

CLASSIFIED

File No. Dossier 25-5-7-2-SALMON-I
Volume I3 From-De 82-02-01 To-À 82-04-30

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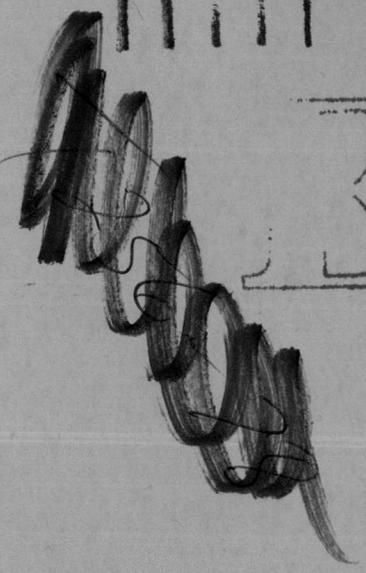


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Serial _____
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DEPARTMENT OF EXTERNAL AFFAIRS

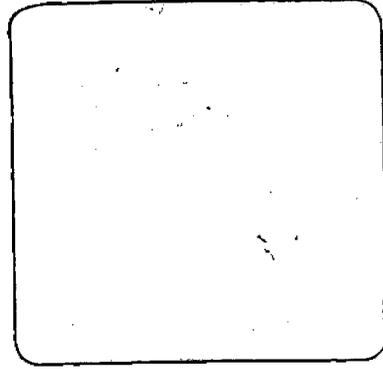
MINISTÈRE DES AFFAIRES ÉTRANGÈRES

TITLE—TITRE:

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

Retention period—Période de retention:

30Y/5A-25D/J



2012



Government
of Canada

Gouvernement
du Canada

CLOSED VOLUME VOLUME COMPLET

DATED FROM
À COMPTER DU 82-02-01 TO
JUSQU'AU 82-04-30

AFFIX TO TOP OF FILE - À METTRE SUR LE DOSSIER

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

FOR SUBSEQUENT CORRESPONDENCE SEE - POUR CORRESPONDANCE ULTÉRIEURE VOIR

FILE NO. - DOSSIER N°

25-5-72-SALMON-1

VOLUME

1

Government of Canada / Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

J. Martens

SECURITY - CLASSIFICATION - DE SECURITE
- via bag to Seattle
OUR FILE / NOTRE REFERENCE
YOUR FILE / VOTRE REFERENCE
DATE
APR 30 1982

TO / À

Minister of Fisheries and Oceans

FROM / DE

Donald D. Tansley

Plain copy to: Search / Martens WSHAC / Dickson GNG TWR

(and file)

SUBJECT / OBJET

Canada/USA Pacific Salmon Negotiations

ACC 200369
FILE 25-5-7-2-SALMON-1
DOSSIER

Purpose

Full delegations from Canada and the United States met in Vancouver during the week of April 19 to 24, 1982 to continue discussions on a Pacific salmon agreement. The purpose of this memorandum is to advise you of the progress achieved in this latest round of talks.

Background

As you have agreed, Canadian and U.S. officials are pursuing the development of a "framework" agreement that would (a) set out specific obligations with respect to the management of salmon (and particularly a commitment to providing "equity" in the benefits from the resource) and (b) establish a new Commission to oversee the implementation of the agreement. The "framework" agreement would be coupled with annual negotiations of fishery régimes (i.e. annual interception limits) that would implement the obligations to be undertaken in the agreement.

It is proposed that fishing plans for 1983 and 1984 would be negotiated after an accord on the framework agreement is reached at the level of negotiators. We expect conclusion of a framework agreement by May 31, 1982. The fishery régimes, which we hope to conclude by October/November of this year, would then be considered by the two governments as part of the overall package (along with the framework agreement). The fishery régimes would be appended as an Annex to the agreement.

Canadian Objectives

The objectives established for this negotiating session were largely realized. In summary, our objectives and the results were as follows:

- 2 -

- (1) To build on the progress achieved to date in the negotiations. The decisions reached during this round included an important agreement that the Parties would be obliged to provide for "equity" in the negotiation of annual fishery régimes.
- (2) To obtain a decision between negotiators, (with the full support of the respective industry advisors), on the U.S. share of sockeye and pink salmon on the Fraser River to be provided in compensation for past expenditures in Fraser River enhancement facilities by the USA. The negotiators will recommend that the average annual U.S. share on the Fraser River would be 125,000 sockeye and 200,000 pink salmon. However, agreement on the duration of such an arrangement was not reached at this session. (The Canadian proposal is 8 years while the U.S. proposal is 20 years.)

Beyond this share in the annual fishery régimes, U.S. interceptions of Fraser River salmon would be based on the "equity" provision of the agreement.

- (3) To obtain agreement on how the appropriate Panel of the new Commission would provide for proper management of salmon other than sockeye and pink salmon on the approaches to the Fraser River (a matter in which the current IPSFC has been sadly deficient). An appropriate mechanism will be included in the agreement.
- (4) To obtain a decision between negotiators, with the full support of the respective industry advisors, on the benefits accruing to Canada from the production of salmon that originate in the Canadian sections of the transboundary rivers including the Yukon River system.

Beginning in 1985, for transboundary rivers other than the Yukon, the negotiators finally compromised on a figure of 62.5 percent, a figure that was un-

- 3 -

acceptable to some Alaskan advisors and did not have enthusiastic support among Canadian advisors. However, most Canadian advisors were prepared to accept the figure, recognizing the considerable gains it represents over present (zero) credits being obtained from production in these rivers. The U.S. negotiator indicated that he will continue to search for an alternative solution, but in the final analysis, he would be prepared to recommend the figure as currently established. In 1983 and 1984, Canada will be credited with 250,000 fish, to be taken in-river, or in intercepting fisheries elsewhere.

For the Yukon River, the United States is unable, at present, to discuss sharing arrangements, and is even reluctant to commit itself to the principle of the joint establishment of escapement targets. The USA has appointed a "negotiator" to deal with this issue, and the U.S. delegation clearly understands our insistence that the Yukon arrangements be a part of the final package submitted to Governments for approval.

Summary

Substantial progress was achieved in the latest negotiating round towards concluding an agreement. Your officials are confident that the remaining problems will be resolved and that a framework agreement can be concluded prior to May 31, 1982, and that within the terms of the obligations set out therein, fishery régimes (i.e. specific interception limitation plans) for 1983 and 1984 can be negotiated.

The key to final success, of course, is the negotiation of the fishery régimes, where we will see whether or not both sides can live up to the obligations of the framework.

c.c. Minister's Office (3)
D.D. Tansley (2)
ADM's - G.C. Vernon
H.D. Johnston
A.W. May
G.N. Ewing

International Directorate (7)
M. Goldberg
D. Kowal
D. Martens - Seattle (via bag through Strauss) ✓
H. Strauss - LAO
E. Zyblut - Vancouver

ORIGINAL SIGNED BY
G.C. Vernon

000797



Government of Canada
Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO
À

M. Hunter
Director
Pacific Rim Division
International Directorate

FROM
DE

M. Goldberg
Counsel
Legal Services

SECURITY - CLASSIFICATION - DE SÉCURITÉ
CONFIDENTIAL 336943
OUR FILE / NOTRE RÉFÉRENCE F 5100-6 Vol. VI
255-7-2-Salmon
YOUR FILE / VOTRE RÉFÉRENCE
DATE April 27, 1982

SUBJECT
OBJET

Present Draft of Pacific Salmon Agreement

Attached please find an intra-file memorandum which you might find of some interest pertaining to the current draft of this Agreement.

I understand that there will be a drafting session in Ottawa to cover not only the various gaps in the articles but also the drafting of the Annexes. I further understand that in relation to the Fraser River allotment it was agreed that the Americans would be entitled to 100,000 sockeye and 200,000 pink per annum for an indeterminate number of years (Canada - 8, U.S. - 20).

The transboundary river interception share has been settled at 62.5% entitlement for Canada.

125000

Mel
M. Goldberg

Att.
MMG/pp



Government of Canada
Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO
A

FILE

FROM
DE

M.M. Goldberg
Counsel
Legal Services

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE / NOTRE RÉFÉRENCE F 5100-6 Vol. 6
YOUR FILE / VOTRE RÉFÉRENCE
DATE April 26, 1982

SUBJECT
OBJET

At the end of the Treaty Session at Vancouver of April 19 to 23, a draft Agreement was produced in which many of the articles were accepted in final form as between the two sides. Inserted in the pocket of this volume of the file is a copy of that document.

The gaps and potential re-writes listed below are to be the topic of a meeting in Ottawa between the two drafting groups, perhaps as early as the week of May 3. The gaps are as follows:

Article I - Definitions - We have not yet discussed which words need defining, but the U.S. group will be bringing a list of those they consider necessary together with their proposed definitions.

