

CLASSIFIED

File No. Dossier 25-7-2-Salmon
Volume 9 From - De 1-1-82 To - 1-1-82
80-01-01 80-11-30

CLASSIFIÉ

SEMI ACTIVE

TITLE — TITRE:

Boundaries-Water-High Seas ~~_____~~
International Pacific Salmon Fisheries
Commission (CDA-USA)

Q3/3 — 50

File No. _____
Storage Accession No. _____
Box 50
Box Series 2003-54-25

N.A.R.C.

DEPARTMENT
OF
EXTERNAL AFFAIRS

MINISTÈRE
DES
AFFAIRES ÉTRANGÈRES

Retention period - Période de retention:
PUBLIC ARCHIVES APPROVALS
APPROBATIONS DES ARCHIVES
PUBLIQUES — NOS. 68/001,
76/023, 73/004

30 yrs (5A-25D)J
AND ET



2010



Government
of Canada

Gouvernement
du Canada

CLOSED VOLUME VOLUME COMPLET

DATED FROM
À COMPTER DU

80-01-01
~~Jan 01 80~~

TO
JUSQU'AU

80-11-30
~~Dec 30 80~~

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

10

OFFICE
OF THE
SECRETARY OF STATE
FOR
EXTERNAL AFFAIRS

CABINET
DU
SECRÉTAIRE D'ÉTAT
AUX
AFFAIRES EXTÉRIEURES

TO/A:

Mr. Legault

Date 15.9

FROM/DE: MIN

REFERENCE/RÉFÉRENCE:

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

Seen by the SSEA "I prefer to do
it myself".

September 12, 1980

DATE	801203
ACC	105843
FILE	25-5-4-2-SALMON-1
H M	PAR PORTEUR

MEMORANDUM FOR THE MINISTER

SUBJECT: Exchange of Instruments of Ratification of two Protocols amending the Sockeye Salmon and Halibut Fishery Conventions with the United States **25-5-4-2-HALIBUT**

The Ambassador of the United States is anxious to meet with you as soon as possible in order to exchange instruments of ratification bringing the following Protocols into force:

- (a) Protocol amending the Canada-U.S. Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Washington on March 29, 1979.
- (b) Protocol amending the Canada-U.S. Convention for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System, signed at Washington on February 24, 1977.

2. The two instruments of ratification have already been signed by you, pursuant to Order in Council authority, and the exchange of instruments is a mere formality.

3. The ceremony, which would involve exchanging instruments of ratification for both Protocols, and signing the attached Protocols of Exchange, could be done in your office and would take about ten minutes. Both Governments wish to deal with this in a low-key manner and no Press Release would be issued by the Department.

4. Would you be able to meet with Ambassador Curtis sometime in the next few days to exchange instruments of ratification of these two Protocols? Alternatively, would you authorize me to conclude the exchange with Ambassador Curtis or a Counsellor at the Embassy?

*Instruments
exchanged
Oct 15, 1980*

L. H. Legault
L. H. Legault
Legal Adviser

I prefer to do it myself
LRL

A

PROTOCOL OF EXCHANGE

PROTOCOLE D'ECHANGE

The undersigned, having met for the purpose of exchanging Instruments of Ratification by their respective Governments of the Protocol between the Government of Canada and the Government of the United States of America amending the Convention between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea which was signed at Washington on March 29, 1979, and the respective Instruments of Ratification of the aforesaid Protocol having been carefully compared and found to be in due form, the said exchange took place this day.

Les soussignés s'étant pour procéder au nom de leurs Gouvernements respectifs à l'échange des Instruments de ratification du Protocole entre le Gouvernement du Canada et le Gouvernement des Etats-Unis d'Amérique portant modification de la Convention entre le Canada et les Etats-Unis d'Amérique pour la conservation des pêcheries de flétan du Pacifique nord et de la mer de Béring qui a été signé à Washington le 29 mars 1979, et les Instruments respectifs de ratification dudit Protocole ayant été soigneusement comparés et trouvés en bonne et due forme, ledit échange a eu lieu aujourd'hui.

IN WITNESS WHEREOF they have signed the present Protocol of Exchange.

DONE at Ottawa this day of 1980.

EN FOI DE QUOI ils ont signé le présent Protocole d'échange.

FAIT à Ottawa le jour de 1980.

For the Government of Canada
Pour le Gouvernement du Canada

For the Government of the United
States of America
Pour le Gouvernement des Etats-Unis
d'Amérique

B

PROTOCOL OF EXCHANGE

PROTOCOLE D'ECHANGE

The undersigned, having met for the purpose of exchanging Instruments of Ratification by their respective Governments of the Protocol between the Government of Canada and the Government of the United States of America to amend the Convention for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System, as amended, which was signed at Washington on February 24, 1977, and the respective Instruments of Ratification of the aforesaid Protocol having been carefully compared and found to be in due form, the said exchange took place this day.

Les soussignés s'étant réunis pour procéder au nom de leurs Gouvernements respectifs à l'échange des Instruments de ratification du Protocole entre le Gouvernement du Canada et le Gouvernement des Etats-Unis d'Amérique en vue de modifier la Convention modifiée pour la protection, la conservation et l'extension des pêcheries du saumon sockeye dans le fleuve Fraser et ses tributaires qui a été signé à Washington le 24 février 1977, et les Instruments respectifs de ratification dudit Protocole ayant été soigneusement comparés et trouvés en bonne et due forme, ledit échange a eu lieu aujourd'hui.

IN WITNESS WHEREOF they have signed the present Protocol of Exchange.

DONE at Ottawa this day of 1980.

EN FOI DE QUOI ils ont signé le présent Protocole d'échange.

FAIT à Ottawa le jour de 1980.

For the Government of Canada
Pour le Gouvernement du Canada

For the Government of the United
States of America
Pour le Gouvernement des Etats-Unis
d'Amérique

DATE	
ACC 96218	REF
FILE 25-5-7-2-FURSEALSKINS	DOSSIER
BY HAND	PAR PORTEUR
ATTN:	

25-5-7-2-SALMON-1

R E S T R I C T E D

FM EXTOTT GEB2043 12SEP80

TO OSLO

INFO COPEN BREEC LEN WSHDC FINOTT/IER ITCOTT/EUR/OGR/FPB

BH FANDOOTT/CAMPBELL/SIMCOCK/WALSH DE OTZ

DISTR FIA FLO ECO EIP

---SEALSKINS AND ATLANTIC SALMON CONVENTION

IN CONVERSATION WITH CAMPBELL/DFO, ERIC LYKKE, DIR GENERAL ENVIRON-
MENT