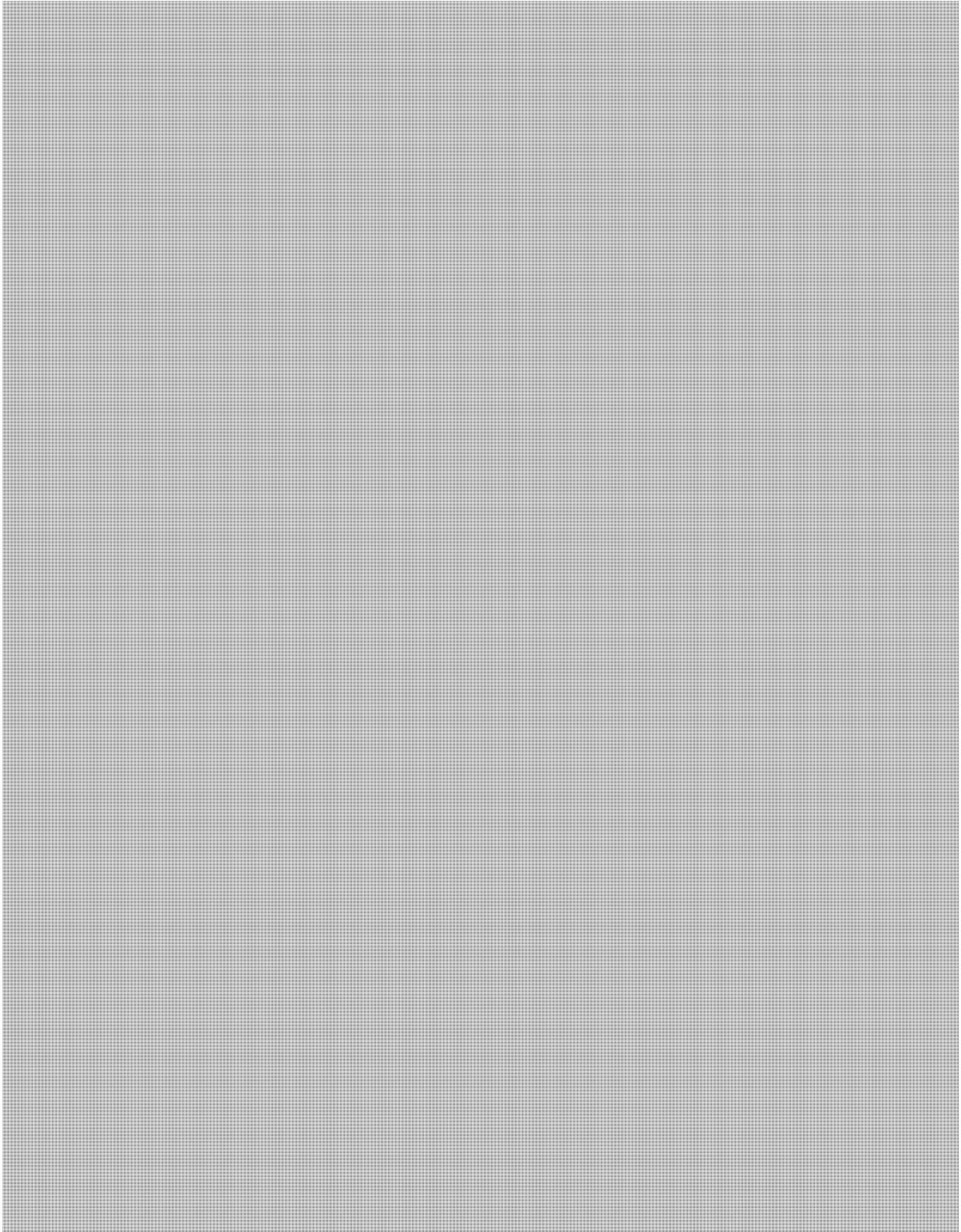
...

... 2

s.23

- 2 -

RESTRICTED



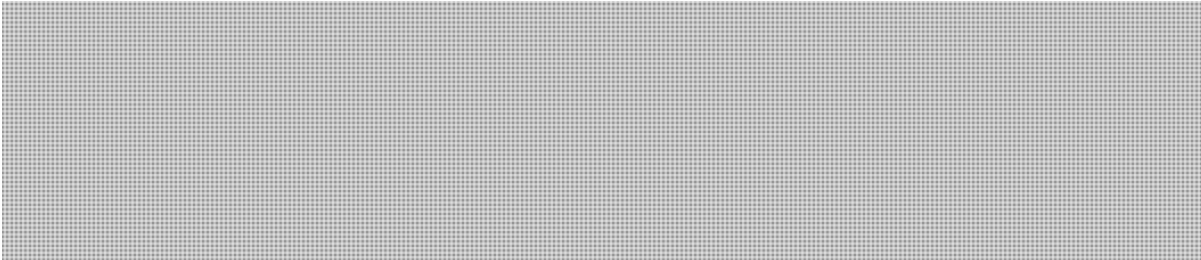
...

... 3

s.23

- 3 -

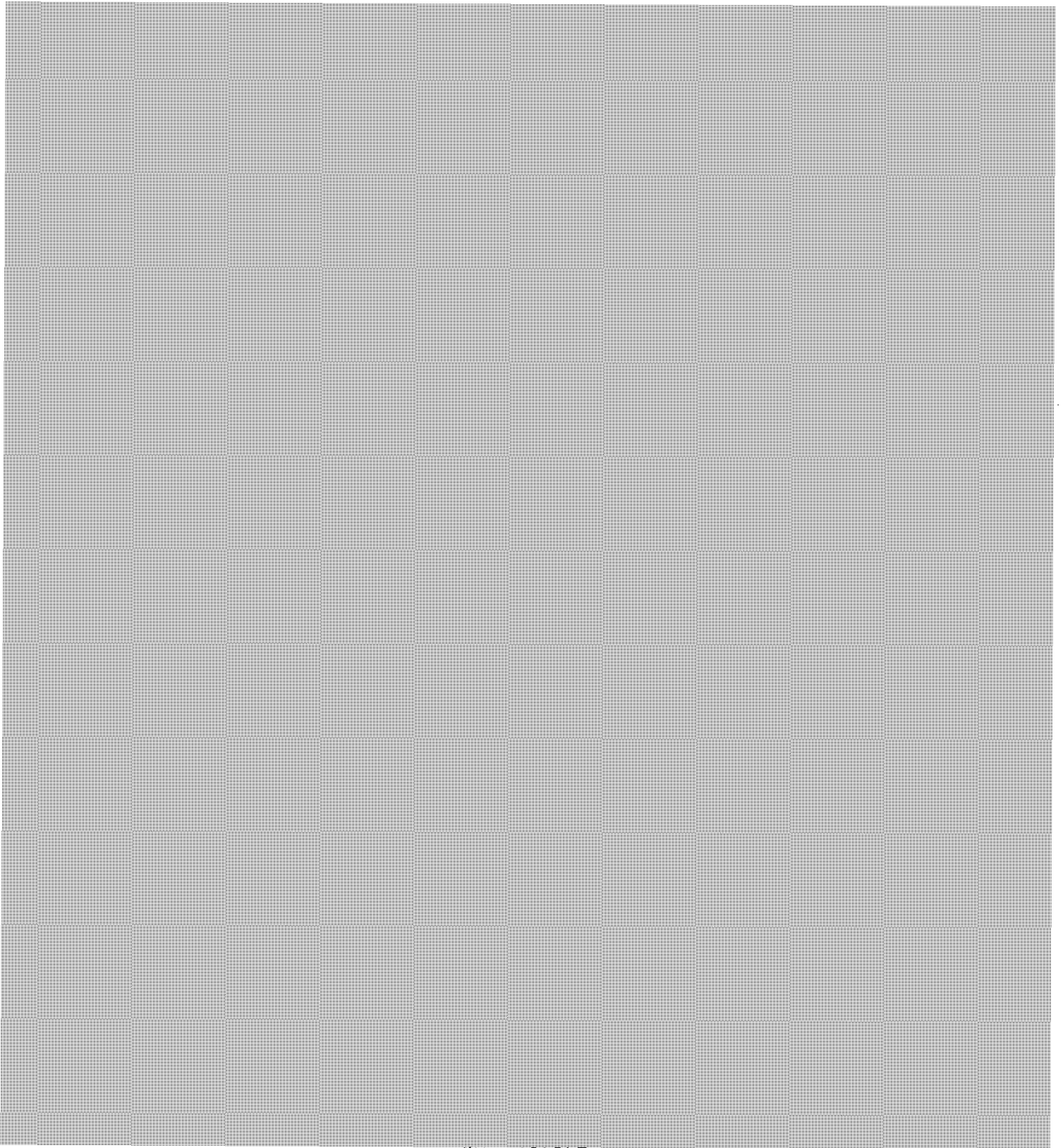
RESTRICTED



G.A. Léger,
Legal Operations Division.

s.23

CONFIDENTIAL



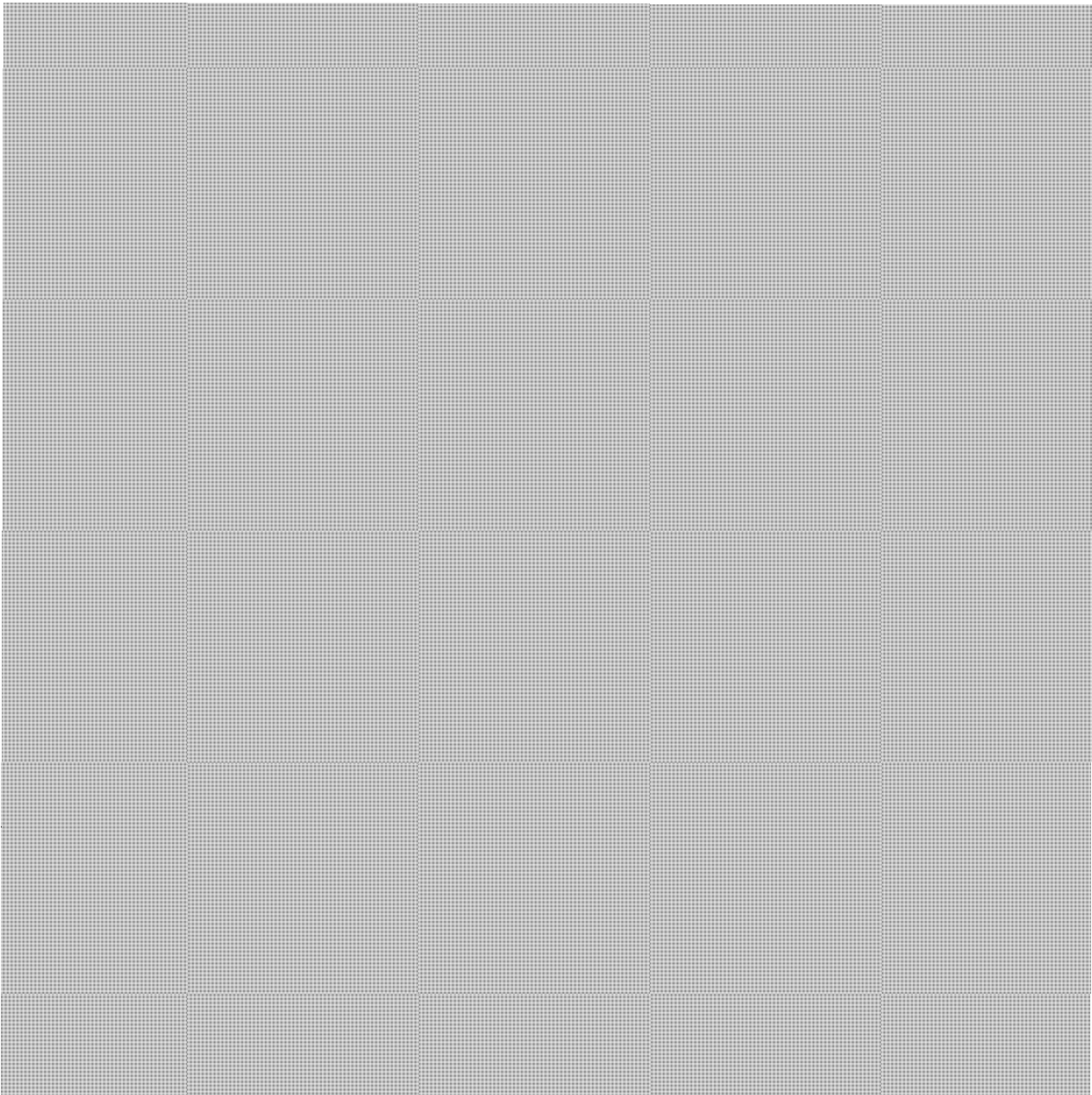
BEST ORIGINAL AVAILABLE
MEILLEUR ORIGINAL

s.23

1576 Newton Crescent,
Vancouver, B.C. V6T 1W7

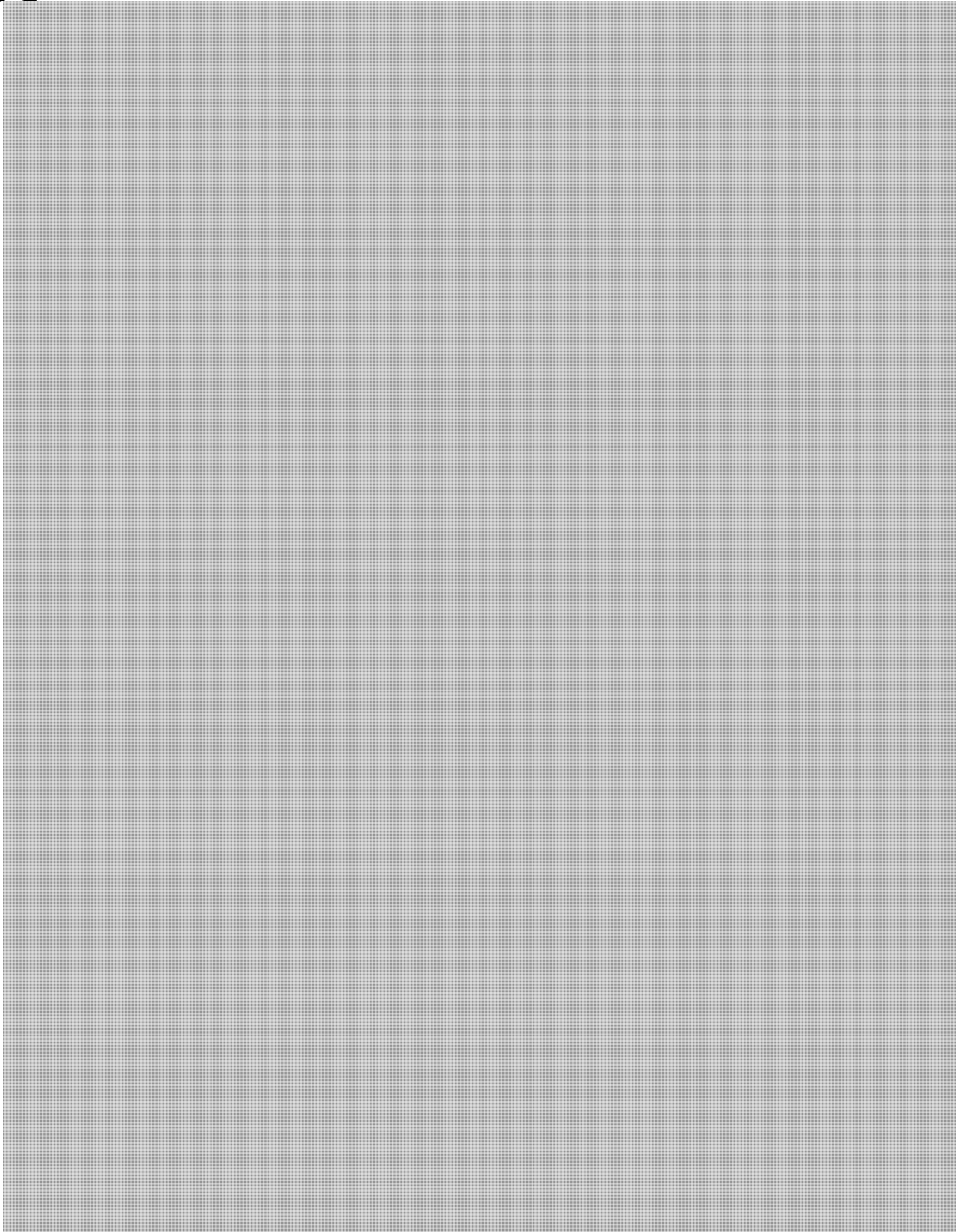
21st February, 1975

Mr. Lloyd Brooks,
Deputy Minister,
Department of Recreation and Conservation,
Victoria, B.C.

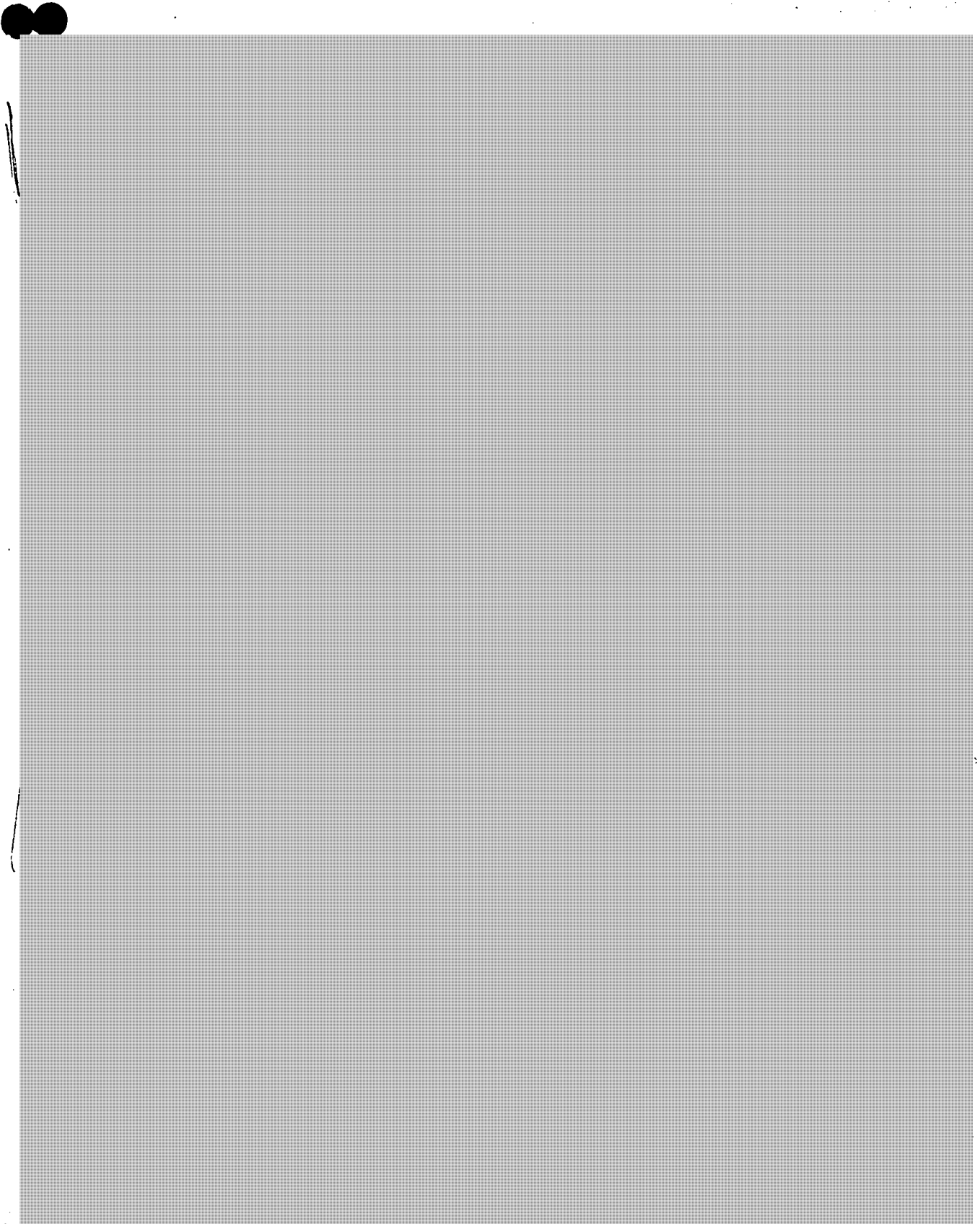


s.23

-2-

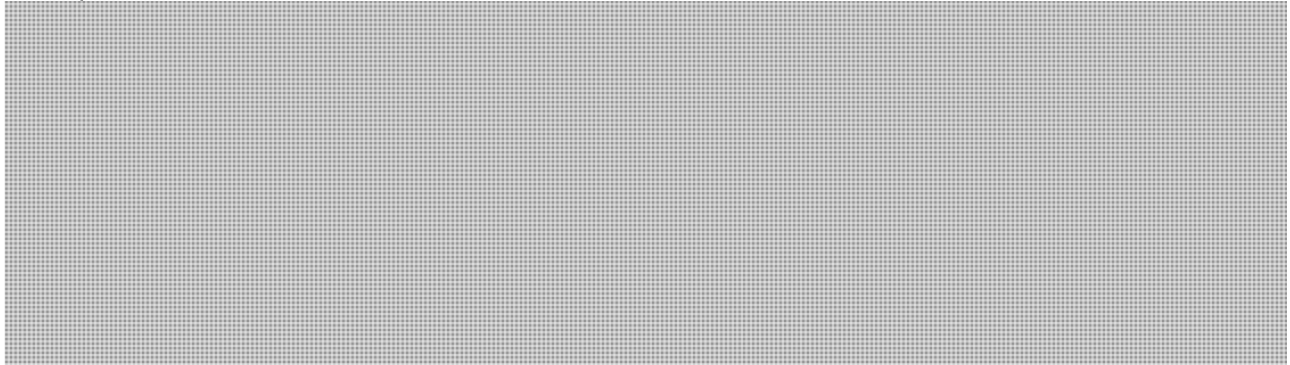


s.23



s.23

-4-



Yours sincerely,

A handwritten signature in cursive script, which appears to read "Charles B. Bourne". The signature is written in dark ink and is positioned above a horizontal line.

Charles B. Bourne

OFFICE OF THE PRIME MINISTER • CABINET DU PREMIER MINISTRE



TO
A

MEMORANDUM

CLASSIFICATION

CSH
D. Small,
Central Staff,
Office of the
Secretary of State
for External Affairs

YOUR FILE NO.
Votre dossier

OUR FILE NO.
Notre dossier

FROM
De

Ivan Sack

DATE March 11/75

25-5-7-2-SALMON-1	
38.	/

SUBJECT
Sujet

Re our telephone conversation of March 10th. Attached are examples of the correspondence which the Prime Minister has received on the subject of the Canada-U.S. salmon negotiations. Suggested reply requested.

to be done by JFE / Levelton 15/4

CS

I.S.

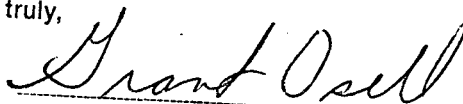
Office of the Prime Minister,
THE RT. HON. PIERRE ELLIOTT TRUDEAU

Dear Sir:

I am concerned over the latest Canadian proposal in the Canadian-U.S. salmon negotiations. This retreats completely from principles agreed to by both countries in June, 1971. It perpetuates the imbalance of salmon interception in U.S. favor, writes off the concept of "equity" with the U.S., places unnecessary catch limits on Canadian fishermen and infringes on Canadian sovereignty.

I urge you to withdraw the latest Canadian proposal of February, 1974 and to revert to the basic principles of June, 1971. Only such a stand can obtain for Canada a fair treaty protecting the interests of all Canadians in their salmon resource.

Yours truly,



Sign and Mail



Telephone 692-5931

Moose Jaw and District Labour Council

(Canadian Labour Congress)

UNION CENTRE

Moose Jaw, Saskatchewan



5065 055

March 1st, 1975

Received March 6



Office of the Prime Minister,
The Rt. Hon. Pierre Elliott Trudeau,
Ottawa, Canada.

Re: Canadian-U.S. Salmon Negotiations.

Sir

I am concerned over the latest Canadian proposal in the Canadian-U.S. salmon negotiations. This retreats completely from principles agreed to by both countries in June, 1971. It perpetuates the imbalance of salmon interception in U.S. favor, writes off the concept of "equity" with the U.S., places unnecessary catch limits on Canadian fishermen and infringes on Canadian sovereignty.

I urge you to withdraw the latest Canadian proposal of February, 1974, and to revert to the basic principles of June, 1971. Only such a stand can obtain for Canada a fair treaty protecting the interests of all Canadians in their salmon resource.

Sincerely,

Barry Widenmaier,
Member, Saskatchewan Federation
of Labour, Executive Council.

BW

February 19, 1975

OFFICE OF THE PRIME MINISTER,

5055 203

THE RT. HON. PIERRE ELLIOTT TRUDEAU

DEAR SIR:

I AM CONCERNED OVER THE LATEST CANADIAN PROPOSAL IN THE CANADIAN-UNITED STATES SALMON NEGOTIATIONS. THIS RETREATS COMPLETELY FROM PRINCIPLES AGREED TO BY BOTH COUNTRIES IN JUNE, 1971. IT PERPETUATES THE IMBALANCE OF SALMON INTERCEPTION IN UNITED STATES FAVOR, THIS WRITES OFF THE CONCEPT OF "EQUITY" WITH THE UNITED STATES, AND PLACES UNNECESSARY CATCH LIMITS ON CANADIAN FISHERMAN AND INFRINGES ON CANADIAN SOVEREIGNTY.

I URGE YOU TO WITHDRAW THE LATEST CANADIAN PROPOSAL OF FEBRUARY, 1974 AND TO REVERT TO THE BASIC PRINCIPLES OF JUNE, 1971. IF OUR GOVERNMENT IS GOING TO ACT, IN INTERESTS OF OUR COUNTRY AND PEOPLE, IT MUST BE DONE NOW, BEFORE IT IS TOO LATE.

10392 BOWERBANK ROAD
SIDNEY, BRITISH COLUMBIA
CANADA

SINCERELY YOURS
Dennis Edlund E-413

V8L-3L7/SIDNEY

STOP THE SELLOUT OF OUR SALMON

Every year U.S. fishermen catch around five million Canadian salmon, worth some \$32.5 million in 1973. Canadian fishermen, in turn, take around 2.5 million U.S. salmon, worth \$17.5 million in 1973. This leaves an annual balance in U.S. favor of 2.5 million salmon.

For the past few years Canada and the U.S. have been negotiating a new treaty, the purpose of which was to equalize and reduce interception by each country of the other country's salmon. The basic principles governing the negotiations, as agreed in June, 1971, were:

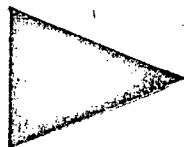
- 1.) That each country harvest only its own salmon.
- 2.) That where it is not possible to avoid interception of the other country's salmon because of intermingling, an equitable balance should be struck.
- 3.) That this equitable balance should be arrived at by reducing rather than increasing interception.

Since 1971, however, Canadian negotiators have given way steadily to U.S. demands until now they appear ready to abandon these principles. Now they are proposing to accept U.S. claims of "historic rights" to Fraser River salmon runs and to give the U.S. an even larger balance of salmon interceptions in its favor.

If this is allowed to happen, it will be yet another giveaway of our country's resources to the U.S., and future generations of Canadians will be saddled with the consequences of a treaty as humiliating as the Alaska Boundary Treaty and the Columbia River Treaty.

You can help to prevent it by sending your protest to the federal government demanding that it take a strong stand in resisting this latest U.S. attempt to infringe upon our sovereignty.

NO MORE GIVEAWAYS



**CLIP
and
MAIL**
**No Postage
Necessary**

Office of the Prime Minister
THE RT. HON. PIERRE ELLIOTT TRUDEAU

Dear Sir:

I am concerned over the latest Canadian proposal in the Canadian-U.S. salmon negotiations. This retreats completely from principles agreed to by both countries in June, 1971. It perpetuates the imbalance of salmon interception in U.S. favor, writes off the concept of "equity" with the U.S., places unnecessary catch limits on Canadian fishermen and infringes on Canadian sovereignty.

I urge you to withdraw the latest Canadian proposal of February, 1974 and to revert to the basic principles of June, 1971. Only such a stand can obtain for Canada a fair treaty protecting the interests of all Canadians in their salmon resource.

Yours truly,

Sign and Mail

423 Stannard AVE. VICTORIA B.C.

**INSERTED BY THE UNITED FISHERMEN AND ALLIED WORKERS UNION
Victoria Local No. 24**

138 East Cordova Street, Vancouver, B.C.



Peterborough Labour Council

61 Princess Street, Peterborough, Ontario K9J 2A8

5073 174

CHARTERED BY CANADIAN LABOUR CONGRESS • AFFILIATED WITH ONTARIO FEDERATION OF LABOUR

March 11, 1975.

Prime Minister Trudeau
House of Commons
Ottawa, Ontario.

Dear Sir,

25-5-7-2-SALMON-1	
38.	58



Please be advised that the Peterborough Labour Council at its meeting of March 11 dealt with a problem confronting the Canadian fishing industry. It is our understanding that the interception values of the United States invading Canadian salmon has increased, for example from \$18.9 million in 1972 to \$32.5 million in 1973.

The Council has also viewed the agreement made in June of 1971 regarding the following three points:

1. that each country harvest only its own salmon,
2. that where it is not possible to avoid interception of the other country's salmon because of intermingling, an equitable balance should be arrived at,
3. that this equitable balance should be arrived at by reducing, rather than increasing, interception.

We stand in full support of the United Fishermen and Allied Workers Union in Vancouver, B.C. regarding what must be done.

"Establish Canadian salmon fisheries on the Canadian upper reaches of rivers flowing through the Alaska Panhandle, the Columbia and the Yukon, whose salmon resources now are exploited only by the U.S.

- Encourage greater interception of U.S. salmon stocks by the Canadian troll fleet.
- Extend Canadian net fisheries outside the present surf lines to intercept salmon bound for U.S. streams in order to harvest a larger percentage of Canadian salmon before they become available to U.S. fisheries. These extensions, of course, would have to be carefully planned with a view to exerting pressure on the U.S.