Article II - Paragraph 9 - the seat of the Commission shall be New Westminster.

Article III - Principles - Paragraph 3 - is intended to be a statement that there shall be no new intercepting fisheries initiated and also that there shall be no expansion in the rate of interception in existing fisheries. The following is a suggested version:

ARTICLE III (3) "Except as the parties may agree, neither party shall initiate new intercepting fisheries, or expand the rate of interception in existing intercepting fisheries."

Article IV - Paragraphs 1 and 4 - The date as to the submission of reports and information has yet to be determined.

Article V - Paragraph 2 - The date for the provision of information has yet to be determined.

Article VI - Paragraph 4 - This has been labelled as a United States proposal. However, neither side is satisfied with the wording and the U.S. drafting group is expected to provide a revised version at the forthcoming meeting. The domestic allocation objectives will have to be the subject of an Annex.

- 2 -

Article VII - Paragraph 2 - A suggested revision, as provided by the U.S. as follows:

ARTICLE VII (7) (2) "Notwithstanding Article IV, paragraph 3 (c), the Panels shall provide their views to the Commission on the spawning escapement to be provided for any transboundary river stock that either section of the Panel may designate."

- Paragraph 5 - This is still to be developed. The reference will now say, "Paragraph on cooperation and joint enhancement to be developed by U.S."

Article IX - Research - Canada is expected to review the existing clause and make a recommendation for the meeting of the week of May 3. There is a draft on which both sides appear to have agreed, but it has not been included in the combined draft: although a separate page, also in the pocket, was prepared. The parties appear to agree on the language if the following 3 words are eliminated:

paragraph 1, line 1 - "coordinated",
paragraph 2, line 2 - "programs",
paragraph 3, line 3 - "programmes".

Article X - Domestic Allocation - The U.S. is supposed to provide a draft at the May 3 meeting.

Article XI - Technical Dispute Settlement - Still to be settled.

Article XII - Clause 1 - The Americans cannot accept a reference to the Annexes to the effect that they are "an integral part of this Agreement". The reason for this is that such a phrase would mean that the Annexes would have to be reviewed by the U.S. Senate or the Senate Committee every time they were changed which would defeat the purpose of having them flexible and amenable to change on short notice. The present wording, they contend, does not denigrate from the Annexes but at the same time leaves them open to change via a recommendation by the Commission and an Exchange of Notes between the parties.

Article XIV - Paragraph 1 - The place for the exchange of instruments of ratification has not yet been decided.

Finally, the Annexes, of which there are at least 5, have all not yet been presented and the timetable for their discussion is not clear.


M.M. Goldberg

MMG/pp

H. Strauss/6-2643

Legal Operations Division

CONFIDENTIAL

April 15, 1982

LAO-510

NOV	199574	NOV 1982
ILL	25-5-7-2-Salmon-1	

MEMORANDUM FOR THE SECRETARY

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

Subject: Canada/USA Pacific Salmon Interception Negotiations

The purpose of this memorandum is to inform you of the progress achieved to date in discussions between Canadian and U.S. officials on interceptions of Pacific salmon and to request your approval of a future course of action.

BACKGROUND

For the past four years Canadian and U.S. officials have been involved in intense negotiations directed to concluding a long-term agreement on the management and sharing of Pacific salmon. In 1981 it became clear that it was unlikely that such a detailed long-term agreement could be reached. However, Canadian and U.S. officials had learned that they could work together to reach short-term objectives. This cooperation was demonstrated in an arrangement concluded between the negotiators for the 1981 and 1982 fishing seasons which provided for restrictions on the fisheries of both countries.

Both the problems encountered in seeking to conclude a long-term agreement and the success achieved in arriving at short-term arrangements led Canadian and U.S. officials to replace the original format for the long-term treaty with a framework treaty that would establish (1) the institutional structure for the negotiation of arrangements to meet both short-term and longer term objectives and (2) the obligations governing the management of salmon stocks subject to interception by one country or the other. Specific fishing arrangements, negotiated from time to time in order to implement the obligations established in the treaty, would be incorporated as annexes to the treaty. This format was reviewed with industry members of the Canadian delegation on April 5 and received their approval subject to further study. It will be discussed

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15.4.82/MINA

in detail by the two delegations (including industry) when they meet in Vancouver during the week of April 19. If accepted at that time, officials will work out the initial annexes necessary to implement the agreement (including fishing plans for 1983 and 1984) and submit the agreement and annexes as a package to the two Governments in the autumn.

The framework agreement as currently envisaged would contain the following elements:

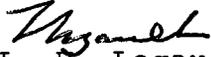
- a) an obligation on the two parties to arrange their fisheries to produce (i) an optimum yield and (ii) a distribution of resources between them commensurate with their production;
- b) establishment of a structure through which the parties can negotiate fishing plans and other arrangements, on both a long and short term basis;
- c) provision for Canadian management of the Fraser River (at present it is managed by a neutral Commission pursuant to the 1930 treaty between Canada and the USA);
- d) provision for a division of the salmon resources on transboundary rivers in the Alaska Panhandle; and
- e) provision for the negotiation of a division of the salmon resources of the Yukon River.

Officials of the Department of Fisheries and Oceans, Dr. M. Shepard (the Canadian negotiator) and the officials of this Department involved in the negotiations consider that the USA should be pushed strongly to accept an approach along these lines. Failure to proceed in this way would seriously set back both the negotiations and conservation efforts by both countries. Also the continuation of the existing 50/50 sharing arrangement for Fraser River sockeye and pink salmon is becoming increasingly unacceptable to Canadian industry. Mr. LeBlanc is therefore being asked to agree that in the event the April 19 discussions stall, Dr. Shepard should be allowed to inform the U.S. negotiator that Canada can no longer accept the existing Fraser River sharing arrangements. Such a statement would leave open the possibility of unilateral Canadian action to improve its position on the Fraser River, including termination of the Fraser River treaty.

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DECISION

If you agree, we will continue to pursue the present line of negotiation and Dr. Shepard will be authorized to inform the U.S. negotiator that Canada can no longer accept the present Fraser River sharing arrangements, if a breakdown seems imminent during the April 19 discussions.


L. H. Legault
Legal Adviser


de Montigny Marchand



HS-

**ACTION
 SUITE A DONNER**

MESSAGE

CIRCULATING/DIARY/FILE/CHRON

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
LIEU	MINISTÈRE	N° D'ORIG.			
FM/DE	SEATL	UACR	579	06APR82	U/C

TO/A	EXTOTT/LAO	SEA 002/7	P102
	SEAX WEHDC DE SEA	SEA 002/7	
INFO	B.H. FANDO OTT/HUNTER DE OTT		
	REGAM FANDO VNCVR/ZYBLUT DE SEA		
DISTR.	CNC		

ALL	
FILE	
25-5-7-2 - Salmon - 1	

REK
SUB/SUJ --- PACIFIC SALMON-U.S. HATCHERY CLOSURES

ATTACHED FOR YOUR INFORMATION IS A COPY OF AN ARTICLE FROM THE SEATTLE TIMES,
 APR 04, 1982, REPORTING ON THE EFFECTS OF NMFS FUNDING CUTS.

2. HUNTER IS ALREADY AWARE OF THE ARTICLE.

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
NO. F. D. MARTENS/cn			NO. <i>[Signature]</i> F. D. MARTENS

COMMERCIAL
SEATTLE TIMES
APR 4 1982

Fund slash to close 8 hatcheries

P2072

PORTLAND (UPI) — The National Marine Fisheries Service has announced funding cuts that will mean the closing of eight of 22 Columbia River salmon hatcheries.

Einar Wold, director of the agency's Columbia River Fisheries Development Program, told representatives from Oregon, Washington and the Fish and Wildlife Service that the hatcheries will shut beginning Oct. 1 in the first phase of a three-year plan to close all salmon and steelhead-hatchery operations funded by Marine Fisheries.

The move, stunned fishery officials were told, is "in keeping with the (Reagan) administration's general policy to reduce federal budget obligations and place funding responsibility with user groups and program beneficiaries."

Gene Kruse, the agency's assistant regional director, said the reductions are part of a \$10 million-plus cut in the Marine Fisheries' \$22 million annual budget for the Northwest.

The biggest single slash comes in the 34-year-old Columbia River Fisheries Development Program — \$3.4 million, of which \$2.4 million goes for the production of spring and fall chinook, summer and winter steelhead, sea-run cutthroats and coho.

Hatcheries slated for termination are Oxbow at Cascade Locks, Cascade at Bonneville and Gnat Creek at Claskanie, all of which are run by the Oregon Fish and Wildlife Department.

Also slated for closure are Elokomin at Cathlamet and Klickitat at Glenwood, both of which are operated by the Washington Department of Fisheries, and Skamania at Washougal, Beaver Creek at Cathlamet and Ringold at Mesa, run by Washington's Department of Game.

In addition, funding for the huge Spring Creek Hatchery at Underwood, Wash., run by the U.S. Fish and Wildlife Service, would be sliced in half, and \$347,000 would be cut from funds earmarked for Oregon's Bonneville Hatchery.

The net result of the budget slashing would be to reduce chinook output by about 23 million, or about one-third the Columbia River Fisheries Development Program total, officials said.

CIRCULATING/DIARY/FILE/CHRON

MESSAGE

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
LIEU	MINISTÈRE	N° D'ORIG.			
SEATL	UAGR	5269	02APR82		U/C

TO/A EXTOTE LAO SEA 003/2 1/2

INFO FANFO OTT/HUNTER
 REGAM FANFO VNCVR/ZYBLUT

SUITE A DONNER

ACC 200423
 FILE 25-5-7-2-Salmon-1

DISTR.

REF.

SUB/SUJ ---1982 OCEAN SALMON FISHING REGULATIONS-WASHINGTON, OREGON, CALIFORNIA

ATTACHED IS COPY OF AFOREMENTIONED REGULATIONS ADOPTED BY THE PACIFIC FISHERIES MANAGEMENT COUNCIL DURING ITS REGULAR MEETING MARCH 19 AND A SPECIAL MEETING MARCH 31.

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TÉLÉPHONE	APPROVED/APPROUVÉ
SG F.D.MARTENS/cn			SG <i>[Signature]</i> F.D.MARTENS

2/2

1982 OCEAN SALMON FISHING REGULATIONS OFF WASHINGTON, OREGON, AND CALIFORNIA
 Adopted by Pacific Fishery Management Councils, March 19 and March 31, 1982

Area	Season	Species	Size Limit	Bag Limit	Quota
<u>North of Leadbetter Point</u>					
Rec. -	May 29-June 11	all species except coho	24" chinook	2 fish	115,000 coho
	June 12-coho quota	all species	16" coho	2 fish	
Troll -	May 1-31	all species except coho	28" chinook		204,000 coho
	July 15-coho quota	all species	16" coho		
<u>Cape Falcon to Leadbetter Point</u>					
Rec.	June 12-coho quota	all species	16" coho 24" chinook	2 fish	100,000 coho
Troll -	May 1-31	all species except coho	28" chinook		89,000 coho
	July 1-coho quota	all species	16" coho		
<u>Cape Blanco to Cape Falcon</u>					
Rec.	June 12-coho quota	all species	no size	1st 2 fish	114,000 ^{a/}
Troll -	May 1-May 31	all species except coho	26" chinook		488,000 ^{a/}
	June 1-June 15	all species except coho	26" chinook (special gear) 16" coho		
	July 1-coho quota ^{b/}	all species	26" chinook		
	Sept. 6-Oct. 31	all species except coho	26" chinook (barbless hooks)		
<u>OR/CA Border to Cape Blanco</u>					
Rec. -	May 29-coho quota	all species	no size	1st 2 fish	140,000 ^{a/}
	Coho quota-Oct. 31	all species except coho	no size	1st 2 fish	
Troll -	May 1-May 31	all species except coho	26" chinook		140,000 ^{a/}
	June 1-June 15	all species except coho	26" chinook (special gear) 16" coho		
	July 1-coho quota ^{c/}	all species	26" chinook		
	Sept. 6-Oct. 31	all species except coho	26" chinook (barbless hooks)		
<u>Point Arena to OR/CA Border</u>					
Rec. -	Feb. 13-Nov. 14	all species	22" chinook ^{d/} 22" coho ^{d/}	2 fish	
Troll -	May 1-May 31	all species except coho	26" chinook		
	May 25-June 15 ^{e/}	all species	22" coho		
	July 1-August 22	all species			
	Sept. 6-Sept. 30	all species			

3 miles each side - 6 miles to sea, closure off Klamath mouth, July 1-15.

South of Point Arena

Rec. -	Feb. 13-Nov. 14	all species	22" chinook ^{d/} 22" coho ^{d/}	2 fish	
Troll	April 22-May 24	all species except coho	36" chinook		
	May 25-June 15	all species	22" coho		
	July 1-Sept. 10	all species			

- a/ Coho quota for total area south of Cape Falcon including California.
- b/ Chinook-only fishing to September 5, with special gear, after reaching coho quota.
- c/ Chinook-only fishery to August 22, with special gear, after reaching coho quota.
- d/ There is a 22-inch minimum size limit on chinook and coho in California, except that one chinook or coho may be less than 22" but not less than 20".
- e/ Chinook quota for area between Point Arena, California and Cape Blanco, Oregon until June 15. If quota is reached before June 15, season will be closed to all species.

NOTE: Italics indicates measures approved during March 31 meeting.



Government of Canada
Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

SECURITY - CLASSIFICATION - DE SECURITE

OUR FILE / NOTRE REFERENCE

201173

FILE 25-5-7-2- Pacific NUMBER

YOUR FILE / VOTRE REFERENCE

DATE

March 31, 1982

TO
A

A. Campbell

FROM
DE

M. Hunter

SUBJECT / OBJET Joint Meeting of North Pacific Fisheries Management Council and Alaska Board of Fisheries

I attended the above-noted meeting, together with Ed Zyblut and Ken Pitre from Pacific Region as well as Don Martens from the Seattle Consulate.

The agenda item which attracted our attention was the Council/Board final decisions on salmon troll regulations in S.E. Alaska for 1982. Specifically, the Council and Board were scheduled to decide on the allowable catch of chinook salmon in 1982, a decision which has implications for the Canada-U.S. salmon negotiations.

The meeting was a follow-up to the joint Council/Board meeting held in Juneau in early January. At that time, the Council and Board had indicated that a final decision on chinook salmon could be affected by Canadian regulatory action in 1982.

The Council and Board heard evidence from the Salmon management plan development team (which had been assisted in its deliberations by Ken Pitre), the Scientific Committee, the Advisory Panel, the Columbia River Inter-Tribal Fish Commission, States of Oregon and Washington, Canada, and the general public. A copy of the notes used for the Canadian presentation is attached.

After considerable debate, including a number of statements regarding alleged Canadian inaction with respect to conservation of chinooks, the Council decided to direct the Regional Director of NMFS in Alaska to manage the offshore fishery to a target catch of 255,500 fish, a figure which represents the mid-point between the lower end of the previously established Council OY (243,000) and the actual 1981 catch (268,000). The Board agreed to change its OY range to 243,000-272,000 to match the OY range of the Council and also agreed to manage the fishery to produce 255,500 fish. Thus the reduction in chinook catches in S.E. Alaska in 1982 of 12,500 fish compared to 1981 represents approximately a further 5 percent reduction in harvest.

- 2 -

It is debatable whether a greater reduction would have been accepted by the Council/Board if Canadian regulatory measures had been known. Certainly, it would be helpful, if not essential, in future years to have a Canadian position fully developed and approved.



M. Hunter

c.c. J.R. MacLeod
D. Kowal
R. Steinbock
W. Shinnars - Vancouver
E. Zyblut - Vancouver
H. Strauss - LAO
D. Martens - Seattle via LAO

23 March 1982

MR. CHAIRMAN, COUNCIL MEMBERS, MEMBERS OF THE BOARD:

It is a pleasure for me to have the opportunity to appear before you and hopefully to contribute to the deliberations which you are holding today, and to assist you in making a decision on salmon management which affects Canadian fishermen, as well as fishermen from Alaska and the Pacific Northwest.

I do have some specific remarks to make, which I think would be useful to put into a specific context which is that of our ongoing international negotiations.

You know that our two countries are continuing to attempt to negotiate a treaty that would enshrine certain principles and entail the undertaking of certain obligations in the management of our respective salmon fisheries. Last June, our negotiators, Dr. Alverson and Dr. Shephard, developed some interim arrangements for 1981 and 1982 that our respective management agencies adopted and implemented. For the first time, both countries put into place mutually acceptable restrictions in certain fisheries, despite the objections of some user groups on both sides of the border.

It is in that context of progress that we approach the 1982 fishing season, and specifically the question of chinook salmon management. We believe we should and must build on the positive moves which the 1981/82 interim arrangements represent.

For this Council session, Mr. Chairman, my Department asked Ken Pitre to provide to your scientific committee and to the plan maintenance team the best possible information and advice available on the Canadian fisheries for chinook salmon. I was pleased to hear that the PDT found Ken's presence helpful, and I can say that we felt his presence benefited us. We are certainly prepared to continue this kind of exchange. This exchange is an example of the cooperation that we are fostering, and it is the kind of exchange that is leading to an improved understanding of the issues and problems faced by the scientists and managers of both countries. So much for generalities and good will - you are going to ask how is all this motherhood going to be translated into action in Canada.