...../2

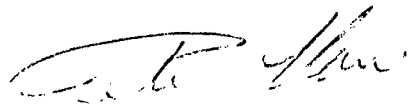
- 2 -

- without doing irreparable damage to Canadian salmon stocks.
- Enforce Canadian closing lines against U.S. fishing fleets in the event of U.S. attempts to retaliate by increasing interceptions of Canadian salmon.
 - Impose greater restrictions on U.S. fishing vessels moving through the Canadian inside passage, should this become necessary.
 - Develop more general economic and political pressures to ensure that the Canadian fishing industry is not left on its own in its attempt to obtain fair and equal terms in the Canadian-U.S. salmon negotiations.

These are not proposals to start a "fish war" with the U.S., as some are charging in their efforts to distort the real issue. These are proposals essential to defending Canada's legitimate rights to her salmon resources and to obtain a treaty safe-guarding these rights."

On behalf of the Council which has some fifty affiliated locals, I have also signed a protest card issued by the Fishermen.

Yours truly,



Pete How
Chairman, Political Action
Peterborough Labour Council

PH:ss

cc:S.Bullock

L.Leahy

C.Signorotti

M.Bell

CHEX Radio

CKPT Radio

Peterboro Examiner

Canadian Tribune

PMO MIN PDM
FAI PAG PRL.SEC.
FPR CENTRAL STAFF
DIARY DIV CIRC
FILE

File: 25-5-7-2-SALMON-1

38.

March 17, 1975

ANTICIPATED QUESTION
HOUSE OF COMMONS

Canada-U.S.A. Salmon Negotiations

QUESTION:

Will the Secretary of State for External Affairs advise the House on the current state of the Canada-U.S.A. West Coast Salmon Negotiations which have been going on for several years?

ANSWER:

The reason these negotiations have been inconclusive so far lies in the complex and difficult issues which both sides recognize are involved in attempting to reach an agreed solution. In the course of preparations for these talks, those sectors of the industry most directly concerned, the salmon fishermen and processors, have been directly involved in the development of the Canadian position. A further session of negotiations is expected to be held at the end of May, in Vancouver.

... 2

- 2 -

QUESTION:

Will the Secretary of State for External Affairs provide assurance that the Canadian Government has not abandoned the agreed principles it has been pursuing over the last several years in these negotiations?

ANSWER:

In 1971, Canada and the U.S.A. agreed in principle to attempt to reduce interceptions of one country's salmon by the other country's fishermen. In subsequent negotiations, however, the two sides failed to agree on the existing levels of interception or on their value. In 1974, faced with a breakdown in negotiations, Canada proposed that interceptions be limited to recent levels, and that any country enhancing its salmon stocks and increasing its production should alone reap the benefits. Without agreement to level off interceptions, the increased production Canada can expect from large scale spawning channels and enhancement in areas such as the Fraser River, would be prey to United States fishermen. This proposal is still under consideration, but further discussions will be held with industry advisers to arrive at a Canadian position consistent with their needs and Canada's objectives for enhancement of Pacific salmon fisheries.

5080 069

Oshawa and District Labour Council.

March 24, 1975.

2

Mr. J.J. Grills,
Secretary-Treasurer,
Oshawa and District Labor Council,
P.O. Box 946,
Oshawa, Ontario.

25-5-7-2-SALMON-1	
38	52

Dear Mr. Grills:

This is to acknowledge your recent letters to the Prime Minister regarding your Council's opposition to free trade with the United States and stating your opposition to the latest Canadian proposals in the Canadian-U.S. salmon negotiations.

You may be assured that your comments have been carefully noted and will be brought to Mr. Trudeau's attention. Thank you for writing to the Prime Minister about these important issues.

Yours sincerely,

ORIGINAL SIGNED BY
ORIGINAL SIGNÉ PAR
Claude Desjardins

Claude Desjardins,
Correspondence Secretary.

c.c: Secretary of State for External Affairs,
Att'n: Mr. Brian Bruce,
Executive Assistant *

*For information.

OSHAWA AND DISTRICT LABOR COUNCIL

PO Box 946, OSHAWA, ONTARIO.

J. GRILLS,
SECRETARY-TREASURER.

T. K. SIMMONS,
PRESIDENT.

MARCH 19TH, 1975.

5680 069

PRIME MINISTER PIERRE TRUDEAU,
PRIME MINISTER OF CANADA,
PARLIAMENT BLDGS.,
OTTAWA, ONT.

DEAR MR. PRIME MINISTER:

THE DELEGATES OF THE OSHAWA AND DISTRICT
LABOR COUNCIL VOTED TO SEND A LETTER TO YOUR OFFICE
CONDEMNING THE PROPOSED RECOMMENDATIONS OF THE ECONOMIC
COUNCIL OF CANADA CALLING FOR AN 'OPEN ENDED FREE
TRADE AREA' OR TOTAL FREE TRADE WITH THE U.S.A.

SUCH A POLICY IS AGAINST THE BEST INTERESTS
OF CANADA AND THE CANADIAN PEOPLE. FREE TRADE WITH
THE U.S.A. WILL LEAD TO TOTAL ECONOMIC, POLITICAL AND
CULTURAL UNION AND THE DEMISE OF CANADA AS AN INDEPENDENT
COUNTRY.

IN THE INTEREST OF CANADIAN SOVEREIGNTY AND
INDEPENDENCE, CANADA NEEDS NEW TRADING POLICIES AND A
NEW FOREIGN POLICY. CANADA MUST WORK TOWARDS ESTABLISH-
ING LONG TERM MUTUALLY PROFITABLE CO-OPERATION AND TRADE
WITH ALL EUROPEAN COUNTRIES INCLUDING THE U.S.S.R. AND
OTHER SOCIALIST COUNTRIES.

SUCH A POLICY COULD CREATE PROSPECTS FOR
THOUSANDS OF NEW JOB OPPORTUNITIES IN CANADA. IT WOULD
ALSO HELP CANADA BECOME A MORE EFFECTIVE FORCE FOR PEACE
ON A WORLD SCALE.

YOURS TRULY,



J. J. GRILLS,
SECRETARY-TREASURER.

CC -
ED BROADBENT, MP, NDP

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

OSHAWA AND DISTRICT LABOR COUNCIL

PO Box 946, OSHAWA, ONTARIO.

J. J. GRILLS,
SECRETARY-TREASURER.



T. K. SIMMONS,
PRESIDENT.

MARCH 19TH, 1975.

RT. HONOURABLE P. E. TRUDEAU,
PRIME MINISTER OF CANADA,
PARLIAMENT BLDGS.,
OTTAWA, ONT.

DEAR SIR:

WE WISH TO REGISTER OUR CONCERN IN THE
MATTER OF THE LATEST PROPOSAL IN THE CANADIAN-U.S.
SALMON NEGOTIATIONS.

THIS RETREATS COMPLETELY FROM PRINCIPLES
AGREED TO BY BOTH COUNTRIES IN JUNE, 1971. IT PER-
PETUATES THE IMBALANCE OF SALMON INTERCEPTION IN U.S.
FAVOR, WRITES OFF THE CONCEPT OF "EQUITY" WITH THE
U.S., PLACES UNNECESSARY CATCH LIMITS ON CANADIAN
FISHERMEN AND INFRINGES ON CANADIAN SOVEREIGNTY.

WE URGE YOU TO WITHDRAW THE LATEST CANADIAN
PROPOSAL OF FEBRUARY, 1974, AND TO REVERT TO THE
BASIC PRINCIPLES OF JUNE, 1971. ONLY SUCH A STAND CAN
OBTAIN FOR CANADA A FAIR TREATY PROTECTING THE INTERESTS
OF ALL CANADIANS IN THEIR SALMON RESOURCE.

YOURS TRULY,

J. J. GRILLS,
SECRETARY-TREASURER.

HONOURABLE STANFIELD;
ED BROADBENT, NDP MP.

Senior Assistant Deputy Minister
Environment Canada

Sous-ministre adjoint principal
Environnement Canada

MEMORANDUM

NOTE DE SERVICE

(Dictated March 31, 1975)

April 7, 1975.

TO: Hon. Romeo LeBlanc
Mr. D. J. McEachran
Mr. C. R. Levelton
Dr. M. P. Shepard

FROM: K. C. Lucas

25-5-7-2-SALMON-1

38.

Re: Notes on Minister's Meeting with Advisors to the
Department on U.S./Canada Salmon Negotiations

The Minister met for 2½ hours the afternoon of March 24 with the Advisors to the Canadian negotiator on the U.S./Canada Salmon talks. Cliff Levelton, the chief negotiator for Canada chaired the meeting. Also in attendance were three M.P.'s - Mrs. Iona Campagnolo (Skeena), Mr. Len Marchand (Kamloops), and Mr. Art Lee (Vancouver East). The writer and Dr. Geen were also present.

Homer Stevens led off the opening statement on behalf of the organizations represented. He spoke for the United Fishermen and Allied Workers' Union. Mr. Stevens made the following points:

- He doesn't agree on any curtailment of the salmon enhancement program prior to the completion of negotiations with the United States.
- The Fraser, Nass and Skeena Rivers are Canadian rivers. The U.S. does not have any claim to them or on the fish which spawn in them.
- There has not been enough thought in Cabinet on how we are going to obtain a fair and equitable agreement with the United States on fisheries matters, agricultural issues, industrial matters, etc.
- What we want (UFAWU), is a salmon treaty which does not "sell us out" or "sell us short".
- We must not be forced to accept American valuations, etc, in conducting the negotiations.
- We must know where we are going before we go back to the negotiating table.

. . . 2

- 2 -

The Minister said that he felt we were generally in agreement on the Canadian delegation as to our objectives but that the only argument was how we achieved our objectives.

Mr. Stevens retorted that only the UFAWU has a contingency plan to back up our negotiations and to implement if our negotiations fail. He said that what we need to see is what other contingency plans officials or government may have in mind.

The Pacific Trollers Association spokesman, Mr. Ray Lund, next made a statement. He made the following points:

- The Trollers feel that the Salmon Enhancement Program should start on the central coast where enhanced stocks may not easily be intercepted by the United States fisheries.
- There is a need for further research to ascertain the distribution of Canadian bred salmon along the coastal waters and in the ocean.
- We must not damage any sector of the Canadian salmon fleet in conducting our negotiations and arriving at possible solutions.
- There is a need to look at the entry of more boats into the Canadian troll fleet.

Mr. Levelton interjected at this point that we can only catch our own fish "to the degree that it is possible".

The Vessel Owners Association spokesman, Mr. Bob Morgan, made the following points:

- He mentioned the 11 points (those contained in the recent UFAWU circular) which his organization supports.
- Concerning the Salmon Enhancement Programs, they felt that Canada should spread out the developments to occupy as many watersheds throughout the provinces as possible.
- Canadian should spend our salmon enhancement dollars quickly before they are eroded by inflation.

The Prince Rupert Co-Op spokesman, Mr. Leo Holthe, made the following three points:

- They support the Pacific Trollers Association position on a need for more research and to ascertain the distribution of our fish in coastal waters.
- Supports the implementation of partial salmon enhancement programs in particular where interceptions by U.S. Fisheries are minimal.

. . . 3

- 3 -

- Feels that Fraser River Salmon Enhancement is not essential now, that we should try to get agreement first with the U.S.A. by a new treaty.

Spokesman for the Native Brotherhood, Mr. John Clifton, made three quick points:

- The Native Brotherhood goes along with the 11 points program proposed by the UFAWU.
- The Brotherhood will go along with salmon enhancement of the Fraser River since it is "holding up" central coast salmon enhancement.
- The Brotherhood favours central coast salmon enhancement just as soon as possible.

Mr. Bob Wright of Victoria, speaking for the organized sports salmon fishermen, made the following points:

- He praised the Minister for announcing the Salmon Enhancement Program and praised the officials of the Department for the speed with which the proposal was developed and approved in the government system.
- He praised the development of close working relations between the Federal and British Columbia Ministers and officials in the matter of salmon enhancement and of U.S./Canada Salmon negotiations.
- He noted that our "clout" at the negotiation table has been our offshore troll fisheries. He noted that if the results of the Law of the Sea through extension of jurisdiction and therefore the extension of the dividing line between U.S. and Canada fisheries zones reduces our own troll fisheries capacity to intercept U.S. spawned fish, then we must be conscious that we will be losing some of our "clout".

Mr. Howard English carried on making some further points on behalf of the recreational salmon fishermen as follows:

- He emphasized the need for reductions of the level of interceptions.
- He supported the principle of interchanging species in weighing of interceptions (i.e. using of value rather than numbers of salmon).
- He said that the sportsmen of the province want the Fraser River back under total Canadian control and that we must make no concessions on the Fraser to the United States at the negotiation table.

. . . 4

- 4 -

- There appeared to be no real reason not to enhance the Fraser River at this time except that it may weaken our hands at the negotiation table. He thought that we should keep our options wide open at the present time.

Mr. Wright had one parting statement. He said that we, the Canadian Advisors to the Delegation, must get our own house in order and "close ranks" before going to the next round of negotiations with the U.S.A.

The Fisheries Association of B.C. spokesman, Mr. Don Miller, made the following points:

- We must continue negotiations just as quickly as possible.
- We must get the best deal for Canadian salmon fishermen.
- Salmon enhancement is essential on all rivers including the Nass, Skeena and Fraser. There is a need to stake our claims on these rivers to prevent alternative allocations within B.C. for other uses.
- The Association has full confidence in the Fisheries and Marine professional staff in the preparations for and conduct during the negotiations.
- He feels that the industry advisors should express their views and then leave government to make up their minds and carry the negotiations forward.

Mr. Lloyd Brooks, Deputy Minister of Recreation and Conservation for the Government of B.C. spoke for the B.C. Government group as follows:

- We should not hold back on enhancement of the Fraser since it is our Canadian river. He felt that we establish clearly that it is our river by introduction of a new Canadian-financed Salmon Enhancement Program.
- He feels that it is important to "nail down" the Fraser for salmon before it is committed for other uses.
- We should move rapidly and boldly on the Fraser where the highest benefit cost ratios exist for salmon enhancement.

British Columbia's legal opinion is that Canada can proceed unilaterally on enhancing the Fraser River Salmon despite the provisions of the U.S./Canada Salmon Treaty.

. . . 5

- 5 -

- Let us not "panic" on the basis of our desire to salmon enhancement by rushing to the bargaining table too fast and seeking an agreement at any cost.
- B.C. has serious reservations on Canada putting a "ceiling" on interceptions as playing into the U.S. hands by taking away one of our "clubs".

Mrs. Iona Campagnolo, M.P. for Skeena, argued for not concentrating our efforts on salmon enhancement only on central coasts. She went on to say that Canada cannot expect to have the U.S. Coastguard to protect Canadian fishermen in northern Canadian waters and then in return expect them to make concessions to us in interceptions of our salmon.

Bob Wright made the point that it seemed important to the meeting to clarify Canada's legal position as to whether or not we could proceed unilaterally with Salmon Enhancement on the Fraser within the terms of the present U.S./Canada Salmon Treaty.

Mr. Homer Stevens of the UFAWU made a final statement that he could not agree with the B.C. Fisheries Association's spokesman's view that the Advisors to the Head of the Delegation give their advice and then let the professional negotiators negotiate. He felt that the advisors must have as much authority as the government members of the delegation.

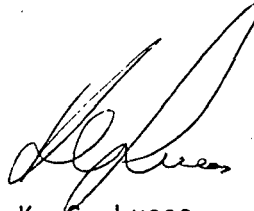
Ken Lucas made one intervention near the end of the meeting to make the following four points:

- It seems clear that the Canadian delegation must first agree on what we want to achieve through the negotiations.
- We need to know clearly what the United States wants to achieve through the negotiations.
- After going through the foregoing two steps, we need to analyse then what objectives we have in common with the United States and where we have sharp differences in objectives. We then need to estimate the desire on the United States' part to come to an agreement and only then plan our negotiating tactics for achieving the greatest possible degree of achievement of our Canadian objectives.
- One technical point was added by Lucas and that was the present Fraser River Enhancement Program as designed by the IPSFC is only for sockeye and pink salmon. He felt it would be a big mistake to assume that this program should proceed as designed under an all Canadian enhancement

. . . 6

- 6 -

program. He said that one would have to take into account the enhancement needs for the Chinook, Coho and Chum salmon stocks as well and to choose the best possible mix of enhancement possibilities so that we maximize the benefits for Canada without harming the production of native species and stocks.



K. C. Lucas.

c.c. Mr. J. B. Seaborn
Dr. Glen Geen
Mr. W.R. Hourston

CENTRE D'OPERATIONS CENTRE

25-5-7-2-SALMON-1	
d czzbczccynzyr	38.
786	

BG06Z

d czzbczccynzyr 38.
786

File
25-5-7
2-Salmon
April 25, 1975
Legit
GWU FLP FLP

FISHING

OAKVILLE, Ont. CP - The federal government has failed to uphold Canadian interests in negotiations with the United States over West Coast salmon fisheries, a British Columbia labor leader charged Thursday.

George Hewison, business agent of the Vancouver-based United Fishermen and Allied Workers Union, said Canadian negotiators have backed down so far over a four-year period that they are now willing to sign a treaty based on the original U.S. negotiating position.

Mr. Hewison told an audience from the Brampton and Oakville labor councils that signing a treaty on the basis currently proposed would harm not only Canadian fishermen, but also workers in allied industries, including can manufacturers in Hamilton.

He called for a mail campaign to pressure Prime Minister Trudeau to take a tougher stand in negotiations.

Key issue in the negotiations is the interception by U.S. fishermen of salmon spawned in Canadian rivers and bound for Canadian waters. Mr. Hewison said Americans currently intercept one-fifth of Canada's salmon crop.

Canadians also intercept U.S. salmon, he said, but on only half the scale.

25-04-75 11.55aes

MESSAGE

c.c. 25-5-7-2-SALMON-1

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
LIEU	MINISTÈRE	N° D'ORIG.		25-5-5-CDA/USA	
OTT	EXTER	FLO-489	29/04/75	38.	RESTR

PRECEDENCE

TO/A LOSGENEV/SHEPARD/APPLEBAUM

INFO ENVOTT/LEVELTON/HUNTER WSHDC

DISTR. FLP

REF

SUB/SUJ CDA/USA WEST COAST SALMON TALKS

NAKATSU, STATE DEPT, WSHDC, ENQUIRED TODAY RE DATES FOR NEXT ROUND OF CDA/USA SALMON NEGOTIATIONS. OUR UNDERSTANDING ON BASIS SHEPARD/MCKERNAN DISCUSSIONS IS THAT INTERGOVTL MTG (INCLUDING POSSIBLY PROV/STATE REPS) PROPOSED MAY 21-22, OR MAY 28-29. SCHEDULING OF FULL-SCALE NEGOTIATING ROUND NOT/NOT CLEAR, BUT NAKATSU BELIEVES SEP 22 POSSIBILITY. GRATEFUL YOUR VIEWS THIS WEEK ON PROPOSED DATES, WHICH YOU MAY ALSO WISH TO DISCUSS WITH MCKERNAN.

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

SIG

G.A. Léger/dah

FLO

2-6692

SIG

D.M. Miller/Director

ACTIM

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

cc: *Legat*

ACTION

cc 25-5-7-2-SALMON-1

Geneva

UNCLASSIFIED

FM LOSGENEV LOS0293 MAY2/75

TO EXTOTT FLO

INFO ENVOTT/LEVELTON/LEGAULT/HUNTER

DISTR FLP

REF YOURTEL FLO0489 APR29

--CDA/USA SALMON TALKS

HAVE DISCUSSED WITH MCKERNAN WHO ADVISES HE IS AVAILABLE FOR ALL
DATES PROPOSED AND SUGGESTS SELECTION OF DATES BE MADE BETWEEN
OTT AND WSHDC ON BASIS OF AVAILABILITY OF STATE DEPT OFFICIALS
INVOLVED.

END/108 021540Z 00060

25-5-5-CDA-USA

38.

file

25-5-5-CDA/USA

Legat

cc 25-5-7-2-Salmon-1

Mr. Roger P. O.

Please draft reply

g.lee/FLP
May 30

PRIVY COUNCIL OFFICE



CANADA

BUREAU DU CONSEIL PRIVÉ

OTTAWA, K1A 0A3

Canadian Labour Congress

25-5-7-2-SALMON-1	
38.	SV

May 20, 1975

Rec'd May 30/75
by FLP. g.lee

Mr. E.G. Lee
Legal Adviser
Director General (FLP)
Department of External Affairs
Lester B. Pearson Bldg. - A4-124
Ottawa, Ontario

RECEIVED

MAY 30 1975

Dear Ted:

Further to our conversation, I am sending you Mr. Morris' letter to the Prime Minister on the official position of the Canadian Labour Congress with respect to the current negotiations for a new salmon treaty.

I would very much appreciate it if you could co-operate with us in the preparation of a reply for the Prime Minister's signature by providing me with a draft text that would deal with Mr. Morris' contentions and the basic Canadian position.

Wilfrid Lavoie

Wilfrid Lavoie
Assistant Secretary to the Cabinet
(External Policy and Defence)

encl.

5127 135

CANADIAN LABOUR CONGRESS



CONGRES DU TRAVAIL DU CANADA

President/Président
Joe Morris

Secretary-Treasurer
Secrétaire-trésorier
Donald Montgomery

Executive Vice-Presidents
Vice-présidents exécutifs
Shirley G. E. Carr
Julien Major

2841 Riverside Drive, Ottawa, Canada (613) 521-3400

Cable/Câble: CANLABCON

Refer to/Référence

May 5, 1975.

Rec May 7

The Honourable Pierre Elliot Trudeau,
Prime Minister of Canada,
House of Commons,
OTTAWA.

Dear Mr. Prime Minister:

I am writing to place before you and your government the official position of the Canadian Labour Congress with respect to the current negotiations for a new salmon treaty and to convey our deep concern with the stance being adopted by the Canadian representatives to these talks which seem to indicate acceptance of a formula which would greatly exacerbate the present inequities between the Canadian and United States salmon fishing industries.

In June 1971, after many meetings, basic principles were established:

- (a) Each country should reap the benefits of its efforts to maintain or increase the stocks of salmon;
- (b) Each country should fish the salmon bound for its own rivers and should seek to avoid interception of salmon bound for their rivers of origin in the other country;

...2

Page 2 - The Honourable Pierre Elliot Trudeau May 5, 1975

- (c) There shall be an equitable balance between the interception by the two countries. By "equitable balance" is meant that the total value of salmon intercepted by the U.S. bound for Canadian rivers shall be as nearly as possible, equal the total value of salmon bound for United States, rivers caught by Canada;
- (d) This equitable balance should be achieved where possible, by reducing rather than increasing interceptions;
- (e) Each country should seek to make adjustments in the techniques and economics of its fisheries which will make reduction of interceptions possible and
- (f) These adjustments must take into account the overriding requirements of conservation.

Our Congress fully supported this position; however we can not understand why your government has continuously retracted from this formula which would have established a fair and just solution to the long-standing problem.

The fact that the United States presently intercepts five million Canadian salmon - one fifth of the entire B.C. salmon catch (and this figure is steadily increasing) while Canada's interception is only two and one half million, coupled with the millions spent by Canada on stream clearance and artificial propagation which benefits mainly the U.S. fisheries, is tantamount to American piracy of a major Canadian resource.

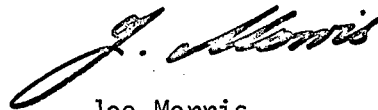
We fully appreciate the need for co-operating with our American friends; however co-operation connotes a degree of equality of treatment in such ventures. We see no equality or fairness under the presently proposed treaty. We therefore urge your government to instruct our negotiators to immediately revert to the proposals of June 1971 and furthermore to take steps to have the U.S. authorities abide by the "Surf Line Agreement", a treaty which they have continuously violated, or permit Canadian fishermen to extend their nets beyond this line.

...3

Page 3 - The Honourable Pierre Elliot Trudeau May 5, 1975

Needless to say, Mr. Prime Minister, we view this situation with grave concern and urge you to give the matter your immediate attention.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "J. Morris". The signature is fluid and cursive, with a large initial "J" and a stylized "M".

Joe Morris,
President.

JM:tb
opeiu225

FLO/G.A.Léger 2-6672/dan

FILE
DIV
DIARY
CIRC

BEST ORIGINAL AVAILABLE
MEILLEUR ORIGINAL

Privy Council Office

Ottawa, K1A 0G2

Canadian Labour Congress

June 2, 1975

25-5-7-2-SALMON-1	
38.	52

Mr. Wilfrid Lavoie,
Assistant Secretary to the Cabinet
(External Policy and Defence),
Privy Council Office,
East Block,
Ottawa, Ontario.
K1A 0A3

Dear Mr. Lavoie:

...

In reply to your letter of May 20, 1975 you will find attached for your consideration a draft text for the preparation of a reply for the Prime Minister's signature to the letter addressed to him on May 5 by Mr. Joe Morris, President of the Canadian Labour Congress. The text has been drafted in conjunction with officials of the Department of the Environment (Fisheries), and represents the official Government position on the salmon negotiations at this time.

Yours sincerely,

EDWARD G. LEE

Edward G. Lee,
Legal Adviser, and
Director General,
Bureau of Legal Affairs.

D
R
A
F
T

Mr. Joe Morris,
President,
Canadian Labour Congress,
2841 Riverside Drive,
Ottawa, Ontario.

Dear Mr. Morris:

Thank you for your letter of May 5, and your frank presentation of the views held by the Canadian Labour Congress on the progress of the Canada/United States negotiations on Pacific coast salmon problems.

As you know, along the Pacific coast of Canada, Canadian and United States fishermen catch substantial numbers of salmon bound for streams in the other country. Over the last ten years there have been major break-throughs in the development of techniques for increasing salmon production by artificial means such as hatcheries and spawning channels. Both countries have ambitious plans on the drawing boards but are hesitant to proceed without an agreement which will ensure that the country producing the salmon will benefit from its own efforts. This is the basic objective of these negotiations.

In June 1971 Canada and the United States reached agreement on broad principles which would guide the course of further negotiations. However, in the course of four subsequent meetings between the two countries, it became apparent that the implementation of an agreement based solely on the 1971 principles could not be achieved because of various factors such as the problems encountered in valuing the salmon intercepted by both countries. Following this realization the search for other grounds for a mutually acceptable agreement was begun.

... 2

DRAFT

- 2 -

The latest Canadian proposal, which is consistent with the broad guidelines laid down within the 1971 principles, was intended as a step in that process of negotiation.

It must be emphasized that the Canadian negotiating position with the United States has been based on a full appraisal of the biological, sociological and economic factors involved and has been developed in consultation with advisers representing all segments of the British Columbia fishing industry. I can assure you that the Government of Canada and its negotiators are conscious of the need to reflect, in Canada's negotiating position, the broad range of interests represented by the fishing industry as well as the interests of the country as a whole.

I am confident that a position acceptable to our industry advisers will be reached and am hopeful that such a position will provide the basis for a mutually acceptable agreement with the United States when negotiations are resumed later this year.

Yours sincerely,

Pierre E. Trudeau.

Div.Circ.Diary,File

Ottawa, Ontario
K1A 0G2

Miss Judy Yestrumskas

June 20th, 1975.

25-5-4-2	
12	28

Dear Miss Yestrumskas:

With reference to your letter of June 17, we would be quite pleased to be able to be of assistance to you but we could unfortunately only do so if you indicate that particular material on the law of the sea you may be interested in. As it happens we have a full library on the subject and literally thousands of cubic meters of background material.

Please write again and we will try to help to the limits of our capability.

Yours sincerely,

P. A. LAPOINTE

Paul A. Lapointe
Deputy Director
Legal Operations Division

Miss Judy Yestrumskas
Program Officer
William H. Donner Foundation, Inc.
630 Fifth Avenue
New York, N.Y. 10020

FILE DIARY CIRC CHRON

FLO/G. LEGER/db

25-5-7-2-SALMON-1	
12	28

PRIVY COUNCIL OFFICE

OTTAWA, K1A 0G2,
June 17, 1975

Dear Mr. Lavoie,

To meet your request, we have prepared the attached amended draft for your consideration, as the basis for a reply to Mr. Morris' letter of May 5 to the Prime Minister. It incorporates a more detailed explanation of the problems involved in negotiating with the USA on the basis of the "1971 principles".

As was explained to you by Mr. Leger, these negotiations are very complex and it is difficult to predict the position the delegation will propose to Ministers subsequent to its consultations with industry and government advisers. There is even a possibility that arbitration may be considered.

Yours sincerely,

EDWARD G. LEE

Edward G. Lee,
Legal Adviser.

Mr. Lavoie,
Office of the Privy Council,
East Block,
Parliament Buildings,
Ottawa, K1A 0A3.

FT
Mr. Joe Morris,
President,
Canadian Labour Congress,
2841 Riverside Drive,
Ottawa, Ontario

Dear Mr. Morris,

Thank you for your letter of May 5, and your frank presentation of the views held by the Canadian Labour Congress on the progress of the Canada/United States negotiations on Pacific coast salmon problems.

As you know, along the Pacific coast of Canada, Canadian and United States fishermen catch substantial numbers of salmon bound for streams in the other country. Over the last ten years there have been major break-throughs in the development of techniques for increasing salmon production by artificial means such as hatcheries and spawning channels. Both countries have ambitious plans on the drawing boards but are hesitant to proceed without an agreement which will ensure that the country producing the salmon will benefit from its own efforts. This is the basic objective of these negotiations.

In June 1971 Canada and the United States reached agreement on broad principles which would guide the course of further negotiations. The 1971 principles, which you have outlined in your letter, appeared then to provide the basis for an equitable solution to the salmon interventions problem.

.../2

- 2 -

However, in the course of four subsequent meetings between the two countries, it became increasingly evident that the implementation of an agreement based solely on the 1971 principles could not be achieved because of the problems encountered in valuing the salmon intercepted by both countries, to determine what constitutes an "equitable balance" between the interceptions of both countries.

The problems of valuation relate firstly to the comparisons of the gains realized by one country in intercepting the salmon bound for the other, and the consequent loss to the latter country. A second difficulty is the level of pricing to be used, whether whole-sale or landed. In negotiations subsequent to the 1971, both countries adopted positions which showed the other side benefitting from an imbalance in its favour: the Canadian position was to compare gains using wholesale prices, while the USA compared relative losses using landed values. As a consequence, in order to make progress, it was found necessary to skirt the deadlock and set the valuation questions aside and, to explore other approaches to limit or reduce interceptions to an "equitable balance". These explorations eventually led to the February, 1974, Canadian proposal, which is consistent with the broad guidelines laid down within the 1971 proposals.

I can assure you that the Canadian negotiating position with the United States has been based on a full appraisal of the biological, sociological and economic factors involved. The broad

. . . /3

- 3 -

range of interests represented by the fishing industry as well as the interests of the country as a whole will be taken into account in the final elaboration of the Canadian position.

I am confident that a position acceptable to your Congress will be reached and am hopeful that such a position will provide the basis for a mutually acceptable agreement with the United States when negotiations are resumed later this year.

Yours sincerely,

Pierre E. Trudeau

June 27, 1975

M. Hunter

Dr. M.P. Shepard

Indian Fishing in IPSFC Convention Waters

Roberts informed me today that Judge Boldt has granted an injunction requiring the Director of Fisheries in the State of Washington (Moos) to provide for Indian fishing to achieve the objectives of his 1974 ruling in one of two ways:

- (1) Under domestic U.S. regulation allowing no non-Indian fishing in the U.S. convention area.
- (2) Under IPSFC regulation allowing Indian fishermen one extra day fishing.

This information was passed to Rod Hourston in a telephone conversation with Thor Tollefson. Tollefson will be delivering a letter to Hourston by hand on Monday June 30th and Roberts will telecopy the letter to us. Hopefully, the letter will clarify the rather strict interpretation which we have of alternative (1) above.

Alternative (2) is, of course, not possible under the agreement with the U.S.A. of July 18 1974. Alternative (1) would result in the Commission being unable to achieve a 50-50 catch division, based on Indian effort alone in the U.S. Convention area. We must, therefore, decide on a course of action forthwith.

The next scheduled IPSFC meeting will take place on July 8. The U.S. will probably request an emergency meeting in the interim. In order to avoid the possibility of a rather unpleasant debate in the Commission, I think that, immediately we receive Tollefson's letter and examine its contents, a telephone call should be placed to Tom Clingan or Bill Sullivan in the State Department to reaffirm Canada's position that the problem is a

RECEIVED

JUL 4 1975

In Legal Operations Division
Department of External Affairs

... 2

001098

- ? -

domestic one for the U.S., but that we are again prepared to respond to U.S. proposals for its solution.

Can we discuss this urgently?



M. HUNTER

cc: Léger (FLO)✓

Senior Assistant Deputy Minister
Environment Canada

Sous-ministre adjoint principal
Environnement Canada

Ottawa, Ontario
K1A 0H3
July 4, 1975.

Mr. W. R. Hourston,
Chairman,
International Pacific Salmon Fisheries Committee,
P.O. Box 30,
New Westminster, B.C.
V3L 4X9

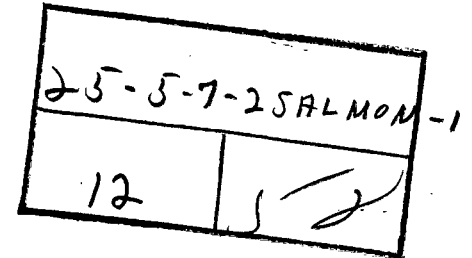
Dear Mr. Hourston:

On a number of occasions during the past year, the problem of allocation of salmon catches in U.S. convention waters between Indian and non-Indian fishermen has been brought to the attention of the Government of Canada.

We would like to draw the Commission's attention to an understanding reached between representatives of the two governments on this subject at a meeting held in Washington, D.C. on July 18, 1974 (copy of summary record attached). The record outlines an agreed approach for dealing with this problem including procedures for consideration of United States proposals by the Commission and Canadian Government authorities. The record explicitly notes that division of catch between Indian and non-Indian fishermen in the United States should be achieved by supplementary regulations or other measures by the United States outside of, but consistent with Salmon Commission regulations.

We also note that subsequent discussions have been held between regional representatives of the two governments during which procedures were discussed for the implementation of such supplementary United States regulations. Records of discussion at these meetings are also attached.

It continues to be the position of the Canadian Government that the division of the catch between Indian and non-Indian fishermen within the United States part of the convention area should be achieved solely through domestic United States regulation and not by authorization of



- 2 -

special arrangements through the Commission, although, of course, the Commission's regulatory program would have to take into account any internal readjustments of the United States' fishery. We trust that the Commission will develop its regulations for the 1975 season in conformity with the understanding reached at the July 18, 1974 meeting.

Yours sincerely,

Original Signed by
K. C. LUCAS

K. C. Lucas,
Senior Assistant Deputy Minister,
Fisheries and Marine Service.

Attach.

c.c.: IPSFC B.B.
M. P. Shepard
R. Roberts
P. Murray
G. Léger

BEST ORIGINAL AVAILABLE
MEILLEUR ORIGINAL

SUMMARY RECORD

Meeting of United States and Canadian Representatives on Problems
Posed by Special Treaty Fishing Rights of Certain U.S. Indian Tribes.

Washington, D.C. July 18, 1974.

United States and Canadian officials met in Washington on July 18, 1974,
to review certain considerations related to (1) U.S. law, as set forth
in U.S. v. Washington, which calls for steps to increase fishing
opportunities for U.S. Indians, and (2) the implications of U.S. v.
Washington for the fisheries management arrangements of the International
Pacific Salmon Fisheries Commission.

The meeting was attended by: United States - Mr. Wallace, NOAA;
Mr. Schoning, NMFS; Mr. Beasley, NMFS; Mr. Blow, Department of State;
Mr. Sullivan, Department of State; Mr. Burton, Department of State;
Mr. Johnson, NMFS; Mr. Powell, NOAA; Mr. Brennan, NOAA; Dr. Henry, NMFS;
Dr. Smith, NOAA; Mr. MacKenzie, NMFS. Canada - Dr. Shepard, Department
of the Environment; Mr. Hourston, Department of the Environment, IPSFC
Commissioner; Mr. Nelson, IPSFC Commissioner; Mr. Todd, Department of the
Environment; Mr. Applebaum, Department of External Affairs; Mr. Hunter,
Department of the Environment. IPSFC - Mr. Roos

The conclusions reached at the meeting were as follows:

(1) For 1974, Canada will consider proposals by the United States for adjustments in Salmon Commission regulations which might be required as a result of changes in Washington State domestic regulations apportioning the U.S. share of Convention Area sockeye and pink salmon catches among Indians and non-Indians. Such U.S. proposals would be submitted simultaneously to the Canadian Government and Salmon Commission staff. Canadian authorities will examine U.S. proposals promptly upon their receipt and, if in their judgement the proposed alterations were likely to meet the criteria outlined below, the proposal would be referred promptly to the Salmon Commission for official review and decision. It was noted that, because the 1974 season is already underway and because there would be a limited period of time to generate background data for the evaluation of U.S. proposals, Canadian authorities would apply strict criteria to their decision on whether or not to approve the proposal for further study by the Commission.

(2) For 1975, the United States authorities will advise the Salmon Commission at an early date as to U.S. aspirations for its Indian fishermen, i.e. what domestic measures the United States intends to take to alter the balance of the United States catch between the different groups involved. The Commission staff will examine this information,

along with other information available to it, and will produce proposed regulations for 1975 taking the United States requirements into account as much as possible. These regulations will provide fishing time by gear and area in the usual way, i.e. not dealing with allocation between groups of fishermen fishing the same gear within each country.

This latter allocation will be accomplished by separate United States domestic regulation. Canadian IPSFC Commissioners will examine the proposals in the light of the criteria outlined below and, on the basis of their judgement on the suitability of the recommendations, take appropriate action within the Commission.

(3) Concerning the IPSFC Advisory Committee, the question of whether to make provisions for a United States observer representing Indian interests will be dealt with by the Commission at an early date.

CRITERIA

- (i) The changes would not reduce the regulatory options available to the Commission to meet the needs of Canadian fisheries (e.g. action on the United States side to accommodate the Indians would not require disadvantageous adjustments in Canadian fishing times and areas).
- (ii) The changes would not significantly decrease the ability of the Commission to achieve escapement goals for individual sockeye and pink races, and to maintain the Canadian share of the Convention Area catch of 50%.

- (iii) The Changes would not require the Commission to recommend specific regulatory action for Indians alone. Division of catch among Indian and non-Indian fishermen in the United States should be achieved by supplementary regulations or other measures by the United States outside of, but consistent with, the Commission regulations.

Record of Discussion of Meetings Between Canadian and United States Officials to Consider Regulatory Problems Related to Special Fishery Privileges in the U.S. IPSFC Convention Area

January 16, 1975 (Vancouver) and February 25, 1975 (Seattle)

Present:

Canada

W.R. Hourston
I.S. Todd
R. Roberts

United States

D. Johnson
T. Tollefson
C. Blondin *
W. Peck **
K. Henry

IPSFC Advisors

A. Cooper *
J. Roos *

* January 16 only
** February 25 only

1. Mr. Hourston was selected Chairman for the January 16 meeting and Mr. Johnson for the February 25 meeting.
2. The agreed record of the Washington D.C. July 18, 1974 meeting was reviewed.
3. The conduct of the 1974 Washington salmon fisheries was discussed, and the latest legal developments pertaining to the Boldt decision were reviewed.
4. The Canadian side stressed that the matter of allocating catches between Indians and non-Indians in U.S. Convention waters was a domestic U.S. matter, and should therefore be handled by U.S. domestic regulatory measures, and not by Commission regulations.
5. Several approaches to solving the problem of allocating catches between Indians and non-Indians in U.S. Convention waters were discussed, in the context of the Canadian view expressed in paragraph 4, and in accordance with IPSFC conservation and catch division objectives.

.../2

- 2 -

6. It was agreed that the most satisfactory solution to the problem was for the U.S. to establish domestic regulations providing for implementation of the following schedule:

<u>IPSFC Regulations for U.S.</u>	=	<u>U.S. Domestic Regulations</u>
Total fishing days/week		All gear + Indian only
2		2 + 0
3		2 + 1
4		2 + 2
5		3 + 2
6		4 + 2
7		5 + 2

It was understood that Indian only fishing days would always be the last days of the week.

Variations of this approach were discussed. One suggestion was for the number of Indian only fishing days to decrease as total days increased, i.e. 5 + 1, 6 + 1, instead of 4 + 2 and 5 + 2. This was deemed unacceptable. A suggestion that several different schedules be established, with the Commission recommending which one should be adopted, was also considered unacceptable since the Commission would in fact be deciding the number of days for an Indian-only fishery.

7. The question of whether the State or the Federal Government would adopt the above regulatory measure was discussed by the U.S. officials. Such a regulation may be outside the competence of the Federal Government, though this is still under study. In addition, such legislation might also be beyond the competence of the State Director of Fisheries to promulgate. A decision of what course of action to take would be made in the near future.
8. The Canadian side noted Judge Boldt's statement on IPSFC regulations on July 18, 1974:

"Until further order of this court after a full hearing to be held at the earliest possible date upon request of any parties hereto, regulations adopted by the International Pacific Salmon Fisheries Commission shall be presumed to be controlling with respect to fishing by any treaty tribe or its members and the Defendants (State of Washington) may enforce the provisions of said regulations as incorporated in the regulations of the Defendants against members of such tribes." (Reference to the State of Washington added in parentheses).

.../3

- 3 -

9. The Canadian side also noted Judge Boldt's statement on catch statistics, on page 33 of his final decision:

"From the evidence in this case the court hereby finds and holds that recording the number of fish taken in treaty right fishing, both on and off reservation, is essential to reliable estimates of future run sizes, which are necessary for reasonably accurate calculation of spawning escapement requirements and for the allocation of harvestable fish as provided in this decision."

10. No additional meetings on the subject were planned, but it was agreed that if either side desires further consultations, another meeting would be called.

s.23

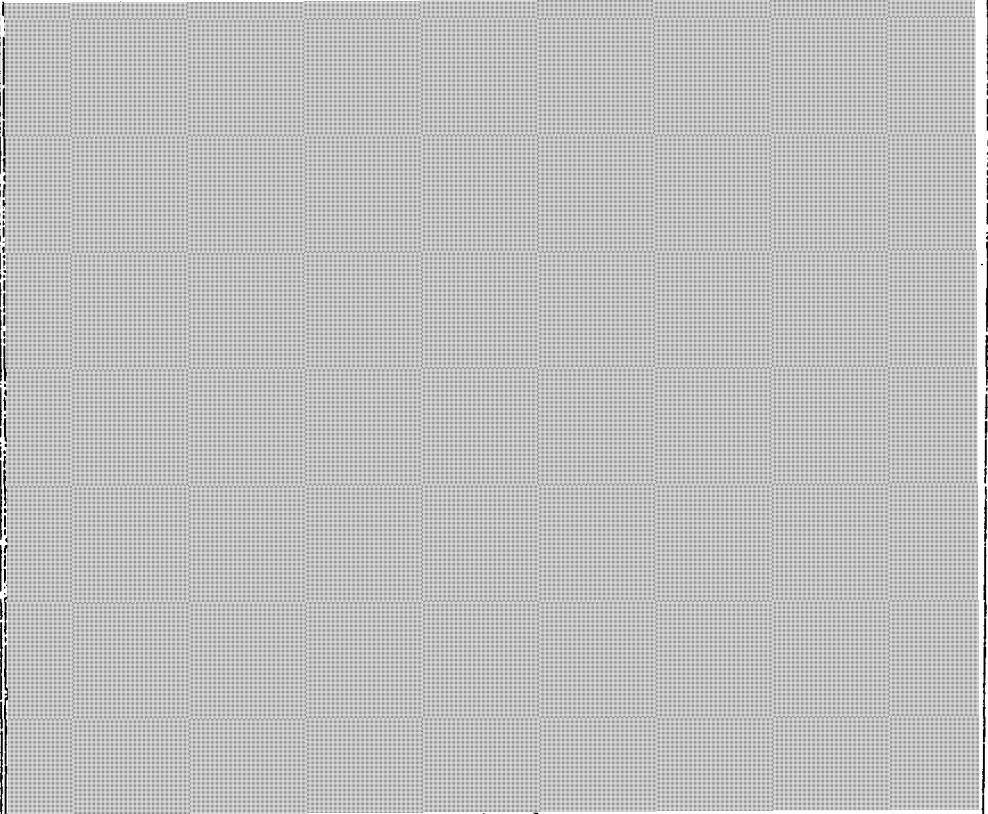
FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JUL 15 12 18 PM '71

CLERK

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32



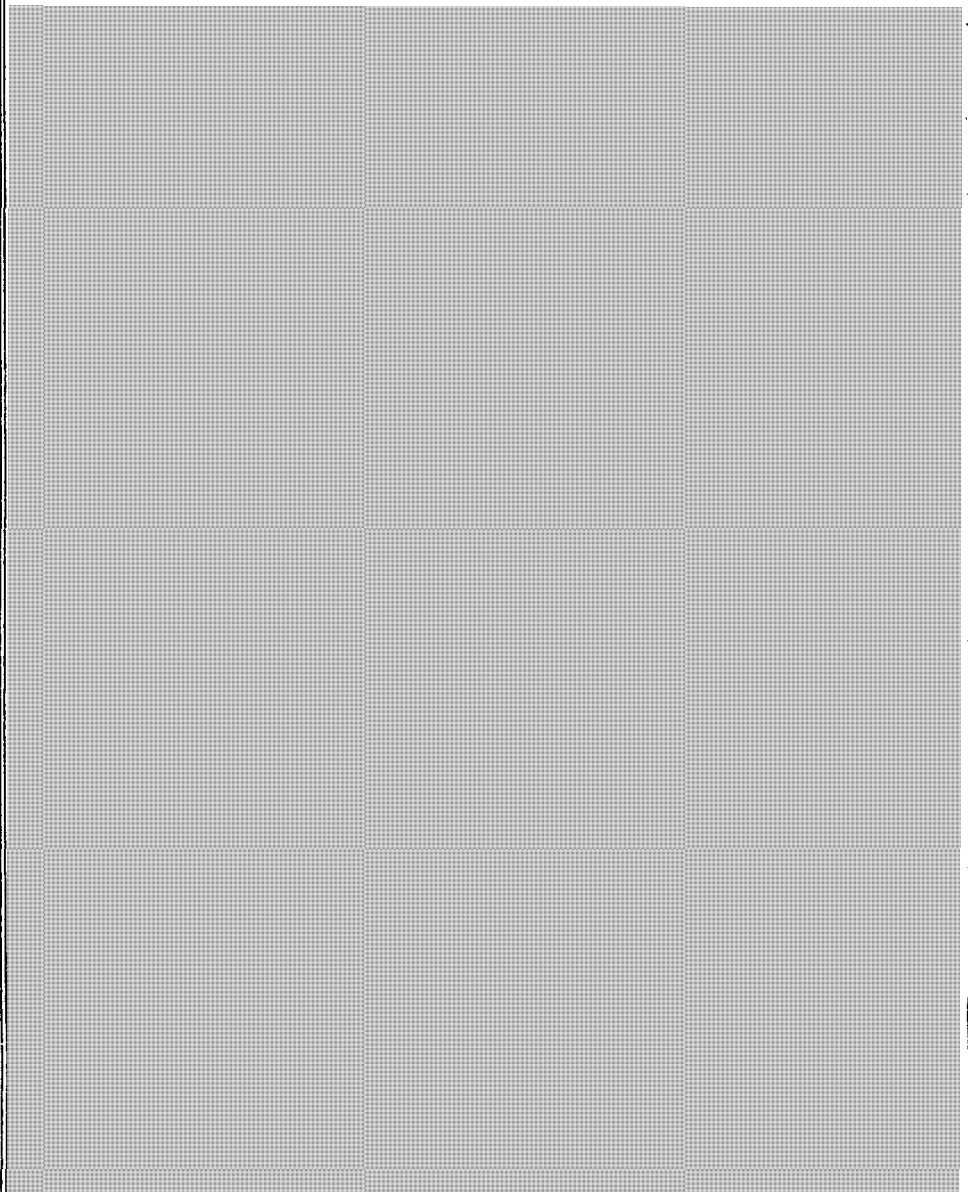
Keith Boadt
SR. UNITED STATES DISTRICT JUDGE

s.23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

JUL 16 12 18 PM '70
U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA
BY [illegible] CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA



GPO:
1971 G - 419 - 571

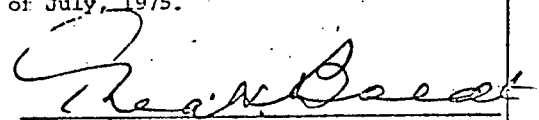
001110

s.23

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32



ORDERED this 16th day of July, 1975.

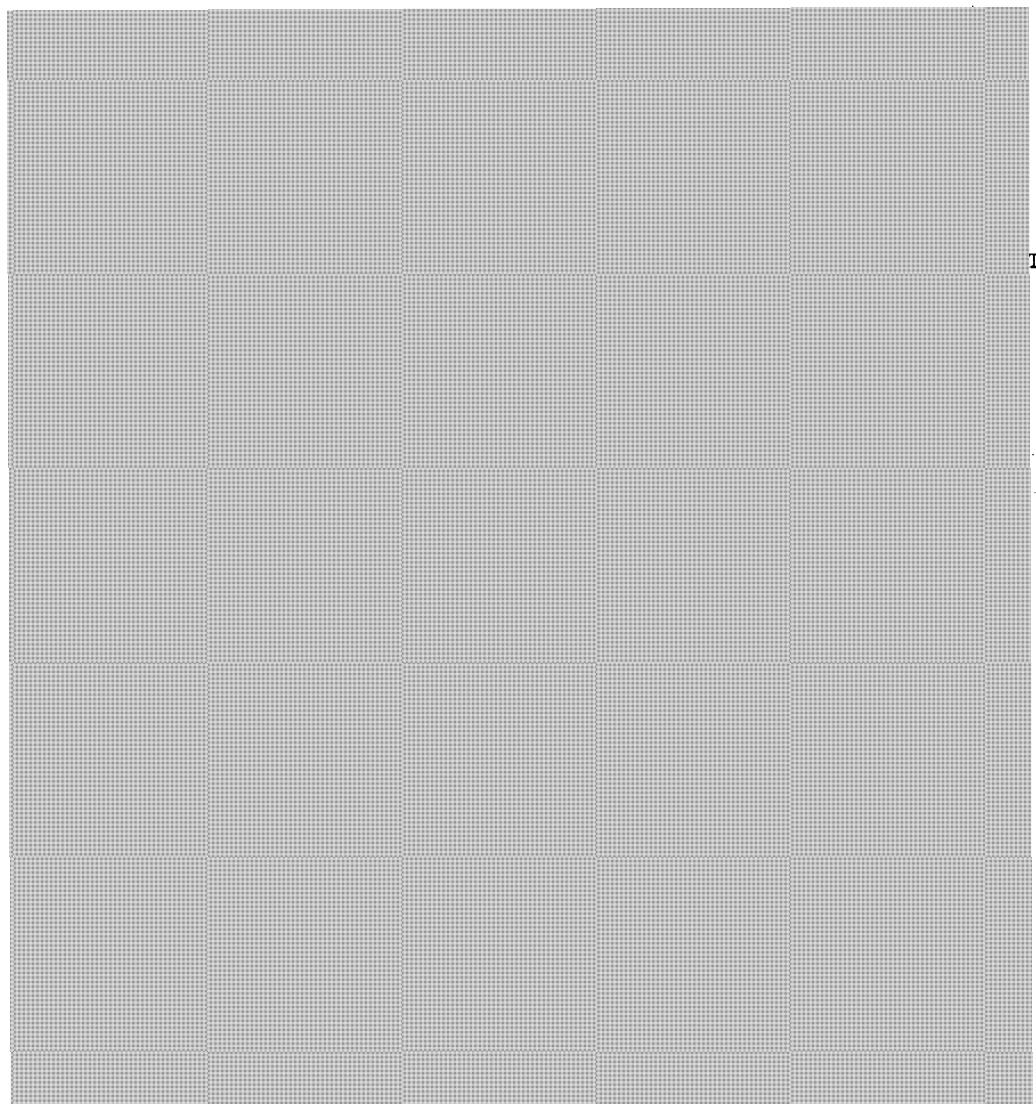

SENIOR UNITED STATES DISTRICT JUDGE

Page 2 - INJUNCTION RE 1975
FRASER RIVER SOCKEYE
AND PINK SALMON HARVEST

s.23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA



Page 1 - FOURTH SUPPLEMENTAL FINDINGS, . . .

STAN PITKIN
UNITED STATES ATTORNEY
P.O. BOX 1227
SEATTLE, WASHINGTON 98111
(206) 442-7970

M 080-93
12-7 71

Formerly LAA-93

☆ GPO : 1974 O-556-284

001112

s.23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Page 2 - FOURTH SUPPLEMENTAL FINDINGS, . . .

STAN PITKIN
UNITED STATES ATTORNEY
P.O. BOX 1227
SEATTLE, WASHINGTON 98111
(206) 442-7970

FORM 080-93
12-7-73

Formerly LAA-93

☆ GPO : 1974 O-556-284

001113

s.23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Page 3 - FOURTH SUPPLEMENTAL FINDINGS, . . .

STAN PITKIN
UNITED STATES ATTORNEY
P.O. BOX 1227
SEATTLE, WASHINGTON 98111
(206) 442-7970

FORM 010-93
12-7-73

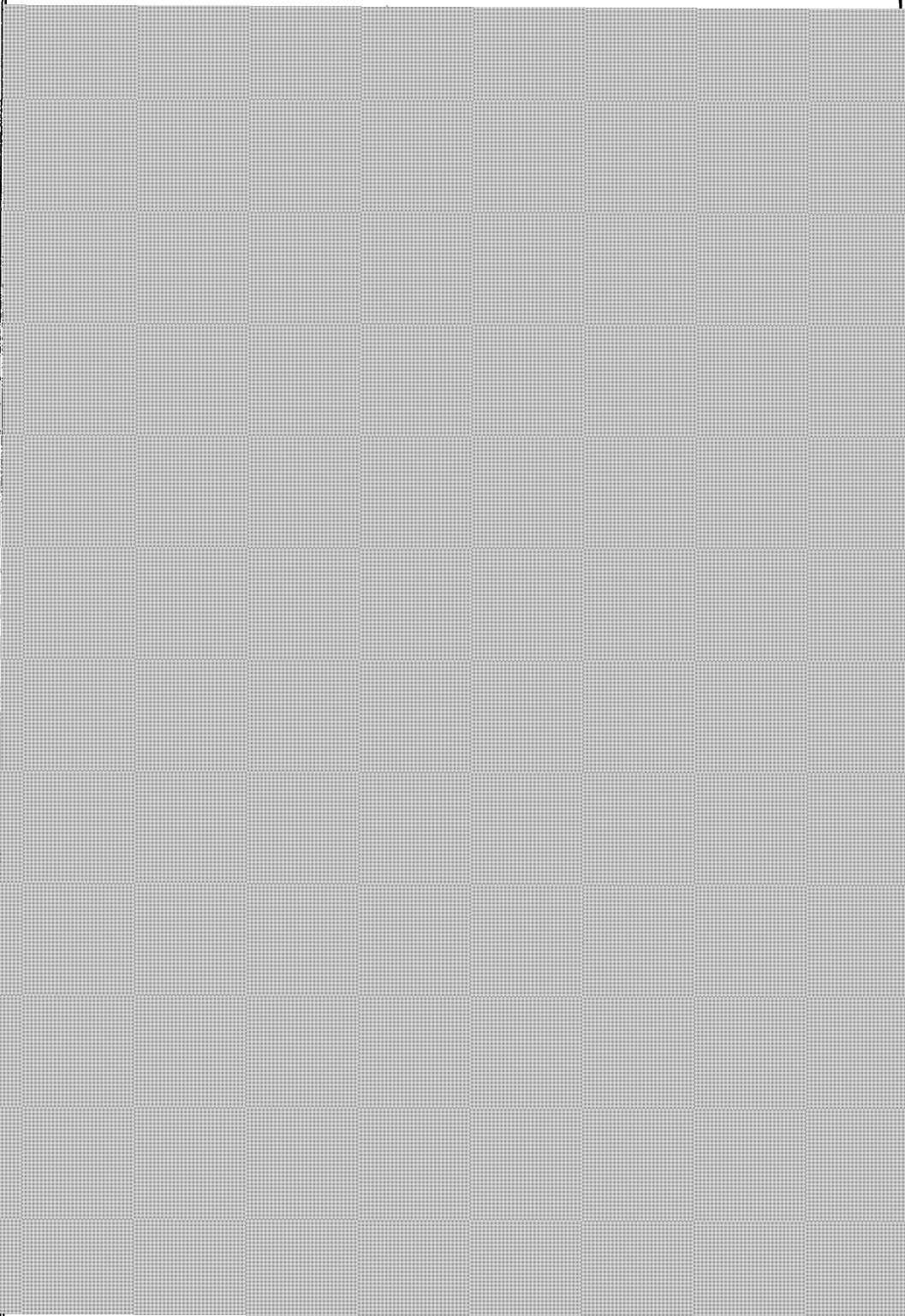
Formerly LAA-93

☆ GPO : 1974 O-556-284

001114

s.23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32



Page 4 - FOURTH SUPPLEMENTAL FINDINGS, . . .

STAN PITKIN
UNITED STATES ATTORNEY
P.O. BOX 1227
SEATTLE, WASHINGTON 98111
(206) 442-7970

JHM 080-93
12-7-73

Formerly LAA-93

☆ GPO : 1974 O-556-784

001115

s.23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

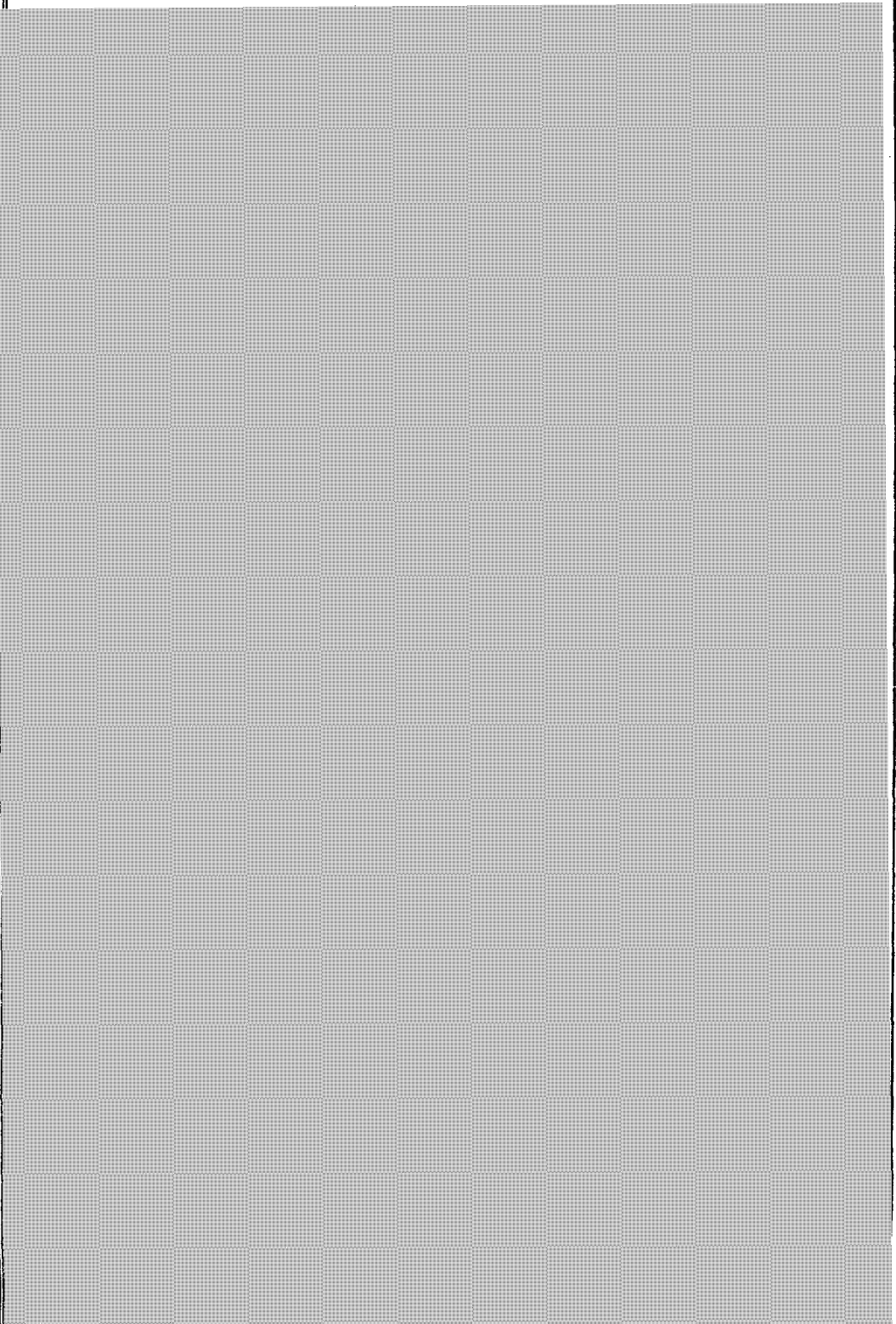
Page 5 - FOURTH SUPPLEMENTAL FINDINGS,

GPO:
1971 O - 419 - 571

001116

s.23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32



Page 6 - FOURTH SUPPLEMENTAL FINDINGS, . . .