-2-

First of all, I believe we have to go back to basics, because I see and hear developing in comments made at the Advisory Panel yesterday, a rather simplistic view of chinook salmon management that deserves challenge.

That simplistic view presents the following picture of the world of chinook salmon management: Alaskan troll fisheries have been curtailed in recent years, in accordance with a plan to rebuild Southeastern chinook stocks, and in an effort to contribute to the rebuilding of Canadian and southern U.S. stocks. However, fishermen in Canada and Washington and Oregon (especially native fishermen on the Columbia) are not accepting their share of the conservation burden; fish foregone by Alaskans are simply transferred to southern fisheries, and spawning grounds remain barren. I may have oversimplified this simplistic view of the world, but I believe I have captured its essence.

People here involved in this Council's process are saying "no more conservation by Alaska until Canada cleans up its act". Let me go back to the basics and examine the validity of this view, Mr. Chairman and venture to put forward Canada's views on this matter. In doing so, I want to stress that I want to contribute to the solution of a problem that bedevils all of us, so please accept my comments in the positive vein in which they are put forward.

First of all, I have to ask where do the chinooks taken in the Alaskan troll fisheries originate, particularly since there are claims circulating that conservation measures in the Alaskan fisheries have led to improved spawning escapements in southeastern Alaska. According to a draft report produced by ADF&G last December, chinook salmon occur in 33 river systems in southeast Alaska, but 70% of production originates in the Alsek, Taku and Stikine rivers, in which a rather significant proportion of spawning occurs in the Canadian portion of the rivers.

The remainder of the chinooks taken in Alaska originate either in coastal British Columbia rivers, or in the Pacific Northwest states of the USA, and this "remainder" is by far the major portion of the runs. So, Mr. Chairman, let us applaud the improvement in escapements in South
cont'd

-3-

east Alaska and the Panhandle rivers, but let us not get carried away and imagine nothing is left to be done in Alaska.

What has happened to B.C. and other U.S. chinook stocks is well known to us. Catches are down, escapements are down, coastwide. In 1981, your fishery in Alaska was managed in such a way as to produce a 15% decrease in catches. In 1981 in British Columbia, we took action and there was a decrease of 13% in our outside troll catch, where the proportion of U.S. fish is known to be high. I would like to remind the Council that, contrary to what some people at this meeting have said, Canada did take conservation action in 1981. We the number of lines, we introduced barbless hooks, closed the season one month early and closed areas where shaker problems are known to be severe with some political fallout that will no doubt affect our ability to produce more changes in our troll fishery, a topic which I will address shortly. Many user groups, including the UFAWU and the PTA claimed that these actions were just another sellout to the USA.

What have these regulatory measures produced, Mr. Chairman? In 1981, the Alaskan troll fishery accounted for 25% of the total outside troll fishery, coastwide. This is some 5% higher than the Alaskan share in 1971-74. The Canadian share remains constant at about 63%, while the Washington share through significant cutbacks in the coastal troll fishery has declined from 18% to 11%. If total stock size is down, Mr. Chairman, this means that the Alaska troll fishery has increased its rate of exploitation on chinook salmon.

During the same time period, the number of troll permits in Southeast Alaska has increased dramatically, while chinook fishing effort in British Columbia relatively constant, and in Washington is probably down.

My next point, Mr. Chairman, is a very important one. If one examines the analyses of the catch of marked chinooks recently presented by WDF, it looks as though the Canadian fisheries exploit chinook salmon on their northern migration, rather than on their southerly spawning migrations. Thus, it is possible that the result of cutbacks in the Canadian fishery would in fact be to transfer fish to Alaska.

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Mr. Chairman, from a Canadian viewpoint, you will appreciate the interpretation we place on these facts. It is an interpretation somewhat different from some popular viewpoints current around this Council chamber. What I conclude, therefore, is that there is no simplistic solution to chinook salmon management problems. Some of your best brains and some of ours cannot find us the right answers. The search for the right answer is going to be a continuing process, now and after we have signed our salmon treaty. What I have said is not an excuse for inaction. Indeed, the danger is that we will arrive at a situation where one side says "We will do X if you will do Y" and the other side says, "OK, but you do X first or we will not do Y". We may be close to that situation now. Will your Council's and the Board's decision on chinook management in 1982 depend solely on what Canada does? Will our decision depend solely on your decision? Don't forget that, for Canada, from a political point of view, the issue has another face and that is the balance of interests between Canada and the states of the Pacific Northwest. So the question becomes for us "If they (north) do X, we could do Y if they (south) respond with Z". It may seem like game-playing to a foreigner, but it is in fact what is called in German "realpolitik".

So where does all this leave us, Mr. Chairman? Neither of us can claim to be lilywhite in conservation matters. Nor does it help to discuss whether my shade of grey is lighter or darker than yours. I can tell you that certain actions to conserve chinook salmon in Canada have been taken for the 1982 season, while certain others await a decision from my Minister.

The principal action on which a decision has to be made is the proposal to close the northern troll fishery for a two week period in June. I had hoped to be able to announce this measure, but I cannot do so today, although I and my colleagues are confident that it will be introduced. However, other significant actions have been announced. First, we have eliminated the February 1 to April 15 Barkley Sound troll fishery. This fishery targeted on U.S. stocks, and on age 4 and 5 fish primarily spring and summer run Columbia River chinooks. Second,

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in Barkley Sound, the purse seine fishery which has caught some 20,000 chinooks per year incidentally to sockeye will be moved into Alberni Canal, away from chinook nursery areas. This will result in a more difficult and costly sockeye fishery, but it is an action which has been taken to conserve chinook salmon.

Third, seine fisheries in areas 1 & 2 (QCI) and area 7 (central coast) where fishermen had begun to target on chinooks will be greatly curtailed or eliminated.

Fourth, our sport fishery will be restricted as announced in 1981. The size limit has been increased from 12 to 18 inches; a 30 fish per year bag limit will be in place.

All these efforts are being made Mr. Chairman in an attempt to solve a common and worrisome problem. Your Council has said that it wants to see more chinooks on the spawning grounds. That is an objective we share. We too would like quick results to show our constituents that their sacrifices are worthwhile. But we may not see such quick results. Some of our conservation measures may save more immature than mature fish in 1982. Does this mean that Canada has not "cleaned up its act"? We cannot afford the tit for tat approach that I described earlier. We believe that we must take actions together, and we believe that we are doing what we can to fulfill our part of the bargain. We hope you will continue to fulfill yours by taking wise decisions that reflect more than a parochial view of a complex subject.

MH/rm

March 26/82

LAO/H. STRAUSS/rb/6-2643

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
À
Economic Law & Treaty Division (LAE)
(Parry)

FROM
De
Legal Operations Division (LAO)

REFERENCE
Référence

SUBJECT
Sujet
Pacific Salmon Interception

SECURITY
Sécurité
CONFIDENTIAL

DATE
March 30, 1982

NUMBER
Numéro
LAO-476

Handwritten signature
no comment

FILE	DOSSIER
OTTAWA	194178
MISSION	25-5-7-2 - SALMON-1
	U.S.S.I.C.K.

ENCLOSURES
Annexes
1

DISTRIBUTION

GNG

LAP ✓

... We enclose, herewith, a draft treaty on Pacific salmon interception. We will be discussing the text with U.S. officials the week of April 5 and would be grateful for any comments you could provide before then.

L. S. Clark
Director
Legal Operations Division

CONFIDENTIAL

March 25, 1982

INDEX

... DOSSIER 25-8-7-2-SALMON-1

Preamble

1. Scope
2. Pacific salmon Commission
3. ~~Cooperation in Management~~ *Management and Fisheries Development Obligations*
4. Conduct of Fisheries
5. Salmon Development Programmes
6. Fraser River
7. Transboundary Rivers
8. Research
9. Implementation
10. Domestic Allocation
11. Amendment
12. Annexes
13. Definitions
14. Entry Into Force

PACIFIC SALMON AGREEMENT

PREAMBLE →

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

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

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

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

Desiring to cooperate in the management and
development of the Pacific salmon resource;

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Have agreed as follows:

Article I

SCOPE

This Agreement shall apply to stocks of Pacific salmon of Canada and ^{and} the United States which intermingle or are subject to interception.

Article II

PACIFIC SALMON COMMISSION & PANELS

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

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

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

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

5. At the first meeting of the Commission, the Commissioners shall select a Chairman and a Vice-Chairman from among themselves, each of whom shall hold office for the calendar year in which the Agreement enters into force and for such portion of the subsequent year as the Commission may determine. Thereafter the Chairman and Vice-Chairman shall hold office for a term of twelve months. The Chairman shall be selected from one Section and the Vice-Chairman from the other Section. The Section from which the first Chairman is selected shall be determined by lot and thereafter the offices of Chairman and Vice-Chairman shall alternate between the Sections. If either office becomes vacant before the end of a term, the Commission shall select a replacement for the remainder of the term from the Section in which the vacancy occurs.