STAN PITKIN
UNITED STATES ATTORNEY
P.O. Box 1227
SEATTLE, WASHINGTON 98111
(206) 442-7970

JM 080-93
12-7-73

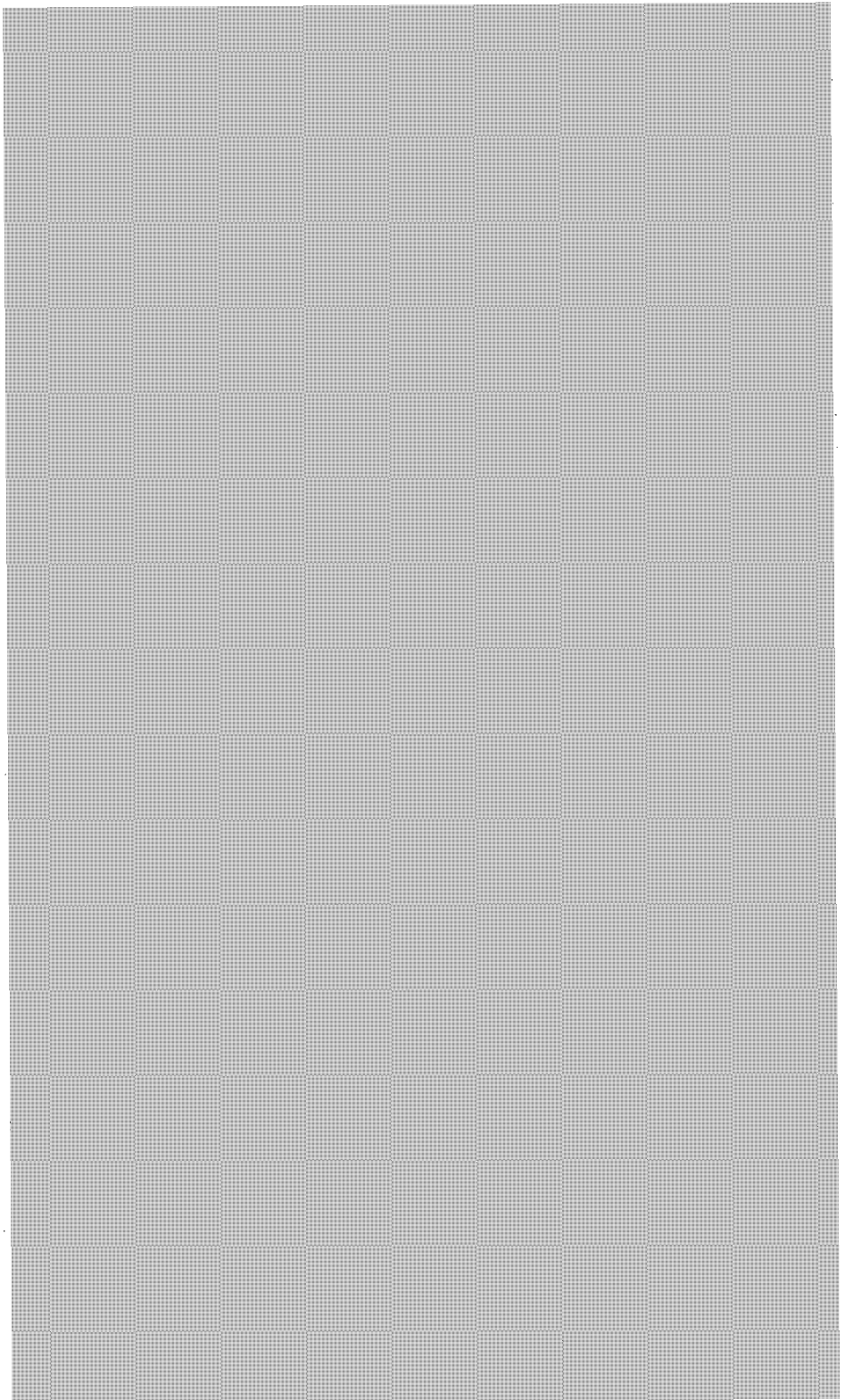
Formerly LAA-93

☆ GPO, 1974 O-556-284

001117

s.23

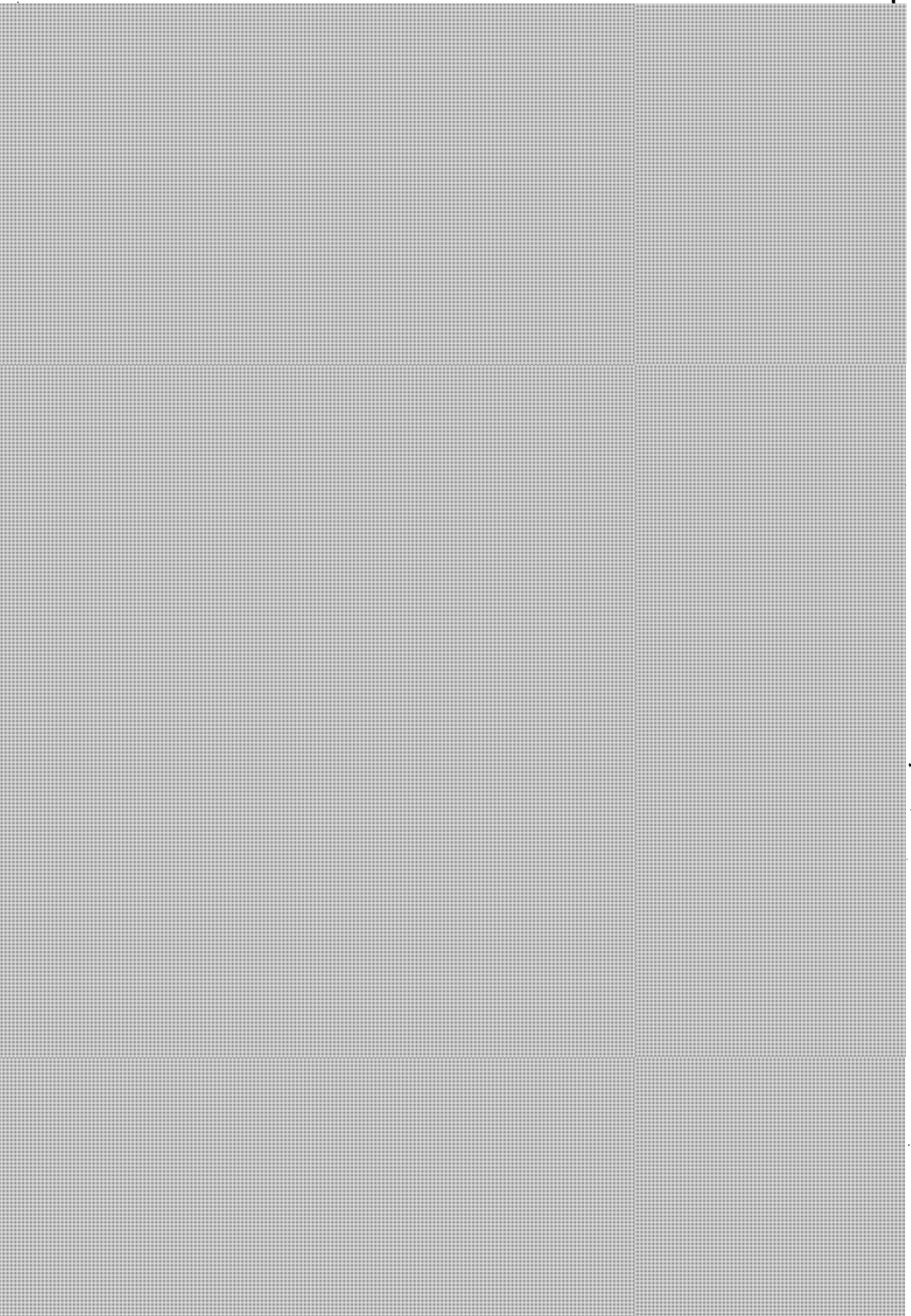
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32



Page 7 - FOURTH SUPPLEMENTAL FINDINGS,

s.23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32



Page 8 - FOURTH SUPPLEMENTAL FINDINGS, . . .

STAN PITKIN
UNITED STATES ATTORNEY
P.O. BOX 1227
SEATTLE, WASHINGTON 98111
(206) 442-7970

JRM 080-93
12-7-79

Formerly LAA-93

☆ GPO : 1974 O-556-284

001119

s.23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

1071 0 - 410 - 571

Page 9 - FOURTH SUPPLEMENTAL FINDINGS,

001120

s.23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Page 10 - FOURTH SUPPLEMENTAL FINDINGS, . . .

STAN PITKIN
UNITED STATES ATTORNEY
P.O. BOX 1227
SEATTLE, WASHINGTON 98111
(206) 442-7970

ORM 080-93
12-7-73

Formerly LAA-93

☆ GPO : 1974 O-556-284

001121

s.23

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32



Page 11 - FOURTH SUPPLEMENTAL FINDINGS, . . .

STAN PITKIN
UNITED STATES ATTORNEY
P.O. BOX 1227
SEATTLE, WASHINGTON 98111
(206) 442-7970

FORM 980-93
11-7-73

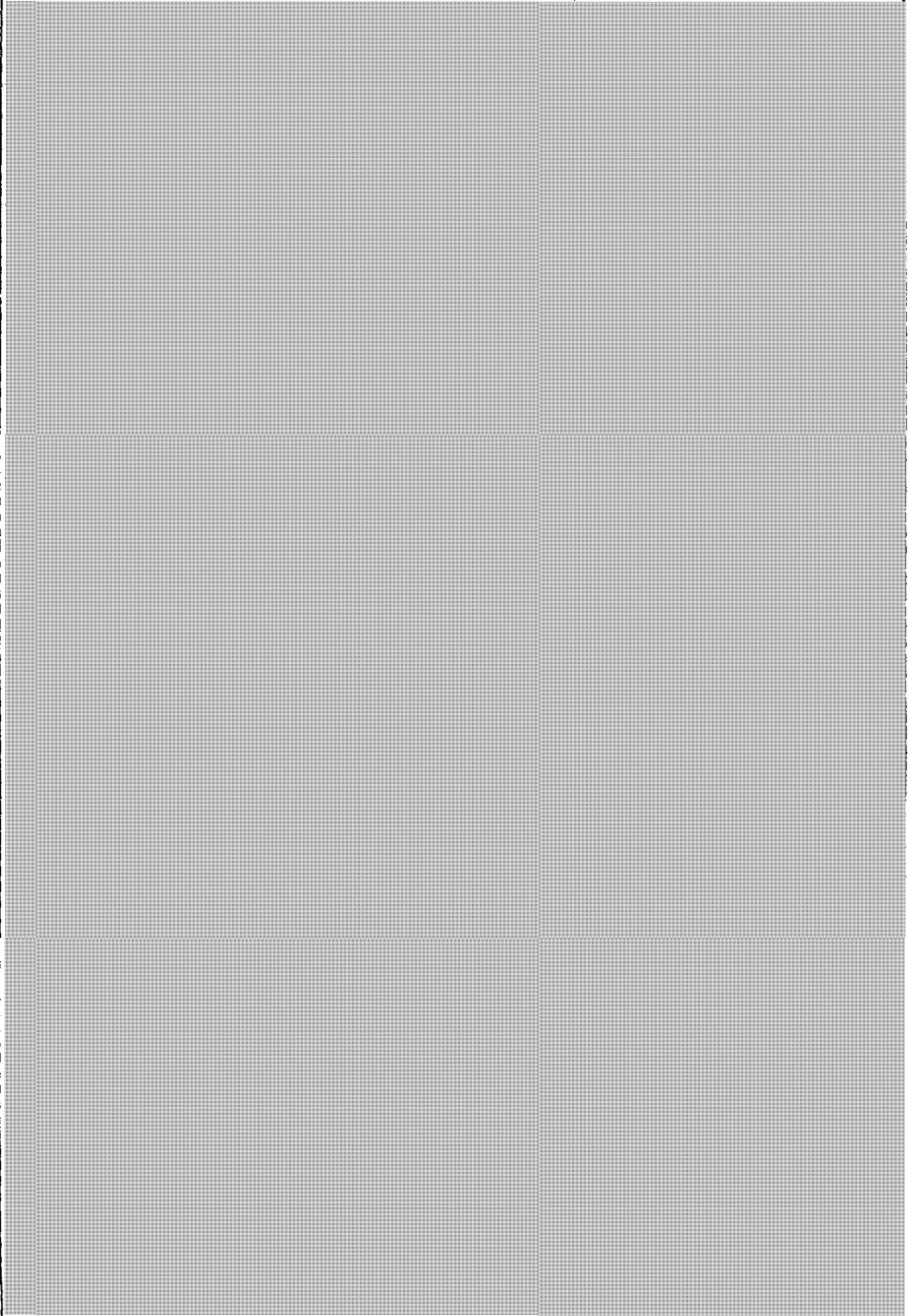
formerly 1AA-93

☆ GPO : 1974 O-556-284

001122

s.23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32



Page 12 - FOURTH SUPPLEMENTAL FINDINGS, . . .

STAN PITKIN
UNITED STATES ATTORNEY
P.O. BOX 1227
SEATTLE, WASHINGTON 98111
(206) 442-7970

FORM 080-93
12-7-73

Formerly LIA 93

☆ GPO : 1974 O-556-264

001123

s.23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

DATED this _____ day of _____, 1975.

UNITED STATES DISTRICT JUDGE

Page 13 - FOURTH SUPPLEMENTAL FINDINGS, . . .

STAN PITKIN
UNITED STATES ATTORNEY
P.O. Box 1227
SEATTLE, WASHINGTON 98111
(206) 442-7970

JRM 080-93
12-7-73

Formerly LAA-93

☆ GPO : 1974 O-556-284

001124

Environment Canada

Environnement Canada

MEMORANDUM

NOTE DE SERVICE

FROM:
DE:

M.P. Shepard

TO:
A:

Mr. L.H. Legault

SUBJECT:
SUJET:

IMPLEMENTATION OF THE BOLDT DECISION BY
THE UNITED STATES - IMPLICATIONS FOR THE
INTERNATIONAL PACIFIC SALMON FISHERIES
COMMISSION

DATE

July 21, 1975

Our file Notre référence

Your file Votre référence

25-5-7-2-SALMON-1

12

52

In February 1974, Judge Boldt in United States District Court, ruled that Indian fishermen in Washington State must be afforded the opportunity to take up to one-half of the available catch of anadromous fish passing through State waters. This ruling had obvious implications for the management of the salmon fishery in State waters, in part of which the IPSFC assumes control from June-September each year.

At a meeting held on July 18, 1974 in Washington, D.C. between officials of the two Governments party to the Salmon Convention, the implications of the Boldt ruling were discussed. Canada made it clear that the Commission regulations could not include any reference to regulation of fisheries under its jurisdiction on an ethnic basis, but in an effort to accommodate a domestic U.S. problem would be open to proposals for solution of the problem. A procedure for submission and review by Canada and IPSFC staff of such proposals was agreed and initially was followed by U.S. authorities.

Further meetings were held in January and February of 1975 between regional officials of the two Governments at which time an apparently satisfactory resolution of the problem was reached whereby the U.S. would adopt domestic regulations, supplementary to but consistent with the regulations of the Commission to achieve a domestic catch division between Indian and non-Indian fishermen.

However, in June 1975, Judge Boldt enjoined Washington State from permitting any non-Indian fishing under Commission regulations until Indian fishermen could be assured of a greater portion of the catch, unlikely to happen under the scheme proposed by regional officials (which was not acted upon by any U.S. authority).

- 2 -

Further, on July 16, 1975, Boldt ruled that Indian fishing with any gear should be allowed whenever Commission regulations opened Washington Convention waters to a particular type of net gear. The ruling also contained a provision that in State regulatory area 2 (Juan de Fuca) five days fishing per week would be permitted (essentially five days fishing for Makah Indians). The order of the court was stayed pending a meeting of U.S. and Canadian Government officials on July 18, 1975 in Bellingham, Washington. At that meeting, after the exploration of a number of alternatives not acceptable to Canada, the United States advised that, in response to the Court order, it would follow two courses of action.

Firstly, although Commission regulations in recent years, including 1975, have specified allowable fishing times for different types of gear (gillnets, purse-seines and reef nets), the U.S. now contends that under the terms of Convention Article V that the Commission does not have the authority to set such gear type regulations. On the basis of this interpretation, the U.S. will rescind those parts of previously approved IPSFC regulations that pertain to gear type in U.S. waters, in order to allow Indians to fish with any gear throughout the weekly open periods set in the regulations.

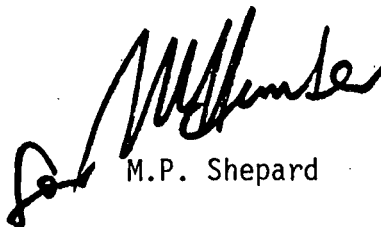
Secondly, the United States will appeal that part of the Boldt ruling which would give five-day fishing weeks to the Makah Indians, since they regard this ruling as illegal under the IPSFC regulations pertaining to fishing times which will remain in force.

The planned U.S. action rescinding parts of the IPSFC regulations raises two legal questions:

- (a) Under the Convention, can IPSFC regulate the type of gear which may be used?
- (b) Does one party have the right to rescind all or part of the regulations which it has already adopted for the season?

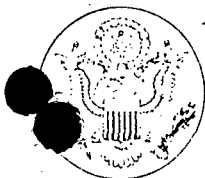
*la Partie ?
la Commission ?*

The advice of Legal Services, DOE (Carton) and External Affairs (Treaty Section via FLO) is being sought by copy of this memorandum. Urgent attention to the two questions posed is requested in order that we may react correctly to the United States when we are advised that it has taken the action proposed.


M.P. Shepard

c.c. R.N. Gordon
R. Roberts
W.R. Hourston
P.D. Murray

Hunter



DEPARTMENT OF STATE

Washington, D.C. 20520

BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

July 21, 1975

Mr. W. R. Hourston, Chairman
International Pacific Salmon
Fisheries Commission
P.O. Box 30
New Westminster, B.C. V3L 4X9

25-5-7-2-SALMON-1	
12	/

Dear Mr. Hourston:

On April 11, 1975, Mr. William L. Sullivan, Jr., Acting Deputy Assistant Secretary for Oceans and Fisheries Affairs, pursuant to Article VI of the Convention for the Protection, Preservation and Extension of the Sockeye and Pink Salmon Fisheries of the Fraser River System, as amended, gave the approval of the United States Government to the regulations concerning the sockeye and pink salmon fisheries proposed by the International Pacific Salmon Fisheries Commission in your letter of February 24, 1975. Those regulations contained provisions establishing open and closed periods for sockeye and pink salmon fisheries and also allocating the open fishing time among various types of gear.

Due to special circumstances flowing from the decision of the United States District Court for the Western District of Washington in the United States v. Washington case, the United States Government has temporarily withdrawn, effective July 19, 1975, its approval of those parts of the regulations which allocate open fishing time among the various types of gear within U.S. Convention Waters. As part of the Commission's initial regulatory structure, we consider that these regulations are subject to United States approval under Article VI to be effective./ This limited action, however, in no way affects United States approval of the regulations to the extent that they provide for open and closed periods for the fisheries, or any other regulations under the Convention except for the allocation of the open fishing times to various gear types.

-2-

This action does not pertain to that portion of the Court's order which calls for at least five days fishing in State area 2, which the United States finds inconsistent with the basic regulatory scheme elaborated by the Commission.

I wish to indicate that in taking this action the United States has no intention of undermining the Treaty or of undercutting the Commission's basic regulatory program necessary to meet the objects and purposes of the Convention. We fully understand the regulatory hazards which could be created by later withdrawal of approval of regulations during the fishing season; we do not take this action lightly or view it as constituting a precedent regarding matters basic to an effective regulatory system or adequate joint planning. Our limited action is taken due to extraordinary circumstances in the United States, and on the basis of our belief that the change for this season will not adversely affect spawning escapement or the equal sharing of the harvestable catch under the Convention. ^② is not of importance to the overall regulatory scheme of the Commission in effect for this season, and ^③ will not cause injury to the interests of Canada or Canadian fishermen. The Commission's regulatory program has not always included a gear allocation system; the system was developed at the request of fishermen to help eliminate respective domestic gear conflict problems. Our technical experts advise that such a gear allocation system is not necessary to ensure proper escapement of the stocks or equal allocation of catch between the parties. Moreover, it is our understanding that the State of Washington will continue to regulate the use of types of gear in a manner which will cause very little practical change from present fishing patterns.

Should this action cause harm to the proper regulation of the stocks under the Convention or to the interests of Canada or Canadian fishermen under the Convention, the United States will consult immediately with the Commission and the Government of Canada, as appropriate. The United

-3-

States is fully prepared to cooperate in a review of the situation by the Commission and the elaboration of alternative measures as appropriate.

Sincerely yours,



Thomas A. Clingan, Jr.
Deputy Assistant Secretary for
Oceans and Fisheries Affairs

cc: Dr. Shepard
Commissioner Johnson
Commissioner Saletic
Mr. Moos
Mr. Tollefson
Mr. Pitkin



Environment Canada

Environnement Canada

MEMORANDUM

NOTE DE SERVICE

DATE

July 22, 1975

Our file Notre référence

FROM:
DE:

M. Hunter

TO:
À:

Mr. L.H. Legault

SUBJECT:
SUJET:

IPSFC REGULATIONS - ACTION BY U.S.
GOVERNMENT

Your file Votre référence

25-5-7-2-SALMON-1	
12	58

Mr. Sullivan of the Department of State telephoned this morning to advise that the United States has rescinded those parts of previously accepted IPSFC regulations that pertain to gear. Regulations for American fishermen now refer only to times and areas in which fishing will be allowed, so as to permit the State of Washington to regulate the division of catch between ethnic groups.

Joe Carton and External Affairs have already been requested to advise on the legality of the U.S. action, and I would suggest that we await the provision of that advice before proceeding with an official protest.

Once this protest is lodged, we should consider what further action we should take, particularly as it is probable that the U.S. has acted in violation of the Salmon Convention. I would suggest that this be discussed on the telephone with Roberts and Hourston later today.

M. Hunter
M. Hunter

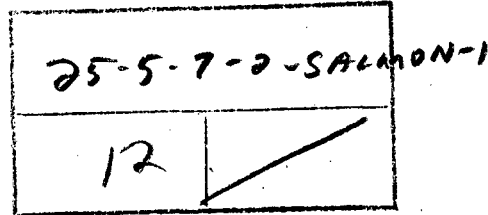
c.c. P.D. Murray
R.N. Gordon
J. Carton
IPSFC B.B.



**U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

1700 Westlake Avenue North
Seattle, Washington 98109

July 24, 1975




Mr. M. Hunter
Pacific Programs Officer
International Fisheries Policy
International Fisheries & Marine Directorate
Fisheries & Marine Service
Department of the Environment
580 Booth Street
Ottawa, Ontario
Canada
K1A OH3

Dear Mr. Hunter:

Enclosed for your review is a draft Summary Record for the recent governmental meetings held in Bellingham, Washington. Please feel free to make any comments or suggest any changes as appear appropriate. A copy of this draft is this day also being sent to Mr. Hourston in Vancouver.

We look forward to hearing from you in the near future. Thank you for your kind consideration.

Sincerely,


John H. Dunnigan
Staff Attorney

Enclosure

DRAFT

Meeting of United States and Canadian Representatives on Problems Posed
by Special Treaty Fishing Rights of Certain U. S. Indian Tribes.

Bellingham, Washington; July 18, 1975.

United States and Canadian officials met at 10:30, a.m., in Bellingham, Washington, on July 18, 1975, to review recent developments relating to the domestic problems of the United States in providing for full implementation of treaty fishing rights possessed by certain United States Indians, and to discuss methods of resolving such problems giving due regard to the mutual rights and responsibilities of the parties to the International Pacific Salmon Fisheries Convention.

The meeting was attended by: United States - Mr. Sullivan, Department of State; Mrs. West, Department of State; Mr. D. R. Johnson, NMFS, IPSFC Commissioner; Dr. Henry, NMFS; Mr. Dunnigan, NOAA; Mr. Moos, State of Washington; Mr. Lasater, State of Washington; Mr. J. M. Johnson, State of Washington; Mr. Saletic, IPSFC Commissioner; Mr. Tollefson, former IPSFC Commissioner. Canada: Dr. Shepard, Department of the Environment; Mr. Hourston, Department of the Environment, IPSFC Commissioner; Mr. Haig-Brown, IPSFC Commissioner; Mr. Nelson, IPSFC Commissioner; Mr. Roberts, Department of the Environment; Mr. Hunter, Department of the Environment; Mr. Todd, Department of the Environment. IPSFC Staff: Mr. Cooper, Mr. Roos.

The discussion at the meeting proceeded as follows:

1. The United States and Canadian sides each reviewed past negotiations between the two governments on the same subject, noting that an understanding had been reached whereby the United States would attempt to provide for its treaty Indian fisheries by domestic measures, which could include the division

days opened by the Commission among various user groups as might be required by domestic law. The Commission would, as is its responsibility and standard practice, make appropriate adjustments in its regulations, to the extent practicable, to provide for equal division of the catches between the countries.

2. The United States side indicated that in light of subsequent developments it had become clear that the type of implementation previously envisioned would pose serious difficulty in achieving the goal it was intended to serve, in large part because potential disruption to the non-Indian United States fishery would make enforcement very difficult. In light of the developments the United States suggested the possibility of Commission action which would allow the United States to provide, as described in Judge Boldt's order of July 16: 1) that United States Indian treaty fishermen be permitted to fish with any gear whenever any net fishing was open for United States fishermen; and 2) that United States Indian treaty fishermen in State Area 2, west of Angeles Point, be allowed to fish five days per week. Because of the small amount of gear fished by these Indians, the United States felt that the effect on the Commission's management program would be negligible. All catches would be properly monitored, reported and included in the United States' share of the catch.

3. The Canadian side responded that it had not had time properly to review the United States proposal, and would consider it carefully, although its initial reaction was that it presented serious problems. Canada also indicated that it was becoming discouraged with the continued inability of the United States to resolve this problem and with the effects these matters were having on the Commission's image and management program. The Canadian side urged the United States to seek some resolution of its problem along the lines of the prior understanding.

The United States side presented for review by the Canadian side a proposal that each party to the Convention be permitted to make such limited exceptions to the IPSFC regulations as may be necessary to provide for measures required by domestic law.

5. The Canadian side, after carefully considering the United States proposal, indicated that it was unacceptable. It was felt that providing for such exceptions would create a dangerous precedent which could lead to exceptions in the future which might cause disruption in Canadian fisheries, and unfairly placed the burden on the IPSFC to solve the domestic problems of the United States. The Canadian side also expressed its belief that the United States had not tried all available domestic alternatives to solving its internal problem. It was again urged that the United States attempt to solve its problem within the framework of the prior understanding.

6. The United States side proposed that the Commission consider elimination of its regulation of gear in United States Convention Waters. The Canadian side indicated a willingness to consider this proposal, but that due to the need for careful study, it felt that such action for this season would not be possible.

7. The United States side reiterated its position that the type of implementation envisioned in the prior understanding would pose serious difficulty in achieving the goal it was intended to serve. The United States again explained that a solution which would allow flexibility of gear use in the United States Indian fishery would not, in the United States' view, prevent achieving either the IPSFC's escapement goals or an equal division of the catch. The United States further indicated that if no action could be taken by the IPSFC or the two governments at the present time, the United States would have to consider other options, such as the possibility of the temporary withdrawal of


United States approval of that part of the IPSFC's regulations which allocated fish to specific types of gear in the United States fishery.

If this action were taken, the United States felt that the conduct of such a fishery by United States Indian citizens would not contravene the basic responsibilities of the United States under the Convention.

The United States will reexamine its position on the five-day Makah fishery to determine appropriate domestic action to insure that United States fisheries are conducted in conformance with the IPSFC's basic regulatory program.

8. The Canadian side took the position that it would await any action by the United States in this regard and respond through diplomatic channels as appropriate under the circumstances. In the meanwhile, the Canadian government stood ready to discuss any further proposals which the United States might put forward.

File, Circ., Div., Diary

 *Environment*

s.23

FLO/F. Nadeau/ 2-8608/mb


cc M. Parry FLA

25-5-7-2-Salmon-1	
9	52

Ottawa, Ontario
K1A 0G2

Le 29 juillet 1975

Monsieur,

...

Bien à vous,

D. M. MILLER

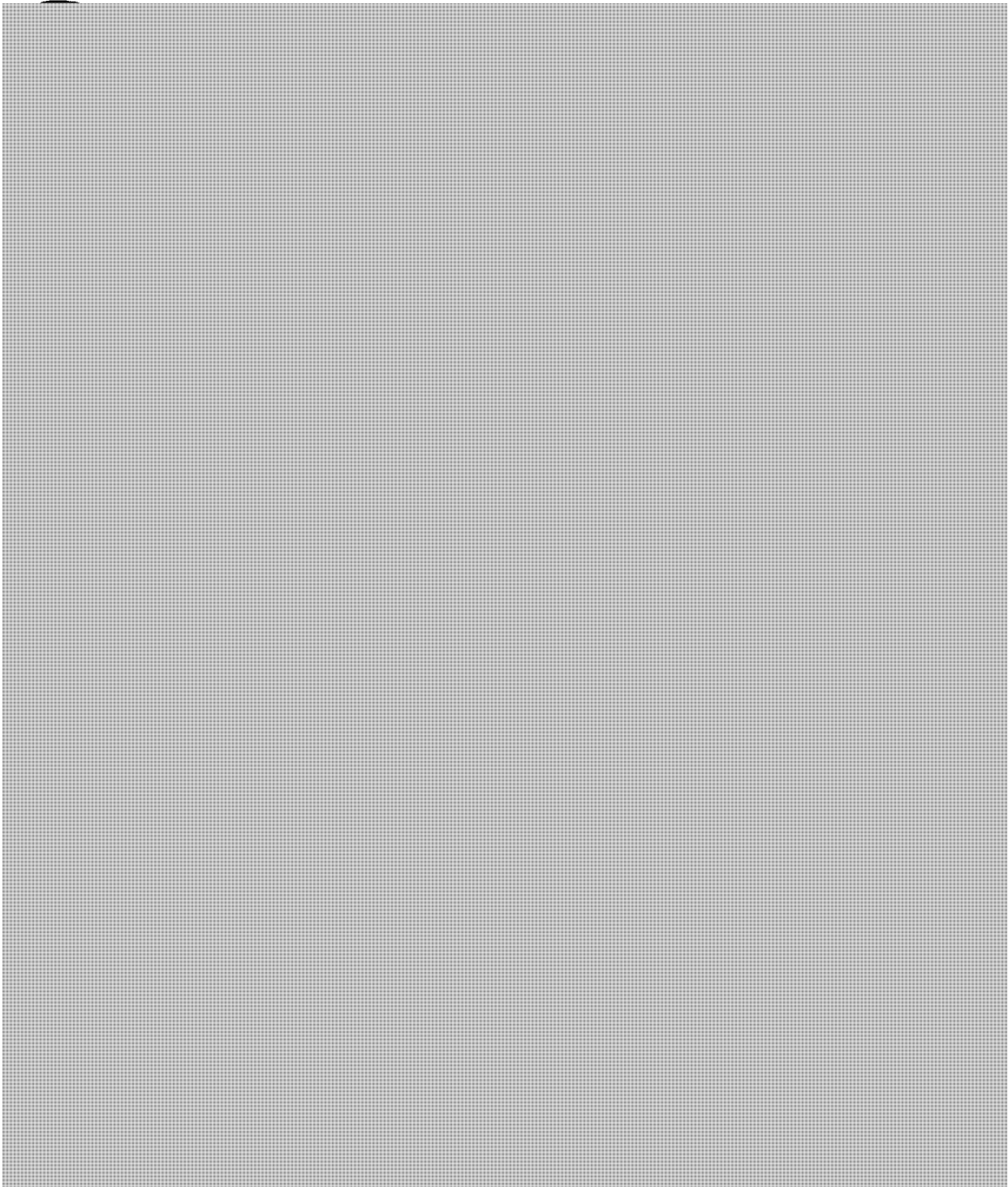
D.M. Miller
Directeur
Direction des Opérations juridiques

Monsieur Hunter
Direction Générale des Pêches Internationales
Ministère de l'Environnement
EMR Tower
580 Booth Street
Ottawa, Ontario

s.23

File, Circ., Div., Diary

FLO/F. Nadeau/2-8608/mb



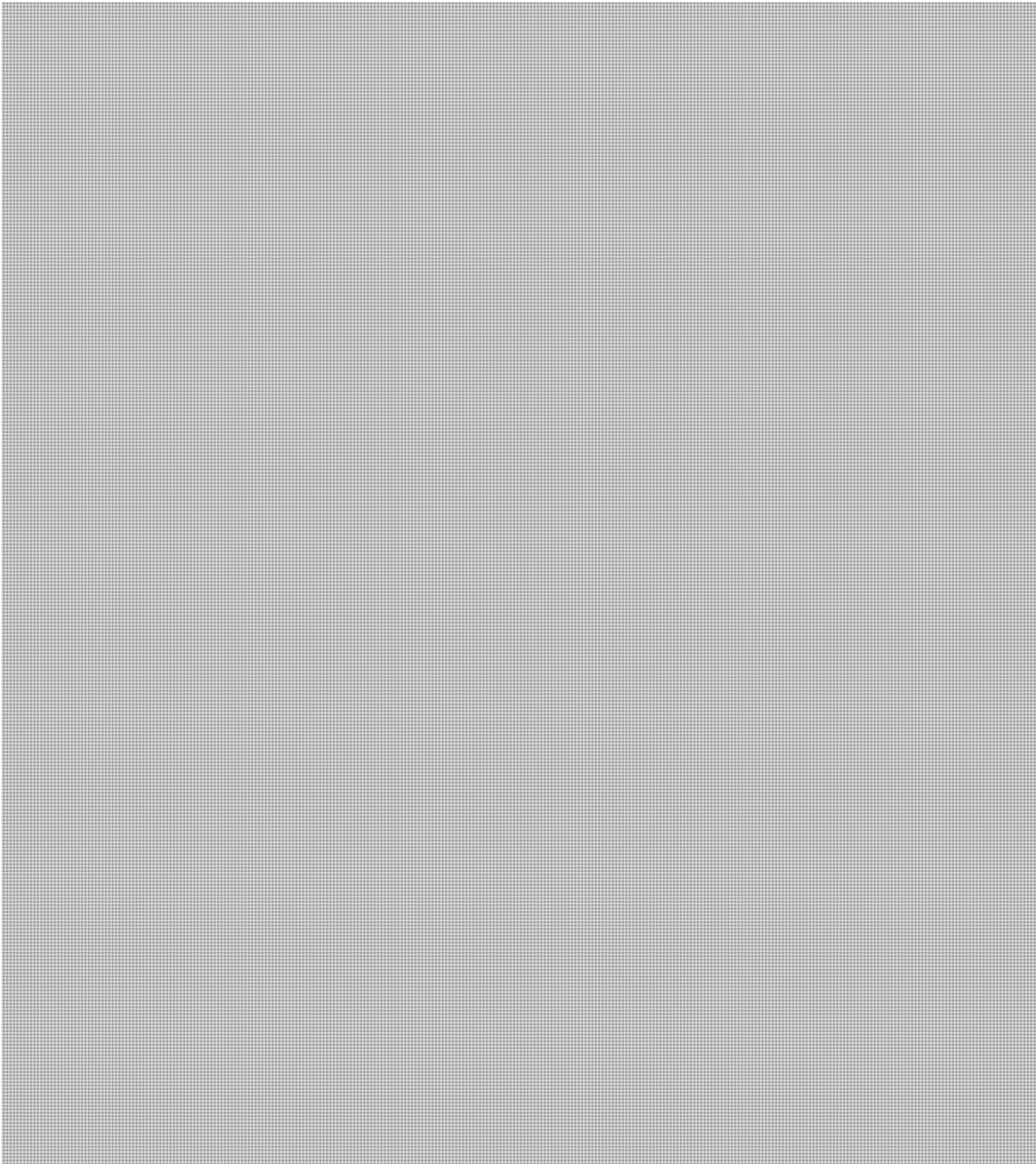
.../2

File, Div., Circ., Diary

FLO/F. Nadeau/2-8608/mb

- 2 -

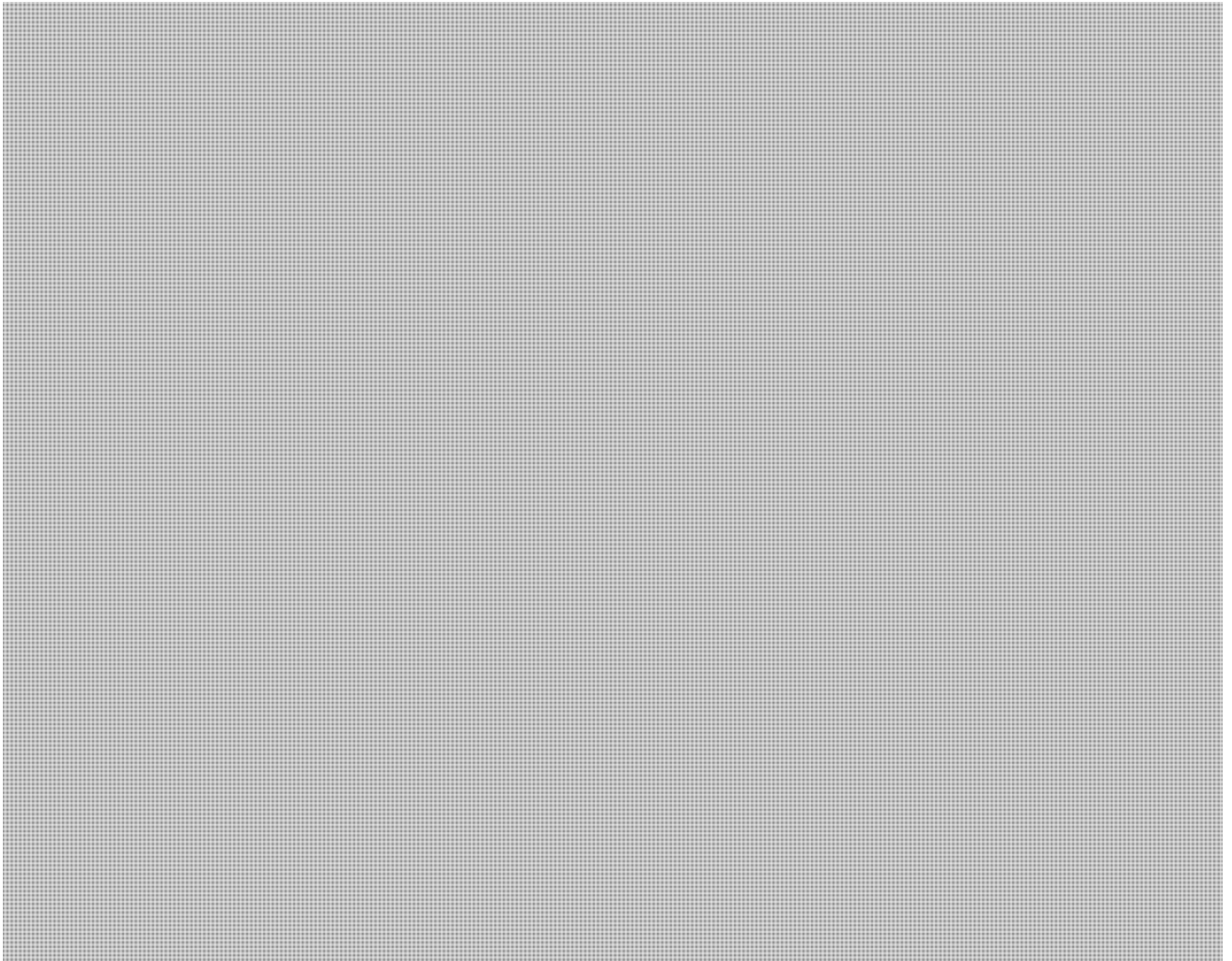
s.23



.../3

s.23

- 3 -



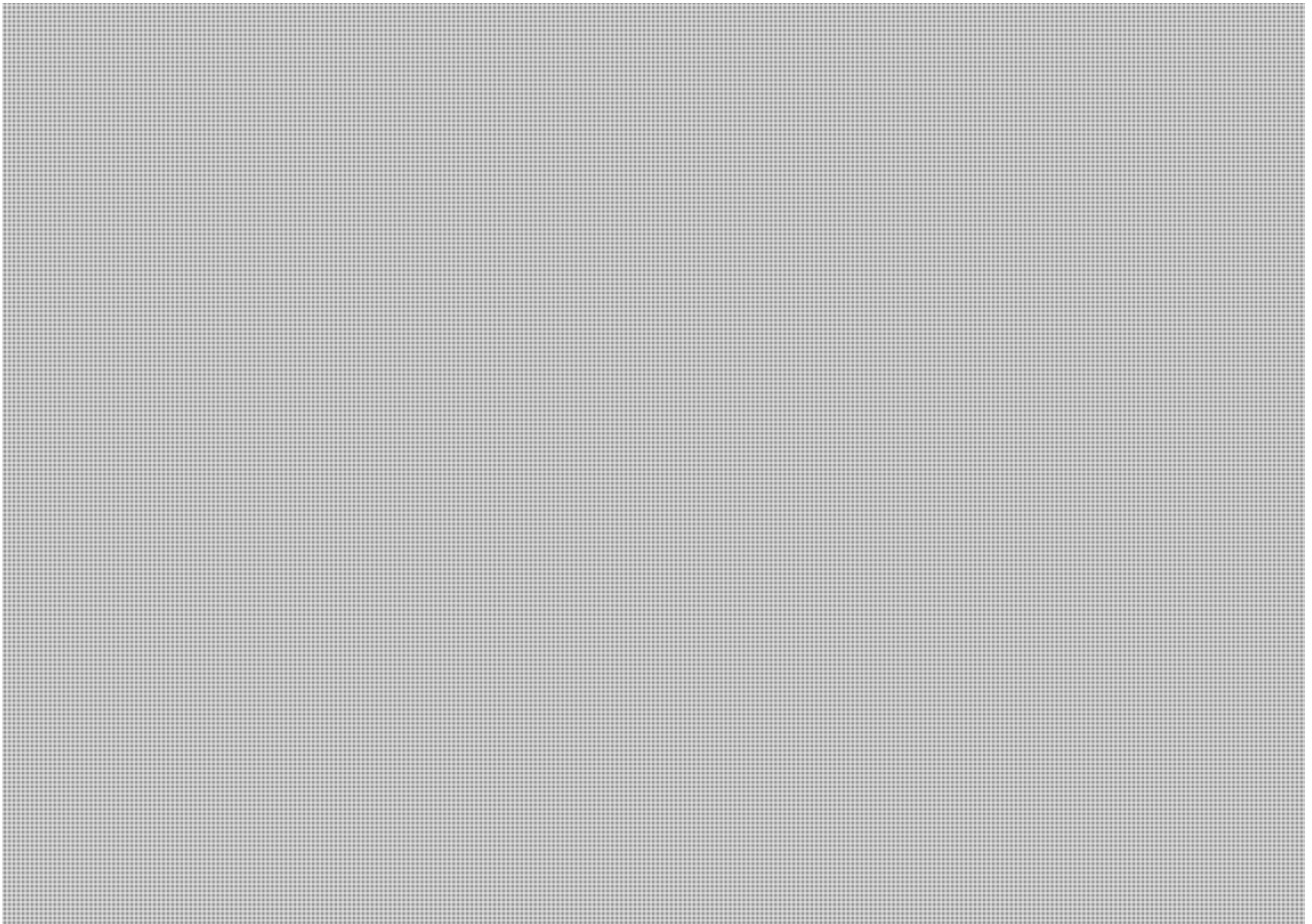
.../4

File, Circ., Div., Diary

- 4 -

FLO/F. Nadeau/2-8608/mb

s.23



File, Circ., Div., Diary

FLO/F. Nadeau/2-8608/mb

① Environnement Cda

25-5-7-2-Salmon-1	
9	27

Ottawa, Ontario
K1A 0G2

Le 1er août 1975

s.23

Monsieur,

...

Bien à vous,

D. M. MILLER

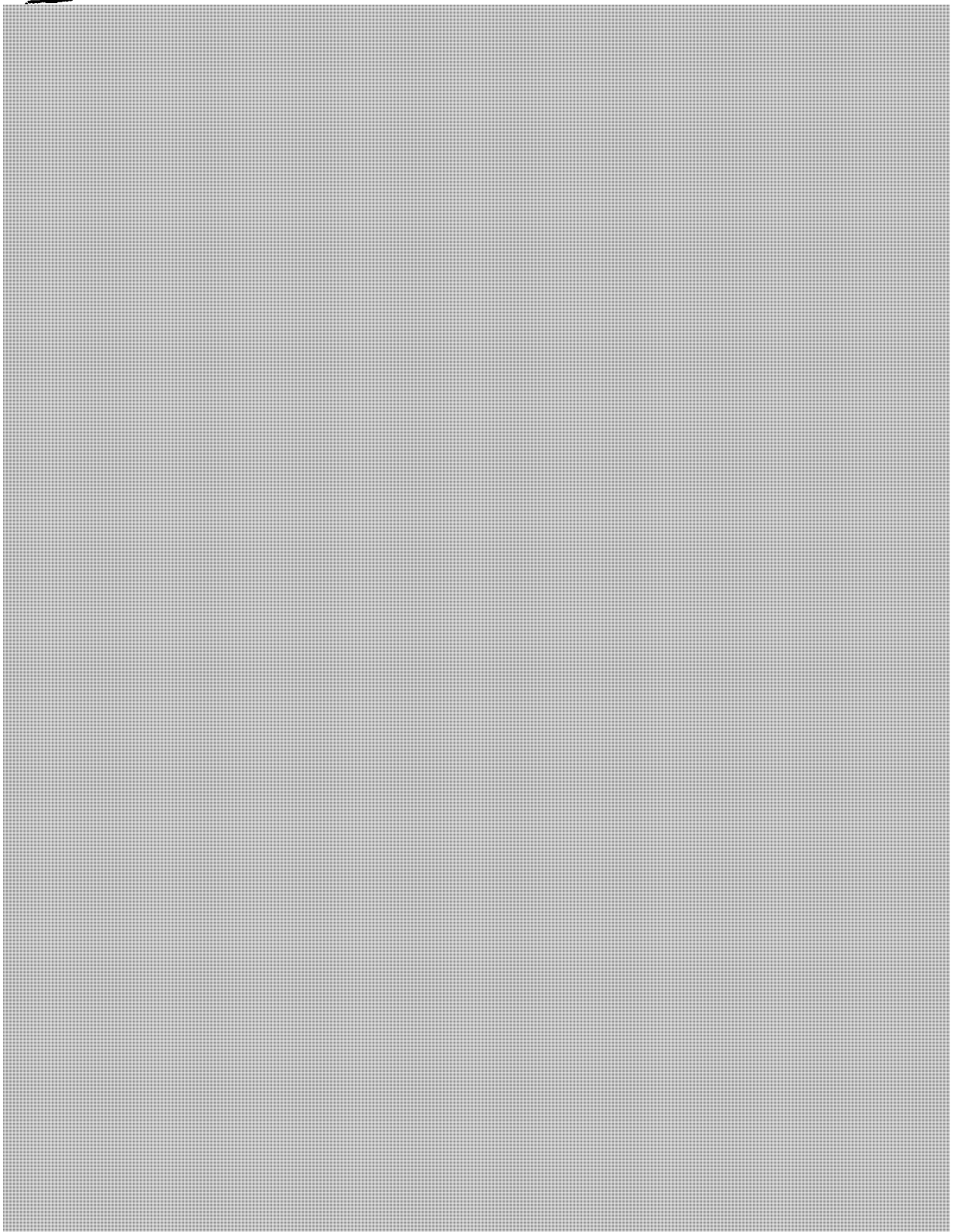
D.M. Miller
Directeur
Direction des Opérations juridiques

Monsieur Michael Hunter
Direction Générale des Pêches Internationales
Environnement Canada
EMR Tower
580, rue Booth
Ottawa, Ontario

s.23

File, Circ., Div., Diary

FLO/F. Nadeau/2-8608/mb

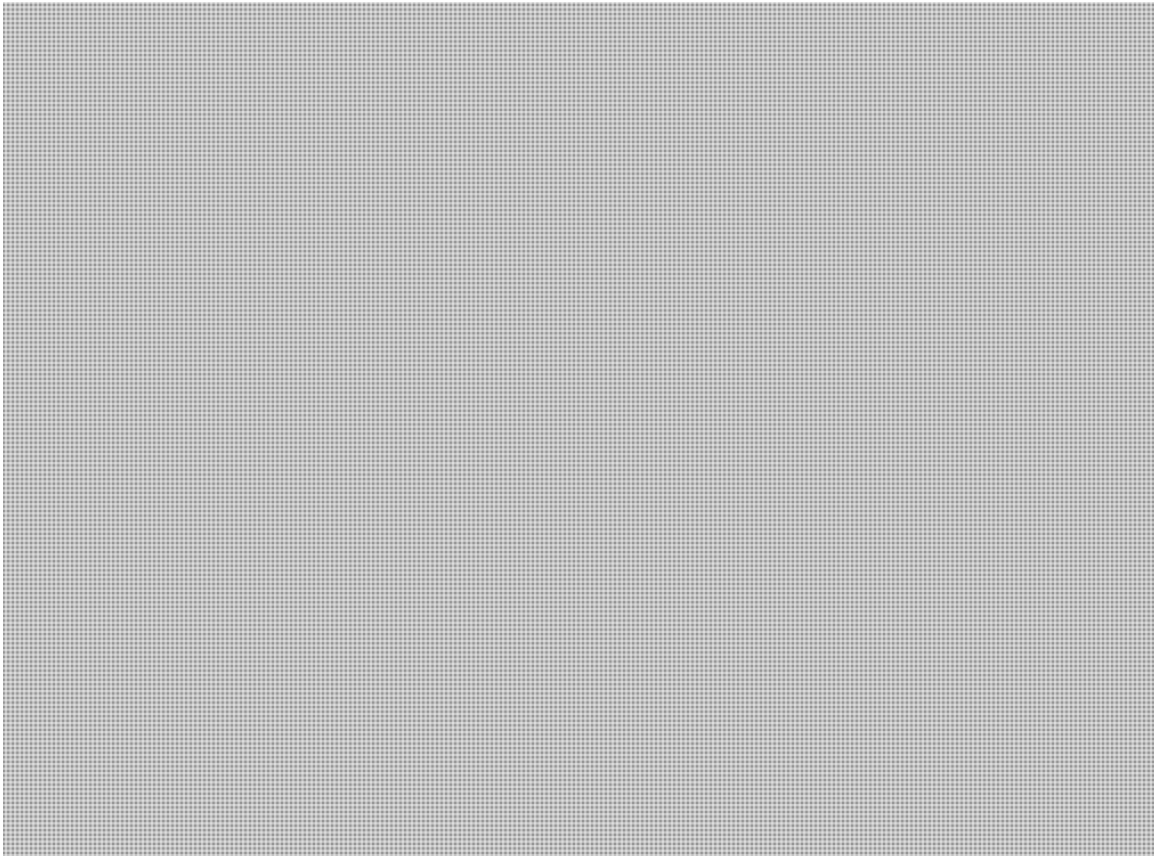


.../2

- 2 -

File, Circ., Div., Diary
s.23

FLO/F. Nadeau/2-8608/mb





Environment
Canada

Environnement
Canada

Fisheries and
Marine

Pêches et sciences
de la mer

L.H. Legault

*This was sent by tel.
M. Nadeau was involved
in formulating reply. JMB*

August 1st, 1975

25-572-5411	
31	

Your file Votre référence

Our file Notre référence

Mr. M.B. Phillips,
Legal Operations Division (FLO),
Department of External Affairs,
Lester B. Pearson Bldg.,
Ottawa.

Dear Mike:

Further to our telephone conversation earlier today, I am attaching a draft aide-mémoire to the United States concerning the problems that have arisen in connection with Judge George H. Boldt's decision on Indian fishing rights in the state of Washington. I should be grateful if you could arrange to have this communication conveyed to the competent U.S. authorities in the appropriate form and through the appropriate channel.

Yours sincerely,

L.H. Legault

L.H. Legault,
Director General,
International Fisheries &
Marine Directorate.

Attach.

DRAFT

The Canadian Embassy presents its compliments to the Department of State and has the honour to refer to the Convention between Canada and the United States of America for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System.

During the past year, officials of the Governments of Canada and the United States have met on a number of occasions to discuss the domestic problem raised in the United States by judgements and orders issued by Judge George H. Boldt of the United States District Court with respect to Indian fishing rights in the State of Washington. These meetings have been held to assist the United States in finding a domestic solution to the problem of allocation of fish to various United States fishermen without interference with the management program of the International Pacific Salmon Fisheries Commission or with the rights of Canadian salmon fishermen.

Subsequent to the most recent meeting held in Bellingham, Washington on July 18, 1975, at which no solution to this problem was found, the Government of the United States advised the International Pacific Salmon Fisheries Commission that it had temporarily withdrawn, effective July 19, 1975, its approval of those parts of the regulations of the Commission that governed the types of fishing gear to be used during open fishing periods.

The Government of Canada wishes to express its concern at this action by the United States. In the view of the Canadian Government, such action is not consistent with the terms of the Convention. While it is true that the Commission's regulations require the approval of both Governments, that approval was in fact given by them. The Convention makes

- 2 -

no provision for the withdrawal of approval after a regulation of the Commission has gone into effect, and it is clear that a unilateral measure of this kind, if permitted, would effectively frustrate the Commission's role and objectives.

In the light of these considerations, the Government of Canada would be grateful if the Government of the United States would review its action of July 19, 1975 and reinstate the regulations of the IPSFC which it adopted on April 11, 1975.

The Canadian Government wishes to assure the Government of the United States that it is willing to explore with the United States other avenues which may lead to a satisfactory solution to the problem in question.

MESSAGE

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
LIEU	MINISTÈRE	N° D'ORIG.		25-5-7-2-SALMON-1	
OTTAWA	EXTERNAL	FLO-888	AUG.6/75	+	RESTRICTED

FM/DE	WASHDC	PRECEDENCE
TO/A		
INFO	ENV/OTT/LEGAULT	AUG 6 1975
		22:25
DISTR.	GWU	

REF.	
SUB/SUJ	SALMON

PLEASE PASS TEXT OF FOLLOWING AIDE MEMOIRE TO STATE DEPARTMENT (SULLIVAN). BECAUSE OF URGENCY MATTER WAS DISCUSSED WITH HIM ON PHONE AUGUST 5 (WE UNDERSTAND THERE IS FURTHER COURT HEARING ON THIS MATTER AUGUST 6) AND HE RECEIVED WORDING WHICH THIS AIDE MEMOIRE CONTAINS DURING TELCON.

2. QUOTE DURING THE PAST YEAR, OFFICIALS OF THE GOVERNMENTS OF CANADA AND THE UNITED STATES HAVE MET ON A NUMBER OF OCCASIONS TO DISCUSS THE DOMESTIC PROBLEM RAISED IN THE UNITED STATES BY JUDGEMENTS AND ORDERS ISSUED BY JUDGE GEORGE H. BOLDT OF THE UNITED STATES DISTRICT COURT WITH RESPECT TO INDIAN FISHING RIGHTS IN THE STATE OF WASHINGTON. THESE MEETINGS HAVE BEEN HELD TO ASSIST THE UNITED STATES IN FINDING A DOMESTIC SOLUTION TO THE PROBLEM OF ALLOCATION OF FISH TO VARIOUS UNITED STATES FISHERMEN WITHOUT INTERFERENCE WITH THE MANAGEMENT PROGRAM OF THE INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION OR WITH THE RIGHTS OF CANADIAN

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APProuvé
SG... PHILIPPS AUGER <i>Philipps Auger</i>	FLO	6-6316	<i>J. M. Miller</i> D.M. MILLER

FLO-888

...../2

SALMON FISHERMEN.

3. SUBSEQUENT TO THE MOST RECENT MEETING HELD IN BELLINGHAM, WASHINGTON ON JULY 18, 1975, AT WHICH NO SOLUTION TO THIS PROBLEM WAS FOUND, THE GOVERNMENT OF THE UNITED STATES ADVISED THE INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION THAT IT HAD TEMPORARILY WITHDRAWN, EFFECTIVE JULY 19, 1975, ITS APPROVAL OF THOSE PARTS OF THE REGULATIONS OF THE COMMISSION THAT GOVERNED THE TYPES OF FISHING GEAR TO BE USED DURING OPEN FISHING PERIODS.

4. THE GOVERNMENT OF CANADA WISHES TO EXPRESS ITS CONCERN AT THIS ACTION BY THE UNITED STATES. IN THE VIEW OF THE CANADIAN GOVERNMENT, SUCH ACTION IS NOT CONSISTENT WITH THE TERMS OF THE CONVENTION BETWEEN CANADA AND THE UNITED STATES OF AMERICA FOR THE PROTECTION, PRESERVATION AND EXTENSION OF THE SOCKEYE SALMON FISHERIES IN THE FRASER RIVER SYSTEM. WHILE IT IS TRUE THAT THE COMMISSION'S REGULATIONS REQUIRE THE APPROVAL OF BOTH GOVERNMENTS, THAT APPROVAL WAS IN FACT GIVEN BY THEM. THE CONVENTION MAKES NO PROVISION FOR THE WITHDRAWAL OF APPROVAL AFTER A REGULATION OF THE COMMISSION HAS GONE INTO EFFECT, AND IT IS CLEAR THAT A UNILATERAL MEASURE OF THIS KIND, IF PERMITTED, WOULD EFFECTIVELY FRUSTRATE THE COMMISSION'S ROLE AND OBJECTIVES.

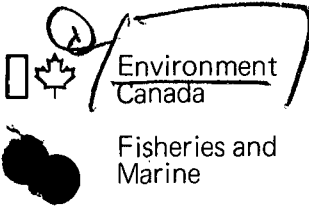
5. IN THE LIGHT OF THESE CONSIDERATIONS, THE GOVERNMENT OF CANADA WOULD BE GRATEFUL IF THE GOVERNMENT OF THE UNITED STATES WOULD REVIEW ITS ACTION OF JULY 19, 1975 AND REINSTATE THE REGULATIONS OF THE IPSFC WHICH IT ADOPTED ON APRIL 11, 1975.

.../3

FLO-888

...../3

6. THE CANADIAN GOVERNMENT WISHES TO ASSURE THE GOVERNMENT
OF THE UNITED STATES THAT IT IS WILLING TO EXPLORE WITH THE
UNITED STATES OTHER AVENUES WHICH MAY LEAD TO A SATISFACTORY
SOLUTION TO THE PROBLEM IN QUESTION. UNQUOTE



Environment
Canada

Environnement
Canada

Fisheries and
Marine

Pêches et sciences
de la mer

0

August 21, 1975.

file salmon-1
85-5-1
V

Mr. M. Phillips,
Department of External Affairs,
Legal Operations Division,
Lester B. Pearson Building,
Sussex Drive,
Ottawa, Ontario.

Your file Votre référence

Our file Notre référence

25-5-1-2 - Salmon-1
9 | 52

recd 28/8
U.

Dear Mike:

Further to our discussion on the subject of a new note for the U.S.A. on our Fraser River convention problems, I am enclosing a draft diplomatic note which we would like transmitted to the Canadian Embassy in Washington for delivery to the State Department as soon as possible.

BPA
checked
to hold
until
further
clearance
22/8

Yours sincerely,

B. Applebaum
for L. Legault

cc. With Attachments: M.P. Shepard
M. Hunter
C.R. Levelton
W.R. Hourston
R.F.A. Roberts

Mike - Leonard cleared
this Note before he
left for Montreal.