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

7. Subject to the approval of the Parties, the Commission shall make such by-laws and procedural rules, both for itself and for the Panels established in paragraph 16, as may be necessary for the exercise of their functions and the conduct of their respective meetings.

8. Unless otherwise agreed by the Parties, the seat of the Commission shall be at (New Westminster, British Columbia, Canada).

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

10. Each Party shall pay the expenses of its own Section.

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

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

12. The Commission shall authorize the disbursement of funds contributed by the Parties pursuant to paragraph 11, and may enter into contracts and acquire property necessary for the performance of its functions.

13. The Commission shall submit to the Parties an annual report on its activities and an annual financial statement. It may make recommendations to or advise the Parties on any matter relating to the Convention.

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

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

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16. The Commission shall establish and maintain the following Panels:

- (a) a Southern Panel for salmon originating in rivers with mouths situate south of Cape Caution, except as specified in sub-paragraph (b);
- (b) a Fraser River Panel for sockeye and pink salmon harvested in the area specified in Annex I;
- (c) a Central Panel for salmon originating in rivers with mouths situate north of Cape Caution, except those with mouths situate in the Bering Sea and in the Arctic Ocean; *and end*
- (d) a Northern Panel for salmon originating in rivers with mouths situate in the Bering Sea and in the Arctic Ocean.

17. The Commission may eliminate Panels and establish and maintain other Panels as ^{appropriate} ~~approach~~. ^{18.9} The Panels shall provide information and make recommendations to the

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Commission with respect to the functions of the Commission and carry out such other functions as the Agreement may specify or as the Commission may direct.

19. In cases where fisheries intercept stocks for which more than one Panel is responsible, the appropriate Panels shall meet jointly to carry out the functions specified in paragraph 18. If the Panels cannot agree, each may make an independent report to the Commission.

20. Each Panel shall consist of not more than 6 members from each Party.

21. Except as otherwise provided in the Agreement, paragraphs 4, 5, 6, 9 and 10 apply, mutatis mutandis, to each Panel.

** Paragraphs dealing with the establishment of committees will be added.*

Article III

MANAGEMENT AND FISHERIES DEVELOPMENT OBLIGATIONS

1. With respect to the stocks subject to this Agreement, each Party shall conduct its fisheries and its salmon development programmes so as to provide for:
 - (a) optimum production; and
 - (b) each Party harvesting salmon equivalent to the production from its waters.

2. In fulfilling their obligations pursuant to paragraph 1, the Parties shall take into account:
 - (a) the desirability of reducing interceptions;
 - (b) the desirability of avoiding undue disruption of existing fisheries; and
 - (c) annual variations in abundance of the stocks.

Article IV

CONDUCT OF FISHERIES

1. On or before _____ in each year, or on such other date as the Parties may agree, the state of origin shall submit preliminary information for the ensuing year to the other Party and to the appropriate Panel, including:
 - (a) the estimated size of the run;
 - (b) the escapement required, taking into account the obligations set out in Article III, paragraph 1(a), the estimated size of the run and the interrelationship between stocks;
 - (c) the total allowable catch;
 - (d) its intentions concerning regulation of fisheries in its own waters; and
 - (e) its views concerning the other Party's regulation of its intercepting fisheries.

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2. The Panel shall examine the information ^{exchanged} pursuant to paragraph 1 and report its views to the Commission.
3. The Commission shall thereupon review the reports of the Panels and shall recommend to the Parties fishing plans in accordance with the obligations set out in Articles III, VI and VII.
4. On adoption by the Parties, the fishing plans referred to in paragraph 4 shall be annexed to this Agreement.
5. The Parties shall make regulations in accordance with the fishing plans referred to in paragraph 3.
6. During the fishing season, the Parties may vary the regulations in response to variations in anticipated conditions and in accordance with their obligations pursuant to Article III.

Article V

SALMON DEVELOPMENT PROGRAMMES

1. The Parties shall establish and implement salmon development plans in accordance with the obligations set out in Article III.

2. On or before _____ in each year, or on such other date as the Parties may agree, each Party shall provide to the other Party and to the appropriate Panel preliminary plans and information including:
 - (a) for existing projects: information including projected utilization of spawners, projected releases of juveniles, strategies for incubation, rearing and release, and projected contributions of adults to fisheries;

 - (b) plans for new projects; and

 - (c) its views concerning the other Party's salmon development projects.

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3. The Panel shall examine the information and provide its views to the Commission.

4. The Commission shall thereupon review the report of the Panel in the context of the obligations set out in Article III, and may make recommendations to the Parties.

Article VI

FRASER RIVER

(Transitional provisions will be included in an exchange of notes).

1. This Article applies to sockeye and pink salmon harvested in the area specified in Annex I.
2. Notwithstanding paragraphs 5 and 6 of Article IV, the Fraser River Panel shall propose regulations annually to the Commission for the harvest of sockeye and pink salmon in the area specified in Annex I, in conformity with the obligations set out in Article III and with the fishing plan made pursuant to Article IV.
3. On the basis of the proposals made by the Panel the Commission shall recommend regulations (appropriate time to be determined) to the Parties for approval. The regulations shall be effective upon approval by the Party in whose waters such regulations are applicable.
4. The Parties shall not regulate their fisheries in areas outside the area specified in Annex 1 in a manner that

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would prevent achievement of the objectives of the fishing plan for the area specified in Annex 1.

5. In developing and proposing regulations, the Fraser River Panel shall consult and exchange information with the Parties in order that the regulations it proposes take account of the information provided pursuant to Article IV, paragraph 1 (a,b,c) with respect to salmon other than sockeye and pink salmon.

6. (a) During the fishing season, the Fraser River Panel may make orders for the adjustment of fishing times and areas stipulated in the annual regulations, in response to variations in anticipated conditions, and in accordance with the obligations set out in Article III. The Parties shall give effect to such orders, in accordance with their respective laws and procedures, unless the Party in whose waters the orders are applicable gives notice of objection to the Commission.

- (b) The Fraser River Panel shall conduct such studies as are necessary to carry out the functions specified in this paragraph, including monitoring the runs of stocks referred to in this Article,

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including the collection of catch statistics, test fishing, sampling, and racial analyses in the area specified in Annex 1, and beyond that area with the consent of the Party in whose waters or territory the activity is to be carried out.

- * The provisions of this Article should be strengthened to ensure that it adequately meets the objectives of the Parties with respect to the harvest of chinook, coho, and chum salmon in the regulatory area. Consideration should be given to ^{the} relationship between the activities of the Fraser River Panel and the Southern Panel and the time during which the former should be concerned with regulations in the area specified in Annex 1.

Article VII

TRANSBOUNDARY RIVERS

1. This Article applies to transboundary river stocks considered by the Central Panel.
2. Notwithstanding Article IV, paragraph 1(b), the Central Panel shall provide its views to the Commission on the escapement to be provided for the transboundary river stocks considered by that Panel.
3. On the basis of the views of the Central Panel, the Commission shall recommend to the Parties the escapement to be provided for the transboundary river stocks considered by that Panel.
4. Notwithstanding Article III, paragraph 1(b), the benefits accruing to Canada shall be equivalent to 75 percent of the harvest of salmon that originate in the Canadian sections of the transboundary rivers, except that benefits derived from all salmon produced by salmon development programmes shall accrue to the state of origin.

- * Similar provisions that will apply to transboundary river stocks considered by the Northern Panel will be included in this Article, except that benefits accruing to Canada from present production will be subject to agreement at a later date to be specified in the Agreement - formulation to be discussed.

Article VIII

RESEARCH

1. The Parties shall establish research programmes to provide information required for the implementation of this Agreement. The programmes shall include, as appropriate, investigations of:
 - (a) the migratory and exploitation patterns, the productivity and the status of stocks subject to this Agreement; and
 - (b) the extent of interceptions by the fishermen of each country
2. The Commission may make recommendations to the Parties regarding the conduct and coordination of research programmes.
3. Provision for access to each others waters to be developed.

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Article IX

IMPLEMENTATION

Each Party shall:

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

Article X

DOMESTIC ALLOCATION

(Each Party may allocate its share of the salmon stocks covered by this Agreement among persons fishing under its jurisdiction. In furthering the objectives of this Agreement, the Commission and its Panels shall take into account the domestic allocation objectives of the Parties.)

- * The present formulation should be reexamined in the light of the changes in other parts of the draft - to be discussed.

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Article XI

AMENDMENT

This Agreement may be amended by written agreement
of the Parties.

Article XII

ANNEXES

1. The Annexes to this Agreement, either in their present terms or as amended in accordance with the provisions of this Agreement, are an integral part of this Agreement and all references to this Agreement shall be understood to include the Annexes.
2. The Commission shall, upon the request of either Party, review the provisions of the Annexes and may make recommendations to the Parties for their amendment.
3. The Annexes may be amended by the Government of Canada and the President of the United States of America through an Exchange of Notes.
4. The Commission shall publish the texts of the Annexes upon any amendment thereto.

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Article XIII

DEFINITIONS

To be discussed.

Article XIV

ENTRY INTO FORCE AND TERMINATION

1. This Agreement shall enter into force following the completion of the internal procedures of both Parties. Each Party shall notify the other when it has completed such internal procedures necessary to bring this Agreement into force. This Agreement shall enter into force on the date of the later of these two notifications.
2. Either Party may terminate this Agreement by serving written notice of termination on the other Party. The Agreement shall terminate one year after notice has been given. Neither Party may give notice of termination until the third anniversary of the date of entry into force of this Agreement.
3. Upon the entry into force of this Agreement, the Convention between Canada and the United States for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System, as amended, signed May 26, 1930, shall be terminated.

EXPLANATORY NOTES

1. The principles agreed to at Lynwood will be addressed in the definition of optimum yield.
2. Language regarding "undue disruption" as per the agreed text of the Lynwood Agreement is covered under Article III(2)(b) of the Canadian draft Agreement.
3. We have attempted to strengthen the Research Article (Article VIII in the Canadian draft agreement) by requiring that the conduct of research be mandatory.
4. Transitional Articles for the Fraser River (Article VI in the Canadian draft agreement) will be covered by an exchange of notes rather than by inclusion in the Agreement.
5. The exchange of information as previously provided for in Article VIII - Research has been omitted to avoid redundancy. This requirement is covered in paragraph b of Article IX in the Canadian draft Agreement.
6. The Fishing plans referred to in Article IV - Conduct of Fisheries in the Canadian draft Agreement are not intended to include detailed regulations. The regulations will be promulgated by the respective governments.
7. Article VII will be expanded to include provisions for the stocks considered by the Northern Panel. Detailed provisions are to be developed following consultations during April 6-7 consultations with U.S. officials.
8. Provision for access to each other's waters for research purposes to be developed under Article VIII - Research of the Canadian draft Agreement.
9. Provision for a long-term plan aimed at adjustments in fisheries and salmon development programmes to be covered in an exchange of notes.
10. Provision will be made in Article II - Pacific Salmon Commission for the establishment of Committees: Scientific (Research and Statistics); Finance and Administration.

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Explanatory Notes, cont'd

11. It would seem that definitions of the following terms are necessary.

- (a) Optimum production / yield
- (b) Intermingling stocks
- (c) Interception
- (e) Salmon Development Programmes
- (f) Party
- (g) State of origin
- (h) Transboundary Rivers

RS/rm
March 26/82

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RS/rm
March 26/82

CIRC CHRON DIARY FILE AM

UNCLASSIFIED

(CLASSIFICATION)

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

TO/A: MCTC

DATE: March 31, 1982

FROM/DE: LAO/H. Strauss

NUMBER/NUMERO LAO-477

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

25-5-7-2 - Salmon-1	
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Canadian Embassy, WSHDC

(Indicate the address)

(Indiquez la destination)

Mr. B.H. Dickson

(Indicate name of addressee)

(Indiquez le nom du destinataire)

at/à:

(Facsimile telephone number)

(Numéro de téléphone du bélino)

Discussion Paper:
Pacific Salmon Interception


R.J. Rochon

Signature

6-2643

**Telephone number of originator
Numéro de téléphone du rédacteur**

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

**Ministère des Affaires Extérieures
Ottawa, Ontario, K1A 0G2**

Michael Shepard and Associates Limited

4009 WHITE ROCK STREET, VICTORIA, B.C., CANADA V8N 4M4, (604) 477-0715

March 29, 1982.

Dr. D.L. Alverson,
Natural Resource Consultants,
4055 - 21st Avenue East,
Seattle, Washington 98199.

Dear Lee:

Please find enclosed a discussion paper elaborating the approach to the Pacific Salmon Agreement which we presented to you at our March 11 meeting in Seattle. The paper has not been thoroughly discussed either among Canadian Government officials or among our industry advisers. It is highly likely that we will be proposing changes to it when we meet with you on April 6-7. The draft is therefore completely unofficial and tentative, presented to you at this time only for the purpose of getting the ball rolling.

The draft text is accompanied by a few explanatory notes. I would like to elaborate on some of these in light of discussions we held in Seattle recently:

- a) It may seem to you that the draft does not deal adequately with obligations of both Parties with respect to conservation, an issue we both agree is one of the most important in the Agreement. It was our belief that the specifics of the obligation would best be dealt with in the definition of the term "optimum production". This definition would be included along with others in Article XIII of the Agreement. I believe that both in the technical sessions scheduled for next week and in our negotiations later in April, great attention should be paid to developing a very specific meaning for the term which would clearly spell out the circumstances under which the Parties would be legally obliged to take action to restrict their fisheries in order to avoid overexploitation. It is my intention that the definition of optimum production would give full effect to principles we articulated in the Lynwood Paper. A number of other terms used in the draft would also have

to be defined in Article XIII (e.g., interception, intermingling, salmon development programs, State of origin, transboundary rivers, etc.).

- b) We have attempted to strengthen the Agreement's approach to research (Article VIII) by requiring that the conduct of research by the Parties be mandatory.
- c) The term "fishing plans" in Article IV refers to specific commitments made by each Party with respect to its intercepting fisheries (e.g., upper limits on numbers of salmon caught in particular fisheries during certain seasons, etc.). It was not envisaged that the commitments in the fishing plans would be in the form of regulations; each Party would develop its own regulatory program aimed at achieving the goals set forth in the fishing plans (except in the case of Fraser Area sockeye and pinks where the Fraser Panel would recommend specific regulations to the Parties under Article VI).
- d) In developing the draft, we have attempted to exclude a number of transitional arrangements the two Parties must agree upon to bring the Agreement into full operation. It was felt that such arrangements would best be treated in a supplementary exchange of diplomatic correspondence. The understandings in the correspondence would, however, be firmly binding on the Parties and would be subject to full review in the internal procedures required in each country for adoption of the Agreement (i.e., the framework Agreement plus the supplementary arrangements must be considered as a package). The reason we have taken this approach is that we believe inclusion of such transitional provisions would tend to clutter the Agreement and could introduce confusion in the future when most of the activities envisaged in the arrangements would have been completed, making the provisions irrelevant. Relagation of such transitional arrangements to supplementary exchanges of correspondence in no way decreases their significance or importance. Indeed, we believe that treating them in this manner will permit the two Parties to consider the issues with greater attention and precision than if they were covered in the rather skeletal terms of a framework Agreement. Among the items to be covered by such correspondence would be:
 - i. Transitional arrangements regarding responsibilities and programs in the Fraser Area. We remain committed to the type of arrangements covered by various drafts that have been exchanged between the two sides in recent years. We believe, however, that a great deal of thought should be given to this subject

to ensure that transfers of responsibility are made in a timely manner while at the same time ensuring that whatever arrangements are made are flexible enough to take into account unforeseen circumstances and the conservation needs of the stocks.

ii. Long-term planning. We believe that the two Parties can only achieve maximum benefits from the Agreement if they carry out planning of salmon development programs and associated fisheries adjustments (to improve conservation and where desirable, to rationalize fisheries) on a long-term basis. This does not imply that the two Parties should not begin to implement the Agreement fully from the beginning; the annual negotiation of fishing plans and consultations on salmon development programs must be carried out in accordance with the basic terms of the Agreement. Nevertheless, in view of our belief that there is a need for long-term planning, we consider that it would be useful for the Parties to instruct the Commission to identify long-range opportunities for cooperative salmon development and for fisheries adjustments. Thus, although the Commission would concentrate its attention on fishing plans and development programs on a year by year basis, such deliberations could benefit by being considered in the context of a long-term perspective. Specifically, we would suggest that in the supplementary exchange of diplomatic correspondence, the two Parties agree to instruct the Commission to develop, within three years, a report to the Parties outlining long-term opportunities for salmon development and associated fisheries adjustments.

iii. As discussed in Seattle, we suggest that fishing plans for 1983 and 1984 would be negotiated immediately after we, at the level of negotiators, reach an accord on the framework Agreement. The plans could then be considered by the Governments as part of the overall package (along with the Agreement and the transitional arrangements discussed above). On approval, the fishing plans would be appended as an Annex to the Agreement.

e) With respect to the Fraser Area, we have continued to limit the direct responsibility of the Fraser Panel to sockeye and pink salmon. We feel, however, that the approach incorporated in our paper does not adequately address the problems of management of the other three species of salmon at times when

the Fraser River Panel would have regulatory control of the fishery. We wish to have further internal discussions on this subject before proposing how to modify the article to meet this concern.