MESSAGE

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
LIEU	MINISTÈRE	N° D'ORIG.			
FM/DE	OTT	EXT	FLO-985	AUG28/75	25-5-7-2-Salmon-1 9 UNCLAS

TO/A	WASHINGTON	PRECEDENCE
INFO	DOE/LEGAULT/SHEPARD	AUG 28 20:27 75 EXTERNAL AFFAIRS TOC/10D CONFIDENTIAL

DISTR.	GWU	FLP
REF	OURTEL 888 AUG 6	
SUB/SUJ	PACIFIC SALMON: BOLDT DECISION	

APPRECIATE YOU DELIVER AIDE-MEMOIRE IN FOLLOWING
PARA TO STATE DEPT ASAP.

2. IN ITS AIDE-MEMOIRE OF , THE GOVT OF
CDA INDICATED THAT THE US GOVT'S ACTION IN WITHDRAWING ITS
APPROVAL OF CERTAIN PARTS OF THE REGULATIONS OF THE
INTERNATIONAL PACIFIC SALMON COMMISSION AND RESCINDING THE ~~h~~
RELATED US REGULATIONS WERE CONSIDERED TO BE INCONSISTENT
WITH THE TERMS OF THE FRASER RIVER CONVENTION; AND FURTHER
THAT SUCH ACTIONS, IF PERMITTED, WOULD EFFECTIVELY FRUSTRATE
THE COMMISSION'S ROLE AND OBJECTIVES. REINSTATMENT OF THE
COMMISSION'S REGULATIONS WAS REQUESTED.

THE GOVT OF CDA NOTES THAT THE USA HAS NOT
REINSTATED THE COMMISSION REGULATIONS. ON THE CONTRARY,
OTHER RULES HAVE BEEN BROUGHT INTO EFFECT IN THE USA WHICH
EITHER IGNORE OR DISTORT THE COMMISSION'S REGULATIONS. .../2

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG G. A. LAGER/gf	LEGAL OPERATIONS	2-6692	SIG E. B. WANG

PAGE TWO

REFERENCE IS MADE IN PARTICULAR TO THE AUGUST 8 ORDER OF JUDGE G. BOLDT OF THE US DISTRICT COURT RESPECTING THE SWINOMISH INDIANS, AND ORDER 1244 OF THE STATE OF WASHINGTON DIRECTOR OF FISHERIES WITH RESPECT TO INDIANS IN GENERAL.

THE ATTENTION OF THE GOVT OF THE USA IS DRAWN TO ARTICLE X OF THE CONVENTION, WHICH STATES THE FOLLOWING:

QUOTE THE HIGH CONTRACTING PARTIES AGREE TO ENACT AND ENFORCE SUCH LEGISLATION AS MAY BE NECESSARY TO MAKE EFFECTIVE THE PROVISIONS OF THE CONVENTION AND THE ORDERS AND REGULATIONS ADOPTED BY THE COMMISSION UNDER THE AUTHORITY THEREOF, WITH APPROPRIATE PENALTIES FOR VIOLATIONS.UNQUOTE

THERE IS NO PROVISION IN THE CONVENTION FOR WITHDRAWAL OF APPROVAL BY A CONTRACTING PARTY AFTER AN ORDER OR REGULATION OF THE COMMISSION HAS GONE INTO EFFECT. ON THE CONTRARY, ARTICLE IV OF THE CONVENTION MAKES CLEAR THAT ORDERS QUOTE SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS AND UNTIL THE SAME BE MODIFIED OR SET ASIDE BY THE COMMISSIONUNQUOTE.

IN LIGHT OF THE FOREGOING, THE GOVT OF CANADA URGES THE GOVT OF THE USA TO CONFORM TO THE TERMS OF ARTICLE X AS SOON AS POSSIBLE.

.../3

PAGE THREE

THE SERIOUS VIEW TAKEN BY THE GOVT OF CDA IN THIS MATTER MAY BE EASILY UNDERSTOOD. THE INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION FOR MANY YEARS HAS BEEN CHARGED WITH THE REGULATION & PROTECTION OF SOCKEYE AND PINK SALMON FISHERIES IN THE CONVENTION WATERS. THE COMMISSION'S WORK IS EXTREMELY DIFFICULT AND COMPLICATED, BUT THROUGH CLOSE COOPERATION BETWEEN THE COMMISSION AND AUTHORITIES OF THE TWO MEMBER GOVTS, EFFECTIVE PROCEDURES HAVE BEEN DEVELOPED FOR CONSERVATION OF THE STOCKS THAT HAVE HAD THE FULL SUPPORT OF FISHERMEN AND PROCESSORS OF BOTH COUNTRIES.

THE ACTIONS TAKEN BY US AUTHORITIES IN OVERTURNING DECISIONS OF THE COMMISSION APPROVED BY BOTH GOVTS HAVE COMPLICATED AND MADE MORE DIFFICULT THE COMMISSION'S ASSIGNED TASKS AND HAVE DISRUPTED THE NORMALLY SMOOTH RELATIONS BETWEEN THE COMMISSION & LOCAL AUTHORITIES OF THE TWO COUNTRIES. THE CANADIAN AUTHORITIES BELIEVE THAT SUCH ACTIONS HAVE SERIOUS IMPLICATIONS FOR THE WORK OF THE COMMISSION AND REGARD IMMEDIATE REINSTATMENT OF THE COMMISSION'S REGULATIONS AS A PREREQUISITE FOR CONTINUED EFFECTIVE MANAGEMENT OF THE FISHERIES OF THE CONVENTION AREA THIS YEAR.

IN MEETINGS WITH THEIR US COUNTERPARTS, CANADIAN OFFICIALS HAVE MADE EVERY EFFORT TO ASSIST THEM IN DEALING WITH ^{USA}~~US~~ PROBLEMS WITHIN THE FRAMEWORK OF THE CONVENTION. OF THE NUMBER OF APPROACHES EXPLORED DURING THE PAST EIGHT MONTHS, AT LEAST ONE APPEARS TO PROVIDE A SOLUTION. THE CANADIAN AUTHORITIES ARE DISAPPOINTED THAT THE USA HAS NOT IMPLEMENTED A SOLUTION ALONG THE PROVISIONALLY AGREED LINES.

.../4

PAGE FOUR

THE GOVT OF CANADA ATTACHES GREAT URGENCY TO RESOLUTION
OF THE PRESENT DIFFICULTIES. WITH REGARD TO THE FUTURE, THE GOVT
OF THE USA MAY BE ASSURED OF CANADIAN WILLINGNESS TO ASSIST IN
RESOLVING THE PROBLEMS WHICH HAVE ARISEN, IN ACCORDANCE WITH THE
TERMS OF THE CONVENTION AND THE FUNCTIONS AND POWERS IT ASSIGNS
TO THE INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION.

900

ACTION

UNCLASSIFIED

FM WSHDC UNGR2324 AUG29/75

TO EXTOTT FLO

INFO ENVOTT/LEGAULT/SHEPARD

DISTR GWU FLP

REF YOURTEL FLO985 AUG28

25-5-7-2-SALMON-1	
4	52

---PACIFIC SALMON:BOLDT DECISION

JUST AS REFTEL RECEIVED, STATE DEPT AIDE MEMOIRE, DATED AUG26 ALSO RECEIVED ON SAME SUBJ. AWAITING FURTHER INSTRUCTIONS RE TRANSMISSION OF AIDE MEMOIRE SET OUT IN REFTEL, PENDING YOUR REVIEW OF USA COMMUNICATION TEXT OF WHICH SET OUT BELOW:

BEGINS

BY AIDE-MEMOIRE OF AUG7 THE GOVT OF CDA HOLDS THAT THE ACTION OF THE USA GOVT ON JUL19 TO TEMPORARILY WITHDRAW ITS APPROVAL OF THOSE PARTS OF THE REGS OF THE INNATL PACIFIC SALMON FISHERIES COMMISSION THAT GOVERNED THE TYPES OF FISHING GEAR TO BE USED DURING OPEN FISHING PERIODS QUOTE IS NOT/NOT CONSISTENT WITH THE TERMS OF THE CONVENTION BETWEEN CDA AND THE USA FOR THE PROTECTION, PRESERVATION AND EXTENSION OF THE SOCKEYE SALMON FISHERIES IN THE FRASER RIVER SYSTEM UNQUOTE. IT NOTES FURTHER THAT THE QUOTE CONVENTION MAKES NO/NO PROVISION FOR THE WITHDRAWAL OF APPROVAL AFTER A REG HAS GONE INTO EFFECT UNQUOTE.

THE CONVENTION IS SUSCEPTIBLE TO THAT INTERPRETATION. IN GENERAL, THE USA DOES NOT/NOT DISPUTE THE CONCLUSIONS REACHED BY THE GOVT OF CDA REGARDING THE EFFECTIVE OPERATION OF THE CONVENTION. HOWEVER, THE USA BELIEVES THE CONVENTION IS

PAGE TWO UNGR2324 UNCLAS

SUSCEPTIBLE TO AN INTERPRETATION COMPATIBLE WITH THE ACTIONS
TAKEN BY THE GOVT OF USA.

IN INFORMING THE COMMISSION OF THIS ACTION, THE USA MADE
THE FOLLOWING STATEMENT:

QUOTE I WISH TO INDICATE THAT IN TAKING THIS ACTION THE USA
HAS NO/NO INTENTION OF UNDERMINING THE TREATY OR OF UNDER-
CUTTING THE COMMISSIONS BASIC REGULATORY PROGRAM NECESSARY
TO MEET THE OBJECTS AND PURPOSES OF THE CONVENTION. WE FULLY
UNDERSTAND THE REGULATORY HAZARDS WHICH COULD BE CREATED
BY LATER WITHDRAWAL OF APPROVAL OF REGS DURING THE FISHING
SEASON; WE DO NOT/NOT TAKE THIS ACTION LIGHTLY OR VIEW IT
AS CONSTITUTING A PRECEDENT REGARDING MATTERS BASIC TO AN
EFFECTIVE REGULATORY SYSTEM OR ADEQUATE JOINT PLANNING.
OUR LIMITED ACTION IS TAKEN DUE TO EXTRAORDINARY CIRCUMS-
TANCES IN THE USA, AND ON THE BASIS OF OUR BELIEF THAT THE
CHANGE FOR THIS SEASON WILL NOT/NOT ADVERSELY AFFECT
SPAWNING ESCAPEMENT OR THE EQUAL SHARING OF THE HARVESTABLE
CATCH UNDER THE CONVENTION, IS NOT/NOT OF IMPORTANCE TO
THE OVERALL REGULATORY SCHEME OF THE COMMISSION IN EFFECT
FOR THIS SEASON, AND WILL NOT/NOT CAUSE INJURY TO THE
INTERESTS OF CDA OR CDN FISHERMEN. THE COMMISSIONS REGULA-
TORY PROGRAM HAS NOT/NOT ALWAYS INCLUDED A GEAR ALLOCATION
SYSTEM; THE SYSTEM WAS DEVELOPED AT THE REQUEST OF

...3

PAGE THREE UNGR2324 UNCLAS

FISHERMEN TO HELP ELIMINATE RESPECTIVE DOMESTIC GEAR CONFLICT PROBLEMS. OUR TECHNICAL EXPERTS ADVISE THAT SUCH A GEAR ALLOCATION SYSTEM IS NOT/NOT NECESSARY TO ENSURE PROPER ESCAPEMENT OF THE STOCKS OR EQUAL ALLOCATION OF CATCH BETWEEN THE PARTIES. MOREOVER, IT IS OUR UNDERSTANDING THAT THE STATE OF WSHDC WILL CONTINUE TO REGULATE THE USE OF TYPES OF GEAR IN A MANNER WHICH WILL CAUSE VERY LITTLE PRACTICAL CHANGE FROM PRESENT FISHING PATTERNS UNQUOTE.

DUE TO THE EXTRAORDINARY CIRCUMSTANCES PREVAILING IN THE USA, THE GOVT OF THE USA REGRETS THAT IT DOES NOT/NOT FIND IT POSSIBLE AT THIS POINT TO RESINSTATE THE REGS OF THE COMMISSION WHICH IT ADOPTED ON APR11, AS REQUESTED BY THE GOVT OF CDA.

THE USA DOES NOT/NOT CONSIDER THIS ACTION AS BEING OF SUFFICIENT SCOPE, NOW OR IN THE FUTURE, TO BRING INTO PLAY THE CONSIDERATIONS RAISED BY THE GOVT OF CDA, WHICH THE USA FULLY SHARES, REGARDING FRUSTRATION OF THE COMMISSIONS ROLE AND OBJECTIVES. HOWEVER, THE USA TAKES THIS OPPORTUNITY TO ASSURE THE GOVT OF CDA THAT IT IS THE DESIRE OF THE USA THAT THE TWO GOVTS WILL CONTINUE DISCUSSIONS DIRECTLY AND WITH THE COMMISSION TO ESTABLISH A LONG-TERM SOLUTION WHICH WILL ENABLE THE USA TO IMPLEMENT INDIAN FISHING RIGHTS AND AT THE SAME TIME MAINTAIN AN

...4

PAGE FOUR UNGR2324 UNCLAS

UNQUESTIONED PROGRAM OF THE COMMISSION TO ALLOW PROPER
ESCAPEMENT AND AN EQUAL DIVISION OF THE CATCH OF SALMON.
IN THIS CONNECTION, THE USA WISHES TO CONVEY TO THE GOVT
OF CDA THE USA GOVTS CONCERN THAT THE UNDERLYING PRIN-
CIPLE APPLIED IN PRACTICE AS WELL OVER MANY YEARS THAT THE
COMMISSION BE A PRIMARY MEANS FOR COORDINATING AND IMPLE-
MENTING POLICIES OF THE TWO GOVTS PURSUANT TO THE CONVENTION
NOT/NOT BE JEOPARDIZED BY INITIATIVES TAKEN OUTSIDE OF
INTER-GOVTL AGREEMENT TO REMAKE THE COMMISSION INTO AN
INDEPENDENT JUDGE OF THOSE POLICIES. ENDS
END/025 291812Z 00850

25-5-7-2-Salmon-1

AIDE-MEMOIRE

By Aide-Memoire of August 7 the Government of Canada holds that the action of the United States Government on July 19 to temporarily withdraw its approval of those parts of the regulations of the International Pacific Salmon Fisheries Commission that governed the types of fishing gear to be used during open fishing periods "is not consistent with the terms of the convention between Canada and the United States for the protection, preservation and extension of the sockeye salmon fisheries in the Fraser River System." It notes further that the "Convention makes no provision for the withdrawal of approval after a regulation has gone into effect".

The Convention is susceptible to that interpretation. In general, the United States does not dispute the conclusions reached by the Government of Canada regarding the effective operation of the Convention. However, the United States believes the Convention is susceptible to an interpretation compatible with the actions taken by the Government of the United States.

In informing the Commission of this action, the United States made the following statement:

"I wish to indicate that in taking this action the United States has no intention of undermining the Treaty or of undercutting the Commission's basic regulatory

program necessary to meet the objects and purposes of the Convention. We fully understand the regulatory hazards which could be created by later withdrawal of approval of regulations during the fishing season; we do not take this action lightly or view it as constituting a precedent regarding matters basic to an effective regulatory system or adequate joint planning. Our limited action is taken due to extraordinary circumstances in the United States, and on the basis of our belief that the change for this season will not adversely affect spawning escapement or the equal sharing of the harvestable catch under the Convention, is not of importance to the overall regulatory scheme of the Commission in effect for this season, and will not cause injury to the interests of Canada or Canadian fishermen. The Commission's regulatory program has not always included a gear allocation system; the system was developed at the request of fishermen to help eliminate respective domestic gear conflict problems. Our technical experts advise that such a gear allocation system is not necessary to ensure proper escapement of the stocks or equal allocation of catch between the parties. Moreover, it is our understanding that the State of Washington will continue to regulate the use of types of gear in a manner which will cause very little practical change from present fishing patterns."

Due to the extraordinary circumstances prevailing in the United States, the Government of the United States regrets that it does not find it possible at this point to reinstate the regulations of the Commission which it

adopted on April 11, as requested by the Government of Canada.

The United States does not consider this action as being of sufficient scope, now or in the future, to bring into play the considerations raised by the Government of Canada, which the United States fully shares, regarding frustration of the Commission's role and objectives. However, the United States takes this opportunity to assure the Government of Canada that it is the desire of the United States that the two Governments will continue discussions directly and with the Commission to establish a long-term solution which will enable the United States to implement Indian fishing rights and at the same time maintain an unquestioned program of the Commission to allow proper escapement and an equal division of the catch of salmon. In this connection, the United States wishes to convey to the Government of Canada the United States Government's concern that the underlying principle applied in practice as well over many years that the Commission be a primary means for coordinating and implementing policies of the two Governments pursuant to the Convention not be jeopardized by initiatives taken outside of inter-governmental agreement to remake the Commission into an independent judge of those policies.

Department of State,

Washington,

August 26, 1975

Law

G. Leger

To/A	<i>FLO</i>
From/De:	ACRA
JAN 9 1975	
Att'n:	<i>M. Leger</i>

~~ADP~~
to see
+ file
→

25-5-7-2-SALMON-1	
4	-

CANADIAN-U.S. DISCUSSIONS ON SALMON INTERCEPTIONS

September 24 and 25, 1975

Vancouver, B.C.

2

United States Delegation

D. McKernan
K. Henry
T. Leitzel
C. Blondin
D. Johnson
A. Burt
H. Rietze
W. MacKenzie

Canadian Delegation

C. Levelton
M. Hunter
G. Geen
R. Hourston
J. McDonald
R. Roberts
G. Leger

RECORD OF DISCUSSION

Canadian and U.S. officials met in Vancouver, B.C. on September 24 and 25, 1975 to further consider the subject of Pacific Salmon Problems of Mutual Concern. This discussion was a continuation of informal talks begun August 26, 1975, in the context of formal negotiations on this subject which began in 1971.

The officials of the two sides agreed at the outset that the discussions were exploratory and informal and that no substantive commitments could be made.

Following the August 26 meeting, the U.S. side had submitted an unofficial/informal document describing principles which might be incorporated into a new U.S./Canada Salmon Convention, (Annex A). The Canadian officials indicated that their prime interest at the meeting was to seek clarification and elaboration of the U.S. proposal. There followed a general discussion of the document where the following points emerged:

Paragraph 1:

While the U.S. side favoured the definition of a Convention area both sides agreed to consider specifying particular fisheries or stocks to be listed in an Annex to a Convention. These fisheries or stocks would be those of particular concern to a new Commission. Provision would be made for additions to or subtractions from the list in the Annex subject to agreed criteria.

Paragraph 2(a):

The U.S. side indicated that it attached great importance to providing improved mechanisms to ensure better management and conservation of stocks of salmon of common concern.

Paragraph 2(d):

The U.S. side indicated that if a Commission could not establish an agreed upon method of determining whether interceptions were equitably balanced, the matter might be referred to binding arbitration. The U.S. side said that this would only be a particular matter which would be covered in the context of a broad dispute statement procedure elaborated in the Convention.

Paragraphs 5, 6 and 7:

There was a general discussion on how the Commission would work. A flow chart of how the U.S. would see the functioning of the Commission was prepared, (Annex B).

Paragraph 9:

In elaborating this paragraph, the U.S. side explained that the only way restrictions using interception rates would be manageable

was by transforming such rates into expected catches and using these expected catches as management targets. The U.S. side explained that any deviation from the agreed upon interception rate restriction would be taken into account in following years using some moving average basis. Both sides agreed to consider, without commitment, using the most recent two cycles of each species (4 cycles for pinks) in the calculation in the initial interception rate restrictions.

Paragraph 11

It was agreed that an advisory committee, established to advise the Commission, would not be appropriate since the Commission would be a negotiating forum. It was understood that each national section would appoint its own advisory committee.

Paragraph 13

The importance of keeping funding arrangements (contracts from the Commission to the appropriate agencies on both sides, or having the Commission do its own work) flexible was stressed by the U.S. side.

Admin. Committee Report

It was agreed that Messrs. Hourston and Johnson would consult with the Salmon Commission staff and with technical people of both governments to determine whether there should be any change from the present Convention area which would come under the jurisdiction of the new "Fraser River Panel".

Following the detailed consideration of the U.S. document, the Canadian side made the following preliminary comments:

The U.S. proposal seems to accommodate Canadian concern over the equity problem in that it would hopefully be resolved within the new Commission within an agreed period of time, either by negotiation, or through the application of a binding dispute settlement procedure. Once the formula had been agreed upon, both sides would agree to adjust their intercepting fisheries accordingly. The Canadian side also said that the U.S. proposal presents positive aspects in the matter of each country reaping the benefits of its future enhancement programs. However, from the Canadian standpoint, there were still some difficulties in the matter of U.S. participation in continued future benefits from the four most recent Fraser River enhancement projects.

The Canadian side indicated that the U.S. proposal does go some way in meeting Canadian concern over reducing interceptions. However, the Canadian side still has some difficulty in that the proposal does not envisage catch ceilings in terms of numbers of salmon in certain intercepting fisheries. Hopefully however, this would only be a short term problem until such time as the equity issue is resolved. The Canadian side also said that it could agree with the concept of an "umbrella Commission" but there might be some philosophical difficulties as to the terms of reference of such a Commission, though these difficulties may not be insurmountable. The Canadian side indicated that the U.S. proposal does not provide for a means of dealing with the Canadian salmon in the Yukon River, Columbia River and the Panhandle streams and said that any new agreement must take into account these stocks of fish.

Finally the Canadian side said that in drafting any new Convention, consideration must be given to the possible extension of jurisdiction by either or both sides.

In response, the U.S. side said that the matter of the most recent IPFSC enhancement projects might best be taken care of through restrictions in interception rates. The U.S. indicated a willingness to consider inclusion of salmon bred in Canadian sections of rivers flowing through the U.S. as stocks which would be covered by the Convention and agreed that any new Convention must take into account the possibility of extension of jurisdiction.

In response to the U.S. proposal that a drafting team be established to develop a negotiating text, the Canadian side indicated that it was not prepared to make any commitments at the present time in this respect but would communicate a response to the proposal for drafting a negotiating text by the end of October so that if agreement were reached on taking this course of action the drafting group could do its work during the INPFC meetings beginning December 3, aiming for a formal negotiating session January 6 - 10, 1975, with the present group meeting once more November 18 - 19.

FLO/M.B.Phillips-6-6316/rs

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
À

Mr. G. Leger

FROM
De

M. B. Phillips

REFERENCE
Référence

SUBJECT
Sujet

Canada/USA Talks on Salmon problems of mutual concern

SECURITY
Sécurité

CONFIDENTIAL

DATE

October 1, 1975

NUMBER
Numéro

FILE	DOSSIER
OTTAWA	
25-572-SALMON-1	
MISSION	
31	

ENCLOSURES
Annexes

DISTRIBUTION

The comments in this memorandum relate to the considerations raised in your memorandum of September 30 concerning the talks which were held Sept. 24, 25 with officials of the USA.

2. I must admit to some uneasiness about the possibility of entering into a new treaty with the US on our anadromous fish problems while the Law of the Sea Conference is still considering the matter. It may be, however, that this bilateral approach could be viewed as a strategy similar to the one we are pursuing on the Atlantic coasts, i.e. the conclusion of bilateral agreements which would embody the developing consensus at the Law of the Sea Conference on the fisheries jurisdiction question.

3. I realize that the concepts set out in your memorandum are very general indeed. However, if we are to dismantle the present salmon convention and replace it with a new one we will have to be careful to ensure that any new salmon agreement embodies our anadromous fish objectives at the Law of the Sea Conference. In developing any new arrangements with the U.S. for the conservation of anadromous fish we must be careful to ensure that Canada has more than a primary interest in stocks of salmon originating in Canada and rather has the total responsibility for conservation measures.

4. Under the present single negotiating text provision the state of origin has the right to establish the total allowable catches for stocks originating in its rivers after consultation with other states fishing the stocks. The concept of "joint management" set out in your synopsis of the recent discussion will, therefore, have to be carefully handled. While we would be under an obligation to consult with the U.S. before setting the TACs for Canadian salmon stocks the final decision for such TACs should rest with Canada. It strikes me that any new commission might be given the power to negotiate the national allocations for the fishermen of both countries but based on Canadian TACs, where the stocks are Canadian, and on USA TACs

.../2

- 2 -

where the stocks are from U.S. rivers. Any new agreement might, for example, set out the basis on which national allocations would be made but this whole area is fraught with difficulties; there would seem to be a different basis for determining allocations where, for example, U.S. fishermen are fishing Canadian stocks while in waters under U.S. jurisdiction and the other case of where U.S. fishermen might be permitted to fish Canadian salmon stocks in waters under Canadian jurisdiction.

5. It is also not clear to me why the geographic area of any new convention would be the entire, or a good part of, the coastline of the Pacific. Surely any problems of national allocations, and problems related to TACs, would be confined to areas where the fishermen of one country are fishing salmon-bound for rivers of the other country.

Interception
areas

6. The work schedule set out in your memorandum is ambitious indeed. Frankly, in view of the Atlantic coast workload which we have carved out for ourselves, I very much doubt that the detailed work which a new agreement would entail could be carried out within the next few weeks. It strikes me that it wouldn't be of much use to have further talks on this matter until such time as we had put on paper any draft agreement which we could live with. That will take time.

MBP

M. B. Phillips

MESSAGE

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
LIEU	MINISTÈRE	N° D'ORIG.			
FM/DE	OTT	EXT	FLO-1247	OCT20/75	25-5-7-2-SALMON-1 4
					RESTRICTED
TO/A WASHDC					PRECEDENCE
INFO ENVOTT/LEGAULT/SHEPARD/HUNTER					OCT 21 20:30/75 EXT. AFFAIRS
DISTR. GWU FLP					
<p><u>REF</u> YOURTEL UNGR2324 AUG29</p> <p><u>SUB/SUJ</u> PACIFIC SALMON: BOLDT DECISION</p> <p>DISCUSSIONS HELD IN WASHDC SEPT9 WENT LONG WAY IN DEFUSING THIS DEVELOPING IRRITANT IN BILATERAL FISHERIES RELATIONS. IT IS NECESSARY HOWEVER TO OFFICIALLY REPLY TO USA AIDE-MEMOIRE DATED AUG26 PROVIDED REFTTEL IN ORDER TO CLEARLY STATE CDN VIEWS AND REMIND USA AUTHORITIES OF ARRANGEMENTS DISCUSSED AT SEPT MTG. APPREICATE YOU TRANSMIT TO STATE DEPT AIDE-MEMOIRE ALONG LINES OF TEXT PROVIDED IN FOLLOWING PARA.</p> <p>2. (COMCENTRE PLS COPY ATTACHED TEXT.)</p>					
DRAFTER/RÉDACTEUR		DIVISION/DIRECTION		TELEPHONE	APPROVED/APPROUVÉ
SIG. G.A. LEGER/CF		LEGAL OPERATIONS		2-6692	SIG. ERIK B. WANG

FLA/J. O. Parry/6-7194/st

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
A FLO (Mr. Léger)
s.23

FROM
De FLA

REFERENCE
Référence Your memo of October 30 to Mr. Phillips

SUBJECT
Sujet Renegotiation of the Canada - United States
Fraser River Salmon Convention, as amended

SECURITY
Sécurité RESTRICTED

DATE
October 31, 1975

NUMBER
Numéro

FILE	DOSSIER
OTTAWA	
25-5-72-Standard	
MISSION	71

ENCLOSURES
Annexes

DISTRIBUTION

FLO/Phillips

RECEIVED

NOV 3 1975

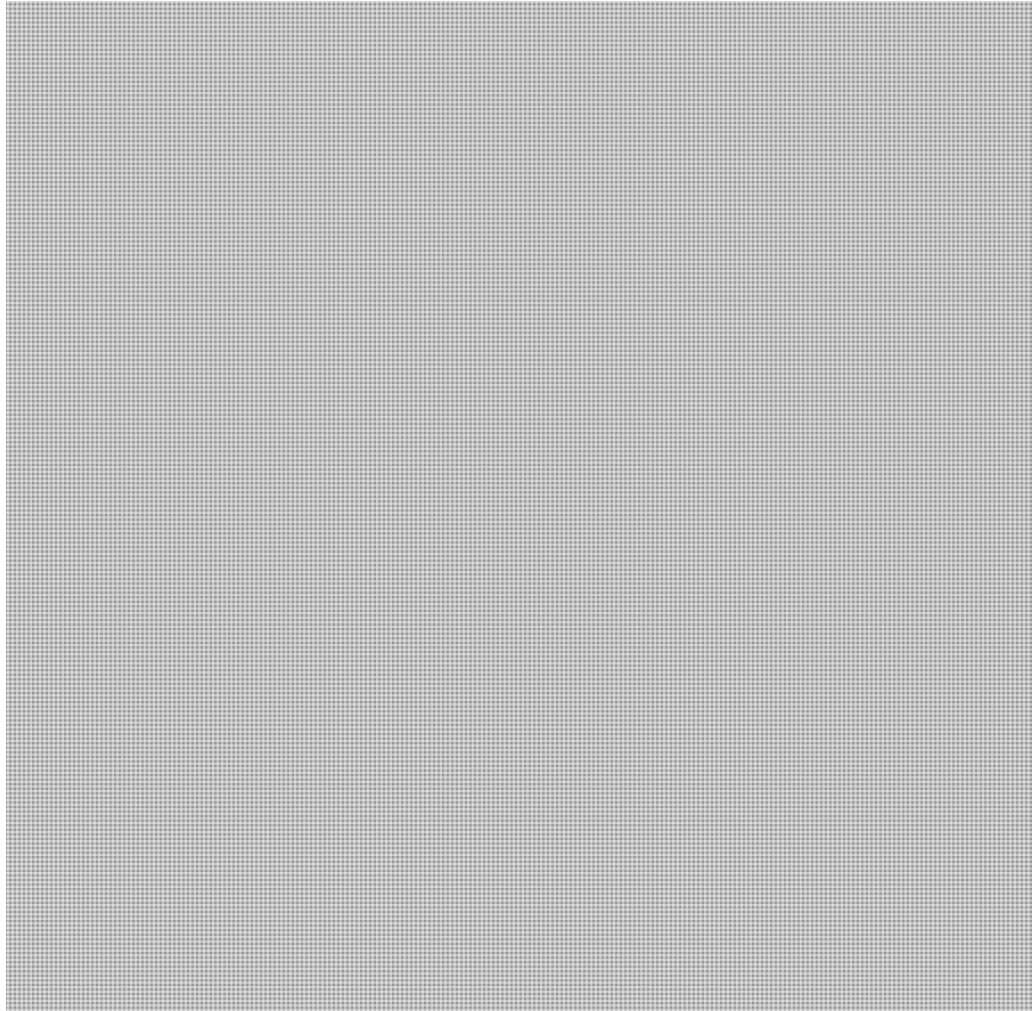
In 1

.../2

s.23

- 2 -

RESTRICTED



A handwritten signature in black ink, appearing to read 'J. S. Stanford', is written over the typed name. The signature is fluid and stylized, with a long horizontal stroke extending to the right.