- f) The provision for the Northern Panel has not been fleshed out; we would prefer to discuss the matter further with you before elaborating the appropriate paragraphs in the draft Agreement.
- g) We would also like to discuss wording of the provision in Article VIII regarding access of vessels and nationals of one country to the waters of the other before finalizing our proposal. We remain enthusiastically committed to the idea of exchange of scientific observers, joint research, etc., but are having some difficulties in legal phraseology vis a vis that in other legislation.

We hope that you will find this document helpful in your preparations for the April meetings. The purpose in preparing it was to provide a basis for discussion within both our delegations. As such, the paper must be considered as a background document that does not commit either side at this time. We look forward to meeting with you and your colleagues next month.

Yours sincerely,

Michael P. Shepard.

MIN(3)
PARL SEC
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LAO/H. Strauss/6-2643

LAO-446

March 23/82

PROCEEDINGS ON ADJOURNMENT MOTION

"THE LATE SHOW"

190788

25-5-6-CDA-USA

Government Position on Canada-United States
West Coast Boundary Dispute

25-5-5-CDA-USA

25-5-7-2-Salmon-1

Canada maintains that the "A-B Line" constitutes the

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

The salmon interception discussions between Canada and the United States are designed to develop cooperative arrangements to conserve West Coast salmon stocks with a view to increasing stocks available for harvesting, and to provide each state with salmon catches equivalent to its production.

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

H.S.

circulating/diary/file/chron

MESSAGE

FM/DE	PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSIER	SECURITY
	LIEU	MINISTÈRE	N° D'ORIG.			SÉCURITÉ
	SEATL	UAGR	5208	15MAR82		U/C

TO/A	EXT/TT	SEA 004/15	P1872
	SFAX WSUDG DE SEA	SEA 002/15	ACTION
INFO	B.H. FANDO OTT/HUNTER		SUITE A DONNER
	REGAM FANDO VNCVR/ZYBLUT DE SEA		

FILE 25-5-7-2-SALMON

DISTR.	GNG
REF	
SUB/SUJ	---PACIFIC SALMON
<p>ATTACHED IS A COPY OF AN EDITORIAL FROM THE SEATTLE POST-INTELLIGENCER DATED 12MARS82 INDICATING THAT THE FEDERAL FUNDING FOR COLUMBIA RIVER SALMON HATCHERIES AND THE VESSEL BUY-BACK PROGRAM HAS BEEN GREATLY CURTAILED.</p>	

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

SEATTLE
MAR 12 1972

P20/2.

NEWS A 3 P-I EDITORIALS

Salmon hatcheries promise is broken

Washington State Rep. Don Bonker is lamenting the big one that got away, the millions of dollars promised by the federal government to fund salmon hatcheries on the Columbia River and the fishing vessel buy-back program here.

The money was to help implement the Boldt decision that said Washington State Indian tribes were entitled to half the salmon passing through their traditional fishing grounds. The buy-back program provided a way for non-Indian commercial fishermen to sell their boats and gear. The state has received only \$5 million for this use out of the \$37.5 million promised over the past two years.

Lack of money for the Columbia hatcheries will do even more serious, and permanent, damage. Federal dams built on the Columbia decimated the fish run; the government hatcheries were supposed to provide a partial replacement. Fishermen say the cutoff of hatchery funds will hurt the trollers and destroy the charter boat fishing business at Westport and Ilwaco.

After failing in his efforts to get the House Merchant Marine and Fisheries Committee to restore the money, Bonker wondered "if there are going to be any fish left." Unless someone can convince Congress to honor its promises and also recognize the economic importance of the fishing industry to the Northwest, Bonker's sad prediction may well come true.

R. Steinbock/sg/5-2149

*please
copy to
LAD*

IM

C.C. Vernon (2)
H.D. Johnston (2)
International Direct. (7)
Central Registry

TO
A
Donald D. Tansley

*sent to
Registry
and return
H.S.*

SECURITY - CLASSIFICATION - DE SECURITE
OUR FILE / NOTRE REFERENCE
YOUR FILE / VOTRE REFERENCE
DATE FEB 24 1982

FROM
DE
Assistant Deputy Minister
Economic Development and Marketing
Assistant Deputy Minister
Pacific and Freshwater Fisheries

SUBJECT Canada-USA Pacific Salmon Negotiations
OBJET Meeting of Officials

<i>ncc</i> 190317
FILE 25-5-7-2-SALMON-1
DUSSIER

Canadian and U.S. officials met in Victoria on February 9 and 10, 1982 to continue discussions on a Pacific salmon agreement. Officials reviewed management cooperation for 1982 under the terms of the "interim arrangements" agreed to in June 1981 and discussed a long-term "framework" agreement which would govern the activities of the two countries in the management of Pacific salmon. The meetings progressed positively and the level of cooperation between officials was high, a fact which provides encouragement that the upcoming sessions in March and April will be successful. The subjects discussed are highlighted below.

Progress of Interim Technical Work

The progress of the work that has taken place since the last round of negotiations in October 1981 was reviewed. A report regarding the drafting of the long-term agreement indicated that while some clauses had been agreed upon by the respective officials of the working group, other clauses required revision. Further consultations to this end will be held.

A report on the proposed research program in Northern B.C.-Southeast Alaska was provided. You will recall that, under the 1981 "interim arrangements", the two governments agreed to conduct a joint tagging program in 1982 in and around Dixon Entrance in order to provide improved information on the composition of the runs in the boundary areas. This information is essential to assist in settling a continuing dispute over statistics on interception rates. The design of the tagging program will be finalized in March and both parties agreed to work closely to coordinate their research. U.S. officials indicated that funding for their portion of the program had been approved by Congress. You have given your assurance that the Canadian commitment of \$2.010 million will be met.

- 2 -

A brief report on salmon valuation was provided by a DFO economist. At this time, the Canadian study is based only on Canadian landed values and wholesale values. U.S. values have been difficult to obtain due to a large diversity in U.S. pricing techniques. Additional consultations with U.S. officials are necessary in this area. This study of approaches to the definition of "equity" is necessary in order that Canada and the USA can each have a yardstick by which to judge that benefits from the agreement would be commensurate with their respective production.

Cooperation in Fishing Plans for 1982

Discussions focussed on four areas in particular: the U.S. Noyes Island fishery, the Canadian pink salmon fishery in Dixon Entrance, the coastwide troll fishery and the fisheries for Fraser River sockeye salmon. Management of fisheries in these areas was also examined in more detail in separate technical sessions involving the respective field level managers from both countries. The level of cooperation and communication between these officials is good. While no final decisions were taken as to interception limits in 1982, the relevant managers agreed to continue consultations.

The 1981 interim arrangements limited U.S. interceptions of sockeye off Noyes Island to an average of 160,000, however U.S. catches were 252,000 sockeye in 1981. U.S. officials said that they expected fishing effort at Noyes Island to be similar to that in 1981 but that this should not produce the same level of interception because the Skeena run would be lower than in 1981 while Alaskan pink runs would be higher, thus drawing off U.S. vessels from the Noyes Island fishery. Despite this assurance, inseason adjustments may be necessary in 1982 to further reduce U.S. interceptions of sockeye at Noyes Island such that the long term average will approximate 160,000 fish.

With respect to the Canadian troll pink fishery in Dixon Entrance, Canadian managers are examining options to restrict Canadian trollers in 1982 in order to fulfill our obligations under the "interim arrangements". Canadian officials suggested that interception of 275,000 pink salmon as bycatch in the directed coho fishery be allowed, a suggestion to which U.S. officials responded by requesting further consultations.

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- 3 -

In the coastwide troll fishery, the Alaska Board of Fisheries and the North Pacific Fishery Management Council met jointly in January and determined preferred options for the 1982 Alaskan troll fishery, consisting of a range of optimum yields. Final decisions regarding optimum yields will be made in March and they will take into account proposed Canadian regulations for 1982. Canadian officials indicated that their consultations with the troll advisory council would be completed shortly and that a list of contemplated measures would be discussed with the Alaskans at their next joint meeting on March 24, 1982.

Long-Term Agreement

Canadian and U.S. officials appraised the status and the direction of the negotiations to date and arrived at the same conclusion. Both parties agreed that a comprehensive agreement with specific conservation and interception limitations had eluded them for a number of reasons including the vagaries of the salmon resource, the diverse interests of the user groups, the interference of the U.S. judiciary on behalf of Indian tribes and the difficulty of satisfying the aspirations of these various constituents. Moreover, officials on both sides felt that the patience of the fishing publics and the respective administrations was wearing thin and that the credibility of the negotiations was at stake. It was agreed that despite these difficulties, the level of communication and the spirit of cooperation between the parties was high and that the progress made to date should be conserved and consolidated. For the foregoing reasons, the parties agreed to pursue a long-term framework agreement incorporating general principles and guidelines and also the formation of a new Commission.

The Canadian negotiator proposed two principles as keystones to the agreement: that the agreement strive to obtain optimum production through positive cooperation and that each country obtain benefits commensurate with its own production. He also proposed that in the short term, the two sides strive to establish a detailed fishing plan for the first two years (1983-84) that would reflect the principles of the agreement. He also expressed the need for balancing interceptions and stipulated that U.S. interceptions of Fraser River fish would have to reflect the overall balance of interceptions and the "equity" provisions of the agreement. The Canadian negotiator also stressed that the agreement must embrace Canadian interests in transboundary rivers and the Yukon River System.

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- 4 -

The U.S. negotiator stressed that the two-year plan had to be mutually acceptable and that the pace of implementation of "equity" would require further consultation. He proposed that principles and definitions be elaborated so that draft agreements could be presented to both delegations. It is hoped to finalize the text of a long term agreement by the end of May 1982 and to negotiate 1983/84 fishing plans (i.e. implementation of the framework agreement) by the autumn of 1982.

It was agreed that officials would meet again in early March to discuss the draft agreement and that full delegations would meet in April in Vancouver.

c.c. D. Kowal
E. Zyblut
D. Martens ✓
H. Strauss
M.P. Shepard
M. Hunter

Original signed by
J. R. MacLEOD



Government of Canada / Gouvernement du Canada
Fisheries and Oceans / Pêches et Océans

File #

Your file / Votre référence

Our file / Notre référence

Ottawa, Ontario
K1A 0E6
February 17, 1982

Mr. R. Rochon,
Deputy Director,
Legal Operations Division,
Department of External Affairs,
Lester B. Pearson Building,
125 Sussex Drive,
Ottawa K1A 0G2

188143
25-5-7.2 SALMON
<small>U.S.S.I.R.</small>

Dear Mr. Rochon:

Canada/U.S. Salmon Negotiations

This refers to the February 12, 1982, memorandum to file from FLO regarding the salmon discussions held in Victoria on February 10, 1982.

To clarify the discussions held regarding Noyes Island (para. 2), the U.S. indicated that alternate fishery openings would occur at the same time as the Nass and Skeena runs, including a large pink run, which should direct some of the pressure from the Noyes Island area.

Regarding the Fraser River, Canada indicated it would observe constraint on the fish passing through the Johnstone Strait area.

In para. 3 the statement "a longer term plan be left to the Commission to formulate" is not my interpretation of what was stated. The Commission will monitor over the long term ongoing fishing plans to ensure they continue to meet terms of the framework agreement.

Yours sincerely,

D. L. Kowal, Chief,
Fishing Services Branch,
Pacific & Freshwater Fisheries.

c.c.: R. Steinboch

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

MEMORANDUM

TO
À
FILE

FROM
De
Legal Operations Division

REFERENCE
Référence

SUBJECT
Sujet
Pacific Salmon Interception Negotiations

SECURITY
Sécurité
CONFIDENTIAL

DATE
February 12, 1982

NUMBER
Numéro
FLO-258

FILE	185510	DOSSIER
OTTAWA		
25-5-7-2-SALMON-1		
MISSION		

ENCLOSURES
Annexes

DISTRIBUTION

FLP
GNG
DFO/Hunter
/Kowal
/Steinbock
F&O Legal
Services/
Goldberg
WASHDC
Seattle

Canadian and U.S. officials met in February 9 and 10 to continue discussions on Pacific salmon stocks. They reviewed management cooperation for 1982 and discussed a long-term agreement that would govern the two countries in their management of these stocks.

2. In general, cooperation between managers of the various stocks is good. During discussions three areas were focussed on in particular. The first was the U.S. Noyes Island fishery. U.S. officials said they expected to continue with last year's effort but that this should not produce the same level of interception because the Skeena run would be lower than last year and alternate fishery openings would occur, including a large pink run, which should direct some of the pressure from the Noyes Island area. The second area was the Canadian Area 1 pink salmon fishery. Canadian officials asked to intercept 275,000 pink as a by-catch in the Coho fishery. U.S. officials asked for further discussions on this. The third area was the Fraser River fishery. Canadian officials said that they would observe constraint on the fish passing through the Johnston Strait area, but that the levels of Canadian and U.S. fishing in this area would be dependent on the levels of Canadian interceptions elsewhere. All three issues were discussed by small working groups, and will continue to be discussed by the relevant managers.

3. During discussion of the long-term agreement, it was agreed that the goal should be a framework agreement rather than a detailed document. It was agreed that it should include a description of the institutions (commissions, panels) and principles. Shepard proposed that it strive to obtain optimum production of salmon and a division of the benefits (and sacrifices) on the basis of equity. He also proposed that the two sides limit themselves to establishing a two-year detailed fishery plan (1983-4). Alverson accepted Shepard's proposal, stressing that the two-year plan had to be acceptable to both sides and that the pace of development of the long-term plan required further thought. It was accepted that the Agreement would deal with the Yukon River.

4. Shepard and Alverson agreed that the Agreement had to be drafted by the end of May 1982 and the two year plan by the autumn. It was therefore agreed that officials would meet again in early March and full delegations in mid-April. Shepard undertook to prepare a paper for discussion in March by officials.

H. Strauss
H. Strauss

fil

Department of External Affairs



Canada

Ministère des Affaires extérieures

ACC	185512
FILE	25-5-7-2-SALMON-1	
	DOSSIER	

CONFIDENTIAL

OTTAWA, K1A 0G2

February 12, 1982

Dear Sir,

...

I enclose herewith, for your comments, a draft memorandum to file on the February 9-10 fisheries meeting in Victoria.

Yours sincerely,

R. Rochon,
Deputy Director,
Legal Operations Division

Mr. D. Kowal,
Chief,
Fishing Services Branch,
Pacific and Freshwater Fisheries,
Department of Fisheries and Oceans,
Ottawa, Ontario.

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

MEMORANDUM

TO
A File

SECURITY CONFIDENTIAL
Sécurité

FROM
De FLO

DATE February 12, 1982

REFERENCE
Référence

NUMBER
Numéro FLO-258

SUBJECT
Sujet Pacific Salmon Interception Negotiations

FILE	DOSSIER
OTTAWA	
MISSION	

ENCLOSURES
Annexes

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FLP
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Kowal/Steinbock/
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.../2

- 2 -

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H. Strauss

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MEMORANDUM

TO
À File

SECURITY
Sécurité CONFIDENTIAL

FROM
De FLO

DATE February 12, 1982

REFERENCE
Référence

NUMBER
Numéro FLO-258

SUBJECT
Sujet Pacific Salmon Interception Negotiations

ACC	FILE	DOSSIER
	185510	
	OTTAWA	
	25-5-7-2-SALMON	
	MISSION	

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H. Strauss



Government of Canada
Gouvernement du Canada

M. Hunter/Int'l Directorate
Typist: E. Somenzi/5-2186

MEMORANDUM

TO
A

Donald D. Tansley

FROM
DE

Assistant Deputy Minister
Economic Development and
Marketing

Assistant Deputy Minister
Pacific and Freshwater
Fisheries

SUBJECT
OBJET

Pacific Salmon Research

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE/NOTRE RÉFÉRENCE
YOUR FILE/VOTRE RÉFÉRENCE
DATE FEB FEB 1982

184196
 25-5-7-2-Salmon-1
 25-3-3-CD A-USA

You will recall that the "interim arrangements" for the conduct of 1981-82 salmon fisheries developed by the negotiators included a recommendation that a cooperative Canada-USA research program be initiated in 1982 to help determine the state of origin of pink, sockeye and chum salmon caught in and around Dixon Entrance.

In gaining acceptance of the arrangements from our advisors, the commencement of such a research program was a major selling feature.

The Canadian portion of the program that has been proposed has an estimated cost of \$2.010 million, for which no new funds have been approved to date. Not to proceed with the program would adversely affect our adviser's confidence in the Department's ability to conclude a satisfactory salmon agreement. Besides, from a scientific viewpoint, the proposed program stands on its own merits and represents work that has to be undertaken if a salmon agreement is to be workable. We understand that the U.S. Congress has authorized funding for the USA's share of the program.

We would, therefore, strongly recommend that funds for this program immediately be made available from existing Departmental allocations in the absence of new funding being approved. If the program is to achieve its objectives, preseason work must begin in the very near future.

Original signed by
G. C. VERNON

G.C. Vernon

H.D. Johnston
H. D. Johnston