J. S. Stanford
Director
Legal Advisory Division

BEST ORIGINAL AVAILABLE
MEILLEUR ORIGINAL

Agreement?

DRAFT CONVENTION BETWEEN CANADA AND THE
UNITED STATES OF AMERICA REGARDING THE
MANAGEMENT OF FISHERIES FOR PACIFIC SALMON

943
12423

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

Recognizing the right of each country to harvest the salmon bred
in and bound for its own rivers, and to reap the benefits of its own efforts
to maintain or increase the stocks,

Maintaining that in the interests of conservation and rational
management, each country should, to the degree possible, harvest only those
salmon which are produced from its own rivers and should seek to avoid the
interception of salmon bound for their rivers of origin in the other country,

Recognizing however that it is not now possible to harvest some
stocks without at the same time catching salmon bound for rivers of the other
country, and that some long-established fisheries in both countries depend to
a considerable degree on catching such salmon,

Have agreed as follows:

Article I

1. The provisions of this Convention shall apply to all west coast
waters of Canada and the United States of America, where Pacific salmon
originating in the rivers of one of the contracting parties may be intercepted
by fishermen of the other contracting party. Interceptions shall be deemed
to occur when salmon originating in one country are taken by fishermen of the
other country.

.../2

of July 21 and August 5, 1944
- 2 -

2. The present convention supersedes all provisions contained in the Convention ~~between His Majesty and the United States of America~~ for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River system, signed at Washington ^{on} May 26, 1930, ~~and the Exchange of Notes constituting an~~ agreement to facilitate the ascent of the salmon in Hells Gate Canyon and elsewhere in the Fraser River system, ~~signed August 5, 1944~~ and the Protocol between the Government of Canada and the Government of the United States of America to the aforementioned Convention, ~~signed July 3, 1939~~ ^{which was signed at Washington on May 26, 1930,} all of which shall be hereinafter referred to as the Fraser River Convention ~~of 1930~~ as amended."

Article II

As used in this Convention:

(a) "Interception rate" is defined as the proportion of the total allowable catch of a salmon stock or stocks bound for one country, caught by the fishermen of the other country.

(b) "Specified fisheries" are those fisheries in which significant interceptions of salmon occur, as determined by agreement of the contracting parties.

(c) "Designated area" is defined as an area where salmon contribute to specified fisheries originate and where a significant degree of enhancement work is carried out to increase salmon production.

.../3

BEST ORIGINAL AVAILABLE
MEILLEUR ORIGINAL

- 3 -

Article III

1. Intercepting fisheries shall be regulated with due regard to the escapement needs of individual stocks. Such escapement needs shall be determined by the country of origin, following consultation with the other country, in accordance with the provisions of this convention.

2. Interception rates in specified fisheries shall be determined on the basis of those rates experienced in the two cycles prior to the coming into force of the present Convention; and in the case of pink salmon, on the basis of four cycles. Each country shall regulate specified fisheries in such matter as to ensure that the agreed interception rates are not exceeded.

3. Each country shall further restrict its specified fisheries so that increments in total allowable catches attributable to enhancement activities in areas designated by the commission, initiated after the *present* Convention comes into force, accrue to the fishermen of the country of origin.

Article IV

For United States fisheries on stocks originating in Canadian sections of rivers and streams flowing to the sea through the United States and including the "panhandle rivers", the Yukon and Columbia Rivers, no immediate limitation will apply, except to meet the needs of existing Canadian fisheries and the needs of conservation. In the event that additional Canadian salmon are required for increased or additional Canadian fisheries, appropriate reductions in United States interceptions will take place.

.../4

001173

BEST ORIGINAL AVAILABLE
MEILLEUR ORIGINAL

- 4 -

Article V

1. In order to implement the provisions of this Convention, the Contracting Parties agree to establish and maintain a Joint Commission to be known as the Pacific Salmon Fisheries Commission, hereinafter referred to as "the Commission" and to be composed of two national sections, a Canadian section and a United States section. Each section shall be composed of not more than five members appointed by the respective Contracting Party.

2. Each section shall have one vote. A decision ^{or} ~~of~~ recommendation of the Commission shall be unanimous ^{taken by} ~~vote of all members of the Commission~~ ^[all members present and voting].

3. Each Contracting Party may establish for its section an advisory committee comprising not more than six members. The members of each advisory committee so established ^{ad} shall have the right to attend all sessions of the Commission except those which the Commission decides to hold in camera.

Article VI

1. At the first meeting of the Commission and at every second subsequent annual ^{meeting} thereafter the members shall select from among themselves a Chairman and a Vice-Chairman, each of whom shall hold office from the close of the annual meeting at which he has been selected until the close of the second annual meeting thereafter. The Chairman shall be selected from one section and the Vice-Chairman from the other section. The offices of Chairman and Vice-Chairman shall alternate biannually between the sections.

.../5

BEST ORIGINAL AVAILABLE
MEILLEUR ORIGINAL

- 5 -

2. The seat of the Commission shall be at such places the Commission may designate.

3. The Commission shall hold their regular annual meeting at such places it may decide. It may hold such other meetings as may be agreed upon by the Chairman and Vice-Chairman and at such time and places they may designate.

4. The Commission shall authorize the disbursement of funds for the joint expenses of the Commission.

5. The Commission shall make such rules and by-laws for the conduct of its meetings and for the performance of its duty and such financial regulations as it deems necessary.

Article VII

The Commission shall have the following functions:

- (a) to promote and co-ordinate research on the stock composition of salmon and fisheries where interceptions occur, and to arrange for regular reviews of the results of such research.
- (b) on the basis of paragraph (a) above, to develop agreed estimates of interceptions and where appropriate, to revise interception rate limits in specified fisheries to reflect revised estimates of interception.
- (c) to revise limitations in specified fisheries to take into account new enhancement production by one country contributing to stocks available and in a specified fishery prosecuted by that country, so long as total interceptions are not increased.

BEST ORIGINAL AVAILABLE
MEILLEUR ORIGINAL

- 6 -

(d) on the basis of paragraphs (a), (b) and (c) above, to provide a forum both before and during the season, for exchanges of views between national sections regarding the regulatory programme each country plans to apply to its own vessels and nationals in specified fisheries in order to meet the provisions of the ^{present} Convention.

(e) to review the results of the past season's regulatory programmes in specified fisheries in the context of the provisions of ^{this} ~~the~~ Convention, and advise the two Governments of discrepancies which are to be taken into account in planning and implementing regulations in following seasons.

Article VIII

1. The Commission shall establish the following subsidiary panels which will be responsible to the Commission for the operational functions outlined in Article VII:

- (a) Panel A: The "Panhandle", Yukon and Columbia Rivers;
- (b) Panel B: Intercepting Fisheries North of Cape Caution, British Columbia, excluding those fisheries covered under Panel A;
- (c) Panel C: Intercepting Fisheries South of Cape Caution, British Columbia;
- (d) Panel D: Fisheries for all Species within the IPSFC Convention area.

2. The Commission through Panel D, shall be empowered to set in season regulations for the fisheries of both countries, consistent with the provisions of the Convention and the escapement goals as established by each country for their own stocks. Panel D shall have a staff as required to collect and analyze relevant information as it becomes available throughout the season.

.../7

001176

BEST ORIGINAL AVAILABLE
MEILLEUR ORIGINAL

- 7 -

3. Each panel upon the basis of scientific investigation may make recommendations to the Commission for action by the Contracting Parties in order to implement the provisions of this Convention.

4. Each recommendation by a panel shall be studied by the Commission and thereafter the Commission shall transmit the recommendation as a proposal to the Contracting Parties with such modifications or suggestions as the Commission may consider desirable.

Article IX

The two Governments shall jointly review the terms of this Convention within four years of its ^{entry}~~coming~~ into force. The purpose of this review will be to determine whether ^{the}~~the~~ concept of equitable balance of interceptions can be ^{effectively discharged under ?}~~embodied into~~ the Convention. On the basis of such a review both Governments shall examine the possibility of reducing interceptions to achieve an equitable balance, making parallel reductions in interceptions, or making "trades" in interceptions. To this end the two Governments shall refer the question of whether and how interceptions can be equitably balanced to an impartial study group, which would be asked to report within two years after the Convention comes into force.

Article X

The salmon fisheries of each country off the other country's coast may continue, subject to the provisions of this Convention, irrespective of any extension of fisheries jurisdiction by one or both of the countries, and irrespective of the delimitation of boundary lines between the two countries.

BEST ORIGINAL AVAILABLE
MEILLEUR ORIGINAL

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

To/A **FLO**
From/De **ACRA**
DEC 5 1975

TO **A** Under-Secretary of State for External Affairs, OTTAWA (ATTN: FLO)

FROM **De** Canadian Embassy, WASHINGTON, D.C.

REFERENCE
Référence

SUBJECT **Sujet** Pacific Salmon: U.S.A. Note of November 26

SECURITY **RESTRICTED**
Sécurité

DATE December 2, 1975

NUMBER **2305**
Numéro

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

ENCLOSURES
Annexes

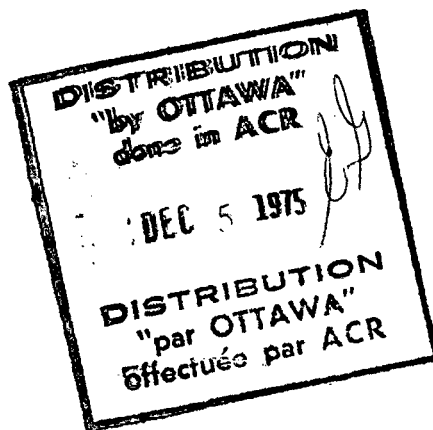
DISTRIBUTION

By Ottawa

Environment/
Legault

GWU

Attached herewith is a self-explanatory Note from the Department of State which was received in the Embassy on December 1. Receipt has been acknowledged in the usual manner while we await your instructions.



[Signature]
The Embassy

RECEIVED

DEC 8 1975

In Legal Operations Division
Department of External Affairs

The Department of State refers the Embassy of Canada to the Convention between the United States and Canada for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries of the Fraser River System, signed at Washington on May 26, 1930, as amended by the Pink Salmon Protocol signed at Ottawa on December 28, 1956, and to the regulations promulgated annually by the International Pacific Salmon Fisheries Commission (hereinafter referred to as "the Commission") thereunder.

Reference is further made to an understanding, reached at a meeting of United States and Canadian officials in Washington, D.C., on July 18, 1974, which may be summarized as follows:

- 1) For 1974, Canada would be prepared to consider a proposal by the United States for adjustments in Commission regulations which might be required as the result of changes in Washington State domestic regulations apportioning their share of the Convention Area salmon among Indians

- 2 -

and non-Indians.

2) For 1975, (and subsequent years) United States authorities will advise the Commission very early in the year as to what requirements the United States has for its Indian fishermen. The Commission will examine this information and will produce proposed regulations for 1975 (and subsequent years) taking the United States requirements into account as much as possible. These regulations will provide fishing times by gear and area in the usual way, i.e., not deal with allocation between groups of fishermen fishing the same year within each country. This latter allocation will be accomplished by separate United States domestic regulation.

3) Changes in regulations for any year must meet the following criteria:

a) Action on the United States side would not require disadvantageous adjustments in Canadian fishing times and areas;

b) The changes would not significantly decrease the Commission's ability to

- 3 -

achieve escapement goals and 50-50 allocation goals; and

- c) The changes would not require the Commission to recommend specific regulatory action for Indians alone. That is, division of catch among Indians and non-Indians in the United States would be achieved by supplementary measures by the United States outside of, but consistent with, Commission regulations.

As the Government of Canada is aware, a number of attempts by responsible officials on both sides to implement these principles, since their enunciation in July of 1974, has yet to produce a satisfactory method of allocating an opportunity to catch additional fish to United States Indians. Consequently, the Department of State wishes to propose to the Embassy of Canada that an approach be tried, for 1976, that would be in keeping with the basic principles described above and also has the virtue of having been utilized a number of years ago in Commission regulations. That approach is to have the 1976 Commission regulations written without specific reference to individual fishing gears. (It is understood that the weekly fishing periods

- 4 -

will continue to be specified by the Commission). The regulations would simply note that the subject of gear use is to be treated in domestic regulations, while also indicating the desirability of gear regulations for proper management and conservation by the implementing agencies.

In this way, should the Government of Canada and the Commission agree, both sides would have available to them the option of providing domestic gear regulations which would allow for the satisfaction of domestic needs, such as those arising from the US vs. Washington decision on the United States side, while providing for the accomplishment of the aims of the Convention regarding escapement and allocation between the contacting parties.

It is realized that close coordination between the governments and within the Commission would be required in order to make this system successful. The Department of State undertakes to provide for such coordination by the United States side.

Department of State,

Washington,

November 26, 1975

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES
JAN 7 1976

TO Under Secretary of State
A For External Affairs (GWU), Ottawa

FROM Consulate General, Seattle
De

REFERENCE
Référence

SUBJECT Canada-U. S. Fisheries Agreement
Sujet

SECURITY Unclassified
Sécurité

DATE December 30th, 1975

NUMBER 359
Numéro

FILE	DOSSIER
OTTAWA	
25-5-7-2-SALMON-1	
MISSION	
13	

*done 19/1/76
cc. DOE/Hunter
to file*

ENCLOSURES
Annexes

10

DISTRIBUTION

Attached for your information are a number of newspaper articles concerning fisheries matters in the U. S. Northwest. Earlier this month the Governors of Washington, Idaho and Oregon called on President Ford to negotiate a new fisheries agreement with Canada. In Governor Evans' view, the introduction of new fisheries investments and salmon management have been stymied by Canadian fishermen who catch large numbers of salmon returning to Washington hatcheries. By contrast, Washington fishermen have been limited to one half of the Canadian Fraser River salmon run, he argues. The Governors called for creation of a new regulatory agency to set policies fair to both countries. Their joint policy statement called for each nation to receive "the full benefit from any future enhancement of its salmon resources."

JAN 7 1976	
U. S. A. DIVISION	
1	
BW	PC
2	2
3	3
4	4
5	5
6	6
7	7

DISTRIBUTION "by OTTAWA" done in ACR
JAN 6 1975
DISTRIBUTION "par OTTAWA" effectuée par ACR

[Signature]
Consul General

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
À FILE

FROM
De FLO

REFERENCE
Référence

SUBJECT
Sujet Canada/USA Pacific Salmon Talks

SECURITY
Sécurité UNCLASSIFIED

DATE January 13, 1976

NUMBER
Numéro

FILE	DOSSIER
OTTAWA	
<u>25-5-7-2-SALMON-1</u>	
MISSION	
<u>4</u>	

ENCLOSURES
Annexes

DISTRIBUTION

M. B. PHILLIPS

ENV/SHEPARD

ENV/HUNTER

Terry Leitzel, from the State Department's Legal Bureau, called me today. He said that Don McKernan still considered a preparatory meeting of legal/technical officials useful, to go over draft texts in advance, prior to the meeting being planned for Seattle in mid-February (on the dates for the Seattle meeting, Leitzel thought there would be no problem, although the U.S. side may wish to begin on Tuesday, because of Washington's Birthday, February 16). I replied that the usefulness of such an advance meeting could only be determined following our own consultations with our advisers, and the final preparation of our position. It may well be that at that time, there would be little value in calling a preparatory meeting only a few days before the larger meeting in Seattle, where we would all be present to discuss the issues at hand. Should we decide, however, that there might be some worth in having a restricted group of legal and technical experts meet to examine the papers prepared by either side (Leitzel indicated they had a draft treaty ready), if only to flag areas of convergence and discrepancies for the attention of heads of delegations, I would notify him upon his return from the Evensen Group meetings, as of February 2.


G. Léger

MESSAGE

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
LIEU	MINISTÈRE	N° D'ORIG.		25-5-7-2-Salmon-1	
FM/DE	OTT YKM	YKM FLO	FLO-122	JAN. 23/76	UNCLASSIFIED
					PRECEDENCE
TO/A GENEV ROME					
INFO ENV/HUNTER					

DISTR.

REF

SUB/SUJ

CDA/USA SALMON REGS

GRATEFUL GENEV PASS INFO IN FOLLOWING PARAS TO LH LEGAULT
ATTENDING LOS EVENSEN GROUP DISCUSSIONS, AND ROME INFORM SHEPARD ATTENDING
ICNAF MTV.

2. HAVE BEEN ADVISED BY USA EMB OTT THAT STATE/RIDGEWAY PROPOSES
FOLLOWING TO BE INCLUDED IN REGS: (A) FOR INSERTION IN GEAR REGS. QUOTE
TO EXTENT PERMISSIBLE UNDER LAWS OF THE PARTIES UNQUOTE: AND (B) NEW
PROVISION: QUOTE FOR THE PURPOSE OF ACCOMMODATING FISHING FOR SALMON OTHER
THAN SOCKEYE IN MANNER THAT ENSURES THAT THE FUNCTIONS OF THE COMMISSION
IN RESPECT OF SOCKEYE SALMON ARE NOT/NOT IMPAIRED, THE COMMISSION WILL,
ON AN EXPERIMENTAL BASIS, OPEN ALL OR PART OF SUB-AREA 2 DURING SELECTED
CLOSED DAYS FOR PURPOSE OF PERMITTING FISHING FOR SALMON OTHER THAN
SOCKEYE. ANY SOCKEYE SALMON CAUGHT ON SUCH DAYS SHALL BE REPORTED TO THE
COMMISSION ON A DAILY BASIS. THIS PROVISION DOES NOT/NOT AFFECT ANY
LAWS, RULES OR REGS APPLICABLE TO SALMON FISHING OTHER THEN THE CLOSURE
OF DAYS BY THE COMMISSION UNQUOTE.

DRAFTER/REDACTED DIVISION/DIRECTION TELEPHONE APPROVED/APPROUVE

SG.....
G. Leger/sae

Legal Operations

2-6692

SG.....
Erik B. Wang

- 2 -

3. PROPOSED LANGUAGE HAS BEEN TRANSMITTED TO ENV/HUNTER WHO WILL DISCUSS WITH REGIONAL OFFICE. GRATEFUL ANY COMMENTS.

Legs

ACTION

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

FM TOKYO UIGR0359 JAN27/76

TO EXTOTT FLO PRIORITY

INFO TT WSHDC ITCOTT PAB DE OTT

BH ENVOTT/LEGAULT/HUNTER DE OTT

DISTR GPO ECL

REF YOURTEL FLO0040 JAN7

CONFIDENTIAL

done 28/1/76

*cc. DOT/Hunter
by Lawt
-and file*

25-5-7-2-SALmon-1	
4	SD

25-5-5-CDA / JPN

---CDA/USA/JPN BERING SEA SALMON FISHERY DISCUSSIONS JAN19-23

CDA/USA/JPN DISCUSSIONS ON JPNSE BERING SEA FISHERY CONSERVATION

MEASURES FOR CHINOOK SALMON CONCLUDED JAN23. WITH RECOGNITION BY

JPN OF CONSERVATION NEEDS TOGETHER WITH SOME REGULATORY ACTION

IN 1976. MCDONALD OF PACIFIC BIOLOGICAL STN AND BURGER OF EMB

REPRESENTED CDA. DETAILS AS FOLLOWS.

2. MTG OPENED JAN19 WITH CAREFULLY WORDED STATEMENT BY JPNSE CHAIRMAN ASAO (DEPUTY DIR-GEN, AMERICAN AFFS BUREAU, MFA) WHO PLEDGED JPNS SUPPORT IN CONSERVATION MEASURES AND SOUGHT TO RELATE THIS SUPPORT TO TRADITIONAL RIGHTS ISSUE IN LOS. JPNS MAJOR DIFFICULTIES IN TAKING CONSERVATION MEASURES FOR CHINOOK ARE DUE TO FACT CATCH IS INCIDENTAL TO CHUM AND OTHER SALMON MAINLY OF ASIAN ORIGIN.

3. NAKATSU (DIR, OCEAN FISHERIES DIV, USA STATE DEPT) PURSUED USA STRATEGY TO CONCENTRATE ON CONSERVATION ISSUES AND AVOID ANY OVERT REF TO SOVERIGNTY.

4. CDN REP (MCDONALD) EXPRESSED CONCERN FOR CONSERVATION OF STOCKS ORIGINATING IN CDN SECTION OF YUKON RIVER. AS RESULT OF NON/NON-CDN FISHERIES AND NEED FOR GREATER SUPPLY TO CDNS, AND URGED JPNSE

...2

401134

PAGE TWO UIGR0359 CONFD

TO TAKE APPROPRIATE REGULATORY ACTION.

5. TECHNICAL DISCUSSIONS WERE FOLLOWED BY USA PROPOSAL (WITH CDN SUPPORT) TO LIMIT JPNSE EFFORT IN AREA DEGREES 175 EAST-175 WEST NORTH OF DEGREES 55 NORTH, JUN25-JUL20/76 TO LOW 73/74 LEVELS.

JPNSE FINAL POSITION IS AS GIVEN IN TEXT WHICH FOLLOWS AND WHICH WILL BE DELIVERED AS INFORMAL COMMUNICATION TO CDN AND USA GOVTS BY JPNSE EMBS IN OTT AND WSHDC IN MAY FOLLOWING JPN-USSR NEGS WHICH BEGIN MAR15.

6. TEXT BEGINS. QUOTE JPNSE MOTHERSHIP SALMON FISHING INDUSTRY WILL TAKE FOLLOWING MEASURES ON VOLUNTARY BASIS IN 1976:

INDUSTRY IN RECOGNITION OF CONSERVATION PROBLEMS OF WESTERN ALASKA (INCLUDING YUKON RIVER) CHINOOK SALMON WILL MAKE BEST EFFORTS TO KEEP FISHING EFFORTS (FLEET-DAYS) IN EASTERN BERING SEA DURING 76 SEASON TO NOT/NOT MORE THAN AVERAGE LEVEL IN RECENT YEARS.

NOTES:

(1) EASTERN BERING SEA IS UNDERSTOOD TO MEAN AREA BETWEEN DEGREES 180 AND 175 WEST AND NORTH OF DEGREES 55 NORTH;

(2) AVERAGE LEVEL IN RECENT YEARS IS UNDERSTOOD TO MEAN AVERAGE OF PAST SIX YEARS (1970-75) FOR PERIOD FROM JUN26 INCLUSIVE TO END OF FISHING SEASON, WHICH IS 53 FLEET-DAYS;

(3) IN EVENT THAT HYDROGRAPHIC AND OTHER FISHING CONDITIONS ARE ABNORMALLY UNFAVOURABLE IN OTHER AREAS, ABOVE TARGET FIGURE MAY BE EXCEEDED. HOWEVER, IT WILL NOT/NOT BE PERMITTED TO EXCEED 64 FLEET-DAYS UNDER ANY CIRCUMSTANCES;

...3

PAGE THREE UIGR0359 CONF

(4) IT IS NOT/NOT INTENT OF INDUSTRY TO ATTEMPT TO COMPENSATE FOR LOSS OF FISH WHICH MIGHT BE INCURRED IN AREA (DEGREES 180 TO DEGREES 175 WEST) BY SUBSTANTIALLY INCREASING FISHING ACTIVITIES IN THE AREA BETWEEN DEGREES 180 AND 175 EAST NORTH OF DEGREES 55 NORTH UNQUOTE. TEXT ENDS.

7. BOTH USA AND CDA EXPRESSED SATISFACTION AT JPNSE RECOGNITION OF CONSERVATION PRINCIPLE BUT STATED REGULATORY MEASURES DO NOT/NOT OFFER A SOLUTION TO USA AND CDN CONCERNS AND MUST BE CONSIDERED ONLY A FIRST STEP. WE HAVE BEEN INFORMED BY NAKATSU (USA) THAT BILATERAL DISCUSSIONS WITH JPN REGARDING THE 1976 JPNSE FISHERY ON BRISTOL BAY SALMON WERE CONCLUDED TO SATISFACTION OF USA WITH JPNSE AGREEMENT TO APPLY REGULATORY MEASURES (TIME-AREA RESTRICTION) SIMILAR TO 1975.

9. JPNSE UNDERLINED ON SEVERAL OCCASIONS EXTREME SENSITIVITY OF DISCUSSIONS FROM THEIR POINT OF VIEW AND INDICATED THAT THEY WOULD BE DENYING/DENYING THAT MTG HAD OCCURRED, IF QUESTIONED EITHER BY USSR OR PRESS. CDN AND USA OFFICIALS INDICATED THEY COULD NOT/NOT AGREE TO THIS APPROACH BUT INDICATED THAT NO/NO COMMENT ATTITUDE WOULD BE ADOPTED IN RESPECTIVE CAPITALS SHOULD ANY QUERIES BE FORTHCOMING.

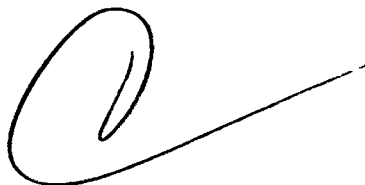
END/274 2800030 00710

Environment Canada

UNCLASSIFIED

FILE: 25-5-7-2-SALMON-7
February 2, 1976

4	52
---	----



OTTAWA, KIA OG2

February 2, 1976

Dear Mr. Shepard,

... Your assistance in replying to the attached letter no. 39 from our mission in London would be greatly appreciated. Please note that they have requested an early response.

Yours sincerely

ORIGINAL SIGNED BY
E. B. WANG

Erik B. Wang
Director,
Legal Operations Division

Dr. M.P. Shepard
Director,
International Fisheries Policy,
International Fisheries and Marine Directorate
Environment Canada,
11th Floor, EMR Tower,
580 Booth Street,
OTTAWA, Ontario.
KIA OH3

MESSAGE

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
LIEU	MINISTÈRE	N° D'ORIG.		25-5-5-CDA/USA	
FM/DE	OTT	FLO	180	FEB. 5/76	UNCLASSIFIED
					PRECEDENCE
TO/A SEATTLE					EXT
INFO DOE/LEVELTON/SHEPARD					01
WASHDC					2076

DISTR. GWU FLP

REF

SUB/SUJ

CDA/USA PACIFIC SALMON TALKS

INFORMAL TALKS INVOLVING GOVT REPS FROM BOTH SIDES WILL BE HELD IN SEATTLE FEB 18 - 19. MTG WILL ATTEMPT TO LAY GROUNDWORK FOR FORMAL NEGOTIATIONS AT LATER DATE.

2. CANDEL WILL BE HEADED BY C.R. LEVELTON, DIR. GEN, DOE, AND INCLUDES SHEPARD, HOUSTON, ~~GREEN~~, ROBERTS, HUNTER, MCDONALD AND TODD FROM DOE. G.A. LEGER (FLO) WILL ATTEND FOR EXTERNAL.

3. RESERVATIONS HAVE BEEN MADE FOR CANDEL AT WASH PLAZA HOTEL. CANDEL MTG PLANNED FOR FEB 17 P.M. AT HOTEL. TALKS WILL BE HELD AT NMFS OFFICES IN SEATTLE.

4. APPRECIATE ANY ASSISTANCE ~~REPER~~ MISSION CAN PROVIDE. LEGER WILL CONTACT ON ARRIVAL.

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

SG.....
G. Leger/sag

Legal Operations

2-6692

SG.....
Erik B. Wang

MESSAGE

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
LIEU	MINISTÈRE	N° D'ORIG.		25-5-72-SALMON-1	
OTTAWA	EXTERNAL	FLO-181	Feb. 6/76	4	CONFIDENTIAL
FM/DE					PRECEDENCE
TO/A WASHDC DELIVER BY 1300 HOURS FEB. 6/76					
INFO ENV/OTT/LEGAULT					
DISTR. GWU					

REF

SUB/SUJ

SALMON: IPSFC

PLEASE CONVEY FOLLOWING TO STATE DEPARTMENT IN APPROPRIATE WRITTEN
FORM ASAP. ^{TODAY} QUOTE: THE CANADIAN AUTHORITIES HAVE GIVEN THOROUGH
CONSIDERATION TO THE INFORMAL PROPOSALS CONVEYED TO THEM THROUGH
THE UNITED STATES EMBASSY IN OTTAWA ON JANUARY 24, 1976 RELATING
TO IPSFC REGULATIONS FOR 1976. AS EMPHASIZED ON A NUMBER OF
OCCASIONS BY CANADIAN OFFICIALS, THE GOVERNMENT OF CANADA HOLDS
FIRMLY TO THE VIEW THAT ANY DEVIATIONS FROM THE RECOMMENDED
MANAGEMENT STRATEGY OF THE IPSFC SHOULD NOT SET A PRECEDENT THAT
WOULD SERIOUSLY IMPAIR NOW OR IN FUTURE THE ABILITY OF THE
COMMISSION TO MANAGE THE STOCKS AS REQUIRED BY THE FRASER RIVER
CONVENTION. AT THE SAME TIME, THE CANADIAN AUTHORITIES RECOGNIZE
THE DOMESTIC PROBLEM FACED BY U.S. AUTHORITIES. THEY REMAIN HOPEFUL
THAT A LONG-TERM SOLUTION TO THAT PROBLEM CAN BE DEVELOPED. AS AN
INTERIM MEASURE IN 1976 THEY WOULD BE PREPARED TO ALLOW VERY MINOR
.../2

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
M. B. PHILLIPS SG. <i>[Signature]</i>	FLO	6-6316	<i>[Signature]</i> E. B. WANG

.... /2

FLO-181

ADJUSTMENTS TO IPSFC REGULATIONS, PROVIDED THAT THEY WERE FULLY SATISFIED THAT THE RESULTING MANAGEMENT REGIME WOULD BE ESSENTIALLY UNALTERED FROM THAT WHICH HAS BEEN DEVELOPED, BASED ON SOUND CONSERVATION PRINCIPLES AND ADJUSTED BY THE EXPERIENCE OF MANY YEARS.

2. ACCORDINGLY, THE CANADIAN AUTHORITIES WOULD BE PREPARED TO ACCEPT SOME FORMULATION FOR INSERTION IN THE RECOMMENDED IPSFC REGULATIONS FOR 1976 WHICH WOULD PERMIT THE USE OF ANY **TYPE** OF GEAR DURING OPEN FISHING PERIODS WHERE THE REGULATIONS RECOMMENDED BY THE COMMISSION SPECIFY THAT ONLY CERTAIN TYPES OF GEAR CAN BE USED.

3. IN THIS LIGHT, ITEM (B) OF THE U.S. PROPOSAL OF JANUARY 24 WOULD NOT/NOT BE ACCEPTABLE TO THE CANADIAN AUTHORITIES BECAUSE IT WOULD APPEAR TO PERMIT FISHERIES CAPABLE OF TAKING SOCKEYE AND PINKS AT TIMES OTHER THAN THOSE RECOMMENDED BY THE COMMISSION. THE CANADIAN AUTHORITIES ARE AWARE THAT COMMISSION REGULATIONS IN THEIR PRESENT FORM, PURSUANT TO ARTICLE V OF THE CONVENTION, ALLOW THE APPROPRIATE DIRECTORS OF FISHERIES IN BOTH COUNTRIES TO AUTHORIZE FISHERIES WITH LARGE MESH NETS (THE SIZE TO BE PRESCRIBED BY THE COMMISSION) DURING PERIODS OTHERWISE CLOSED. THEY WOULD ENVISAGE THE DIRECTOR OF FISHERIES IN WASHINGTON OPENING THE AREA 2 FISHERY ON THIS BASIS. THEY COULD NOT/NOT, HOWEVER, ACCEPT A SITUATION IN WHICH U.S. DOMESTIC REGULATIONS PERMITTED SUCH A FISHERY TO OPERATE WITH NETS WITH MESHES BELOW THE SIZE PRESCRIBED BY THE COMMISSION.

.../3

.... /3

FLO-181

4. GENERALLY SPEAKING, THE CANADIAN AUTHORITIES COULD AGREE TO INCLUSION OF THE CONCEPT OF PERMISSIBILITY UNDER THE LAWS OF THE PARTIES IN THE REGULATIONS RECOMMENDED BY THE COMMISSION IF THAT QUALIFICATION ONLY APPLIED TO THE TYPE OF GEAR BEING USED DURING PERIODS WHEN REGULATIONS RECOMMENDED BY THE COMMISSION ALLOW FISHING WITH CERTAIN GEAR OR SPECIFIC TYPES OF NETS. THEY COULD NOT/NOT AGREE TO ANY FORMULATION WHICH WOULD PERMIT EITHER PARTY TO ALLOW FISHING DURING PERIODS WHEN REGULATIONS PROMULGATED BY THE COMMISSION PROHIBIT TAKING OF SOCKEYE AND PINK SALMON WITH ANY TYPE OF GEAR. IT IS HOPED THAT THE FORMAL PROPOSAL FROM THE U.S. AUTHORITIES WOULD BE FRAMED IN SUCH A WAY TO TAKE THESE VIEWS INTO ACCOUNT.

5. APPROVAL BY THE CANADIAN AUTHORITIES OF THE U.S. PROPOSAL WOULD BE BASED ON THE UNDERSTANDING THAT THE U.S. AUTHORITIES WOULD IN SOME MANNER OBTAIN A RULING ON THE QUOTE PERMISSIBILITY UNQUOTE OF THE COMMISSION'S REGULATIONS WELL IN ADVANCE OF THE FISHING SEASON, TO ALLOW THE COMMISSION STAFF TO MAKE ANY NECESSARY ADJUSTMENTS IN MANAGEMENT STRATEGY BEFORE THE IPSFC CONTROL PERIOD COMMENCES AND SO ENSURE THAT THERE WOULD BE NO FURTHER CHANGES DURING THE CONTROL PERIOD. THE CANADIAN AUTHORITIES WOULD ALSO WISH TO HAVE ASSURANCES ON THE FOLLOWING POINTS: (A) THAT U.S. REGULATIONS MADE PURSUANT TO U.S. OBLIGATIONS UNDER THE CONVENTION WILL BE ADEQUATELY ENFORCED, BEARING IN MIND DIFFICULTIES WHICH AROSE LAST YEAR, (B) THAT COMPLETE CATCH DATA WILL BE AVAILABLE TO THE COMMISSION ON SOCKEYE AND PINK SALMON CAUGHT UNDER NEW ARRANGEMENTS.

... /4

.../4
FLO-181

6. ~~DE~~AY IN RESOLVING THIS ISSUE IS CREATING GREAT PRACTICAL
DIFFICULTIES WITHIN THE COMMISSION. THE CANADIAN AUTHORITIES WOULD
HOPE THAT IT WILL NOW BE RESOLVED AS QUICKLY AS POSSIBLE. *UNQUOTE.*

Washington
ACTION

UNCLASSIFIED

FM WSHDC UNGR0490 FEB19/76

TO EXTOTT FLO

---IPSFC

25-5-72-SALMON-1
4 28

Shelly
done el 23/2
cc: GB
+ file
7
-L

FOLLOWING IS TEXT OF DEPT OF STATE AIDE-MEMOIRE, DATED FEB17.

BEGINS DEPT OF STATE REFERS EMB OF CDA TO CONVENTION BETWEEN USA AND CDA FOR PROTECTION, PRESERVATION AND EXTENSION OF SOCKEYE SALMON FISHERY OF FRASER RIVER SYSTEM, SIGNED IN WSHDC ON MAY26, 1930 AS AMENDED BY PINK SALMON PROTOCOL AMENDING CONVENTION, SIGNED IN OTT ON DEC28, 1956, AND TO REGS PROMULGATED ANNUALLY BY INNATL PACIFIC SALMON FISHERIES COMMISSION (IPSFC). REFERENCE IS FURTHER MADE TO EMB OF CDAS AIDE-MEMOIRE DATED FEB6, 1976, IN WHICH EMB OF CDA RESPONDED TO INFORMAL USA PROPOSALS RELATING TO IPSFC REGS FOR 1976 CONVEYED TO THEM THROUGH THE USA EMB IN OTT ON JAN24, 1976.

2. USA REGRETS THAT CDN AUTHORITIES ARE UNWILLING TO ACCEPT ITEM (B) OF ITS PROPOSALS OF JAN24/76. USA AUTHORITIES CONSIDER THAT LIMITED AND EXPERIMENTAL ACCOMMODATION OF FISHING FOR SALMON OTHER THAN SOCKEYE SALMON PROPOSED FOR SUBAREA 2 WOULD NOT/HAVE IMPAIRED FUNCTIONS OF IPSFC WITH RESPECT TO SOCKEYE SALMON.

3. USA APPRECIATES CDAS ACCEPTANCE IN PRINCIPLE OF ITEM (A) OF ITS INFORMAL PROPOSAL AND HEREBY FORMALLY PROPOSES TO QUALIFY RECOMMENDED IPSFC GEAR EGS FOR 1976 BY LANGUAGE INCLUDING PHRASE QUOTE TO THE EXTENT PERMISSIBLE UNDER LAWS OF PARTIES UNQUOTE. IT IS UNDERSTANDING OF USA THAT THIS FORMULATION WOULD NOT/HAVE

...2

PAGE TWO UNGR0490 UNCLAS

PERMIT EITHER PARTY TO ALLOW TAKING OF SOCKEYE AND PINK SALMON DURING PERIODS WHEN REGULATIONS PROMULGATED BY COMMISSION PROHIBIT TAKING OF SOCKEYE AND PINK SALMON WITH ANY TYPE OF GEAR.

4. USA WILL PROMPTLY TAKE NECESSARY DOMESTIC STEPS IN ORDER TO ADVISE COMMISSION AND CDN AUTHORITIES, WELL IN ADVANCE OF FISHING SEASON, OF PRECISE AND LIMITED EXTENT TO WHICH 1976 IPSFC GEAR REGULATIONS MAY NOT/NOT, UNDER DOMESTIC LAW, BE IMPLEMENTED

IN CONVENTION WATERS OF USA. THEREAFTER, USA WILL TAKE ALL STEPS NECESSARY TO PREVENT OR DEFEND AGAINST ANY CHALLENGE TO SUCH PRECISE AND LIMITED NONAPPLICATION OF COMMISSION GEAR REGS, INCLUDING FILING OF A PETITION FOR A RULING FROM USA DISTRICT COURT OR TAKING OF SUCH OTHER ACTION AS IS MOST LIKELY TO RESOLVE MATTER IN A MANNER BOTH TIMELY AND CONSISTENT WITH UNDERSTANDING BETWEEN CDN AUTHORITIES AND USA.

5. AS REQUESTED, USA UNDERTAKES TO ASSURE CDN AUTHORITIES THAT, FOR ITS PART, 1976 IPSFC REGULATIONS WILL BE ADEQUATELY ENFORCED AND THAT COMPLETE CATCH DATA ON SOCKEYE AND PINK SALMON CAUGHT UNDER NEW ARRANGEMENTS WILL BE MADE AVAILABLE TO IPSFC.

6. USA WISHES TO EXPRESS ITS APPRECIATION TO CDN AUTHORITIES FOR THEIR COOPERATION IN HELPING TO RESOLVE SOME ASPECTS OF THIS COMPLEX MATTER, AND TO REITERATE CONCERN IT SHARES WITH CDA FOR CONTINUED SUCCESSFUL MANAGEMENT OF STOCKS COVERED BY CONVENTION. ENDS.

END/099 191707Z 00500

001197

United States Commerce

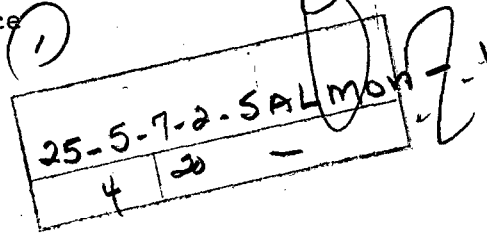


Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Washington, D.C. 20235

23 FEB 1976

F42/AR

Mr. Mike Hunter
International Directorate
Fisheries and Marine Service
580 Booth Street
Ottawa, Ontario, Canada
K1A 0H3



Dear Mike:

I have enclosed a copy of the Agreed Summary Record for the February 18-20, 1976, Canada-United States discussions regarding salmon problems of mutual concern. Please contact me if you note any discrepancies in the text.

I enjoyed meeting you and the other members of the Canadian delegation, and I look forward to working with you again in May.

Sincerely yours,

Alan F. Ryan

Alan F. Ryan
Foreign Affairs Officer
Office of International Fisheries

Enclosure

cc:

Canada

C.R. Levelton

R. Roberts

G.A. Leger ✓

United States

D. L. McKernan

F - R. W. Schoning

FNW - D. R. Johnson

FAK - H. W. Rietze

MR - D. Wallace

F11 - K. Henry

F4 - C. J. Blondin

GCx3 - S. J. Powell

OES/OFA - K. Clarke-Bourne

L/OES - J. Bailly

IA - P. Fox



001198

Agreed Summary Record

Canadian and United States officials met in Seattle, Washington, February 18-20, 1976, to exchange views on the elaboration of a bilateral agreement respecting salmon problems of mutual concern. A list of participants is attached (Attachment 1 & 2).

As a basis for further consideration by both sides, and without commitment, the officials agreed to record the following:

1. Principles and objectives

- (a) Both sides recognize that states in whose fresh waters anadromous stocks originate have the primary interest in and responsibility for such stocks.¹
- (b) Both sides will continue to promote sound conservation, rational management and optimum utilization of such stocks.
- (c) Both sides recognize that large costs are incurred by each country in maintaining salmon production in its fresh waters, and that each intends to make additional investments to further increase its salmon production.

¹The United States views the situation of stocks of salmon originating in rivers which rise in Canada but flow to the sea through the United States as being significantly different from that of rivers wholly contained within one country. Paragraph 2(f) below addresses this question.

-2-

(d) In view of these considerations, both sides agreed on the desirability of elaborating a bilateral agreement which would immediately prevent, to the extent practicable, any increases in interceptions of salmon originating in one country by fishermen of the other. Such an agreement should also include understandings to bring about reductions in interceptions in the future. Such reductions should be aimed at improving the management of the salmon fisheries of both sides, and should in the future take into account the desirability of achieving an equitable balance of interceptions.

2. Specific provisions

In accordance with the principles and objectives outlined above, the officials noted the following points which they believe should be elaborated as provisions in an Agreement:

- (a) An annex to the agreement should be developed, subject to modification by the Commission, containing a mutually agreed list of specified fisheries in which substantial interceptions occur, and which should be subject to limitations.
- (b) On an annual basis, the state of origin, in consultation with the other state, should establish escapement targets and make estimates of the abundance of the total runs in the fisheries specified in the annex.

-3-

(c) In general, for fisheries specified in the annex, each country, taking into account the run sizes and escape-ment targets outlined in 2(b), and in consultation with the other country, should develop regulations and take other measures (such as adjustments to regulations during the season) to control interception by its nationals as described below:

(i) the annual rate of interception should not exceed that which existed during a base period to be agreed upon.

It was understood that interception rate means the total number of fish intercepted in the specified fishery divided by the total allowable catch, (total stock less spawning requirements) of stocks or complexes of stocks subject to interception in the specified fishery.

(ii) the interception of increased production beyond that existing in the base period should be avoided to the extent practicable. The officials agreed that the best approach would be to apply, in addition to the interception rate limit, a limitation on the total catch of agreed species in the specified fishery (both fish intercepted and those bound for the intercepting country). This catch limit would be based on average catches over an agreed base period, and would apply to the average catch over a period of four years. The officials agreed that further studies of mechanisms to achieve such additional limitations should be undertaken in the near future.

(iii) the limits on interception rates and absolute catch should be applied on a 4-year average basis (two cycles in the case of pinks). Excesses over agreed interception rates and/or catch limits should be compensated for by agreed adjustments in the succeeding 4-year period. The list of specified fisheries and rates and catch limits applied should also be reviewed on a regular basis in order to determine whether or not mutually agreed changes are needed to take into account changes in fishing patterns or stock composition.

(d) Within an agreed period after conclusion of the agreement, the two sides should undertake to reduce interceptions on a mutually agreeable basis. These reductions should be brought about in such a manner that there will be an equitable balance in interceptions. In anticipation of such reduction, the agreement should contain provisions for a joint study by the two sides of interceptions, particularly the problem of achieving an equitable balance.

(e) It was recognized that it may be necessary to make some exceptions to the rules outlined in (c) and (d) above in order to take into account cases where the intercepting state increases the contribution from its own fresh waters to its own fisheries subject to interception control; cases where runs in a given year in a specified fishery may vastly exceed the average during the base period; and in United States fisheries on the approaches to the Fraser River where the United States has

-5-

not yet realized returns on investments made prior to signature of an agreement. The officials agreed that further studies should be made of the need to develop mechanisms to cover such exceptions.

(f) Regarding fisheries on stocks originating in Canadian sections of rivers flowing to the sea through the United States, officials agreed that the two sides should cooperate to assure the sound conservation and management of the stocks. In the event that Canada initiates or expands fisheries on these rivers, the two sides should negotiate allocation of the allowable catch between the two countries. The agreement should contain wording indicating the interests of the two countries in stocks originating in such rivers.

(g) The officials agreed that it would be necessary to establish a Commission to facilitate the implementation of the agreement. The Commission would have the following functions:

- (i) to provide a forum for consultations as described in paragraph 2(c).
- (ii) to review annually the catches in specified fisheries in the light of the provisions of the Agreement, and to advise the two governments of any discrepancies which should be taken into account in formulating regulations in following years.
- (iii) through a subsidiary body, to carry out regulatory activities similar to those of the present IPSFC for the sockeye and pink salmon fisheries in the Juan de Fuca-Puget Sound-Fraser River

-6-

area consistent with the escapement needs as established by the country of origin, and the interception limitation provisions of the Agreement. In this connection, Canadian officials agreed to consider a U.S. proposal that the name of this subsidiary body be the International Pacific Salmon Fisheries Commission.

- (iv) the Agreement would also provide for establishment of additional subsidiary bodies ("panels" as shown in the attached chart, Attachment 3) concerned with specified fisheries.
- (h) The officials agreed to explore further the question of possible conflicts between domestic allocation requirements and the workings of the Commission.
- (i) The United States indicated that in the period immediately following conclusion of the Agreement, it was not their intention to exclude Canadian fishermen from zones now available to them under terms of the Reciprocal Agreement. Both sides recognize however that in the near future the two sides would be undertaking bilateral discussions aimed at determining their relations when both countries extend their fisheries jurisdictions and that in this context mutually agreeable changes in areas of one country open to fishermen of the other country might be made. In the meantime Canadian officials indicated their desire to cooperate with the United States officials regarding the conservation of stocks fished in areas currently covered by the Reciprocal Agreement and to consult closely with officials of the Washington State Department of Fisheries to this end.

-7-

- (j) The officials agreed to establish a small ad hoc committee to examine further the interception limitation mechanisms as described in paragraph 2 (c) and 2 (d) and the exceptions listed in paragraph 2 (e).

In particular, the committee would:

- (i) examine alternative criteria for selection of fisheries to be listed in the annex, including more precise area/time definition of specified fisheries in order to avoid disruption of fisheries directed almost exclusively to non-intercepted stocks.
- (ii) elaborate in more detail, and explore practical implications of, the interception limitation schemes.
- (iii) examine alternative approaches to handle the exceptions in paragraph 2 (e).
- (iv) examine alternative approaches to the selection of base years used to calculate rates of interception and catch limits.

3. The officials agreed to explore the possibility of convening a formal negotiating session toward the end of May, 1976, and, if required, may arrange a further meeting of officials before that time.

February 20, 1976

001205

ATTACHMENT 1

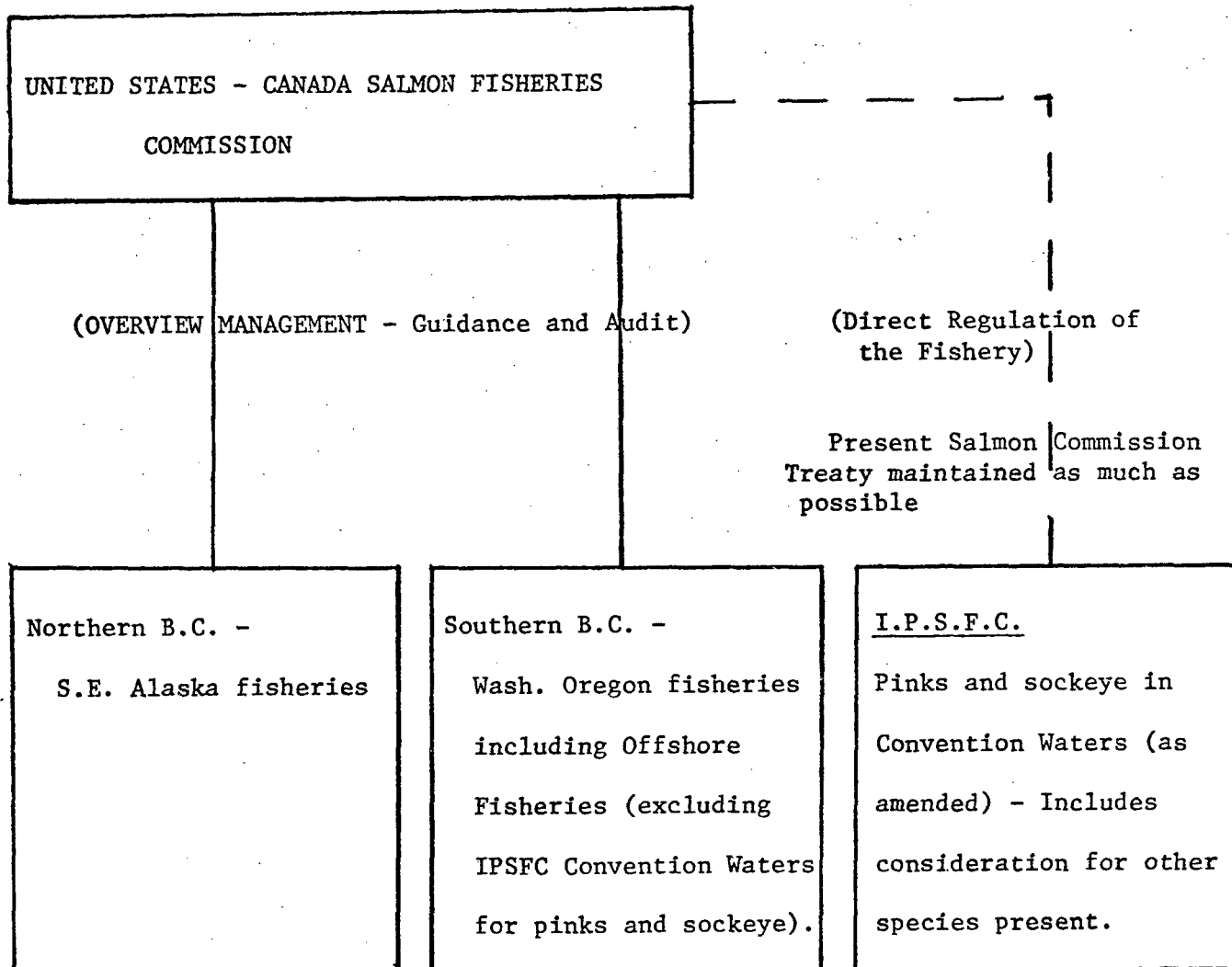
LIST OF CANADIAN DELEGATION

C. R. Levelton	Head of Delegation Acting Director General, Fishery Services Branch Fisheries and Marine Service Department of the Environment Ottawa
M. P. Shepard	Director, International Fisheries Policy International Directorate Fisheries and Marine Service Ottawa
G. Leger	Legal Operations Branch Department of External Affairs Ottawa
G. H. Geen	Director General, Fisheries Management Service Pacific Region Vancouver
W. R. Hourston	Director, Fisheries Operations Pacific Region Vancouver
M. Hunter	Fisheries and Marine Service, Ottawa
J. McDonald	Fisheries and Marine Service, Nanaimo
K. Pitre	Fisheries and Marine Service, Vancouver
R. Roberts	Fisheries and Marine Service, Vancouver
I. Todd	Fisheries and Marine Service, Vancouver
E. Vernon	Associate Deputy Minister Department of Recreation and Conservation Province of British Columbia Victoria
G. Halsey	Director, Marine Resources Branch Department of Recreation and Conservation Victoria
T. Andrews	Marine Resources Branch Department of Recreation and Conservation Victoria

LIST OF UNITED STATES DELEGATION

D. L. McKernan	Head of Delegation Department of State/University of Washington
Jean Bailly	State Department-Legal Adviser's Office
Kathryn Clark-Bourne	Department of State, OES/OFA
D. R. Johnson	National Marine Fisheries Service, Seattle
Harry W. Rietze	National Marine Fisheries Service, Juneau
Carmen Blondin	National Marine Fisheries Service, Washington, D.C.
Larry Snead	National Marine Fisheries Service, Washington, D.C.
Fred Thorsteinson	National Marine Fisheries Service, Juneau
Carl L. Rosier	Alaska Department of Fish & Game, Juneau
Chuck Meacham	State of Alaska - Office of Governor
Stephen J. Powell	National Oceanic & Atmospheric Administration Office of General Counsel
Don Moos	Department of Fisheries - State of Washington
Sam Wright	Department of Fisheries - State of Washington
Nona R. Henderson	Institute of Marine Studies University of Washington
David Uberuaga	U.S. General Accounting Office
Alan F. Ryan	National Marine Fisheries Service, Washington, D.C.
Ken Henry	National Marine Fisheries Service, Seattle
Paul Reed	Oregon Department of Fish & Wildlife

ATTACHMENT 3



File
Diary
Circ
Div

M.B. Phillips

s.23

G.A. Léger

CONFIDENTIAL

February 26, 1976

Canada/USA Pacific Salmon Talks, Seattle, February 18-
20, 1976

25-5-7-2-SALMON - 1	
4	

FLP
FLO/Wang/Warren
GCU
Seattle

s.23

- 2 -



Legal Operations Division

001210

AIDE MEMOIRE

25-5-7-2-Salmon-1

The Department of State refers the Embassy of Canada to the Convention between the United States and Canada for the Protection, Preservation and Extension of the Sockeye Salmon Fishery of the Fraser River System, signed in Washington on May 26, 1930 as amended by the Pink Salmon Protocol amending the Convention, signed in Ottawa on December 28, 1956, and to the regulations promulgated annually by the International Pacific Salmon Fisheries Commission (IPSFC). Reference is further made to the Embassy of Canada's Aide-Memoire dated February 6, 1976, in which the Embassy of Canada responded to the informal United States proposals relating to the IPSFC regulations for 1976 conveyed to them through the United States Embassy in Ottawa on January 24, 1976.

The United States regrets that the Canadian authorities are unwilling to accept Item (b) of its proposals of January 24, 1976. United States authorities consider that the limited and experimental accommodation of fishing for salmon other than sockeye salmon proposed for Subarea 2 would not have impaired the functions of the IPSFC with respect to sockeye salmon.

The United States appreciates Canada's

acceptance in principle of Item (a) of its informal proposal and hereby formally proposes to qualify the recommended IPSFC gear regulations for 1976 by language including the phrase "to the extent permissible under the laws of the parties". It is the understanding of the United States that this formulation would not permit either party to allow the taking of sockeye and pink salmon during periods when regulations promulgated by the Commission prohibit taking of sockeye and pink salmon with any type of gear.

The United States will promptly take the necessary domestic steps in order to advise the Commission and the Canadian authorities, well in advance of the fishing season, of the precise and limited extent to which 1976 IPSFC gear regulations may not, under domestic law, be implemented in the Convention waters of the U.S. Thereafter, the United States will take all steps necessary to prevent or defend against any challenge to such precise and limited nonapplication of Commission gear regulations, including the filing of a petition for a ruling from the U.S. District Court or the taking of such other action as is most likely to resolve the matter in a manner both timely and consistent with the understanding between the Canadian authorities and the United States.

As requested, the United States undertakes to assure the Canadian authorities that, for its part, the 1976 IPSFC regulations will be adequately enforced and that complete catch data on sockeye and pink salmon caught under the new arrangements will be made available to the IPSFC.

The United States wishes to express its appreciation to the Canadian authorities for their cooperation in helping to resolve some aspects of this complex matter, and to reiterate the concern it shares with Canada for the continued successful management of the stocks covered by the Convention.

Department of State

Washington, February 17, 1976

Date
11-04-78

CHECKLIST - PREPARATION OF SUBSTANTIVE FILES FOR MICROFILMING
LISTE DE CONTROLE - EXAMEN DE DOSSIERS - MATIERES POUR FINS DE MICROPHOTOGRAPHIE

File No./Dossier n°

75-5-7-2-Salmon-1

Vol. No.

5

Subject/Sujet

Boundaries-United States-High Seas-International Pacific Salmon Fisheries

Commission-Canada-U.S.

Date
From/De

75-02-01

Date
To/À

76-02-29

CLERK/COMMIS

ANALYST/ANALYSTE

Transmittal slips, action request forms and envelopes destroyed	Items misfiled sent to ACRC	Straight copies destroyed	Ephemeral items sent to ACRR	Items reclassified	Copies of drafts etc. destroyed	BOOKLETS, PAMPHLETS, RECORDINGS, LEGAL DOCUMENTS, CLIPPINGS, BRIEFINGS, NATO, U.N. AND SPECIALIZED AGENCIES DOCUMENTS, ETC. PHOTOGRAPHS							Size and clarity			
Notes d'envoi, fiches de service et enveloppes détruites	Erreurs, de classe- ment — ACRC	Doubles détruits	Items éphémères — ACRR	Items reclassifiés	Doubles de projets, etc. détruits	LIVRETS, PAMPHLETS, ENREGISTREMENTS MAGNÉTIQUES, DOCUMENTS JURIDIQUES, COUPURES DE JOURNAUX, CAHIERS D'INFORMATIONS GÉNÉRALES, DOCUMENTS DE L'OTAN, DES N.U. ET D'AGENCES SPÉCIALISÉES, ETC. PHOTOGRAPHIES							Dimension et qualité			
						ACL	ACLC	ACLL	ACLN	ACRC	ACRD	FAH	FAI	Cut Réduction	ACRE	Retyped Retapé
5		12												21	16	

CLERK
COMMIS

Stripping completed:
Première épuraison complétée:

ANALYST
ANALYSTE

Revision completed:
Examen complété:

ACRX

Microfiche completed:
Microfilmage complété.

WORK COMPLETED
BY ACRC
Aug 27 1978
TRAVAIL COMPLÉTÉ
PAR ACRC

11-04-78
Date

Signature

11-04-78
Date

Signature

Date

Signature

001214

FORM "A"
FORMULAIRE "A"

RECORDS IMPROVEMENT UNIT ACTION FORM
FICHE DE SERVICE DE L'UNITÉ DE PERFECTIONNEMENT DES ARCHIVES

..... Please take action on the attached items as indicated:
S.V.P. donner suite aux items ci-joints tel qu'indiqué ci-dessous:

ACRC

1. File/ Classer
2. Keep in appropriate file pocket in Randtriever.
Retenir au Randtriever dans pochette appropriée.
3. Keep in special container for tapes.
Retenir dans classeur spécial pour bandes magnétiques.

ACRD

1. Amend index and refer to ACRC for filing.
Modifier index et transmettre à ACRC pour mise au dossier.

ACRA

1. Open new file as follows and advise Division concerned.
Ouvrir nouveau dossier selon les directives ci-dessous et aviser Direction concernée.

No.

TITLE/TITRE

ACRR

1. Ephemeral material for disposal.
Suite à donner à correspondance éphémère.

ACRX

1. Trailer fiche to be made.
Préparer fiche auxiliaire.
2. CAUTION: Flagged item typed on both sides.
ATTENTION: papillon indique texte dactylographié sur deux côtés.

ACRE

1. For reproduction - one copy.
A reproduire - une copie.

TYPIST

DACTYLO

1. Retype, check and return.
Redactylographier, vérifier et retourner.

CLOSED VOLUME VOLUME COMPLET

DATED FROM
À COMPTER DU

75-02-01

TO
JUSQU' AU

76/02/29

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

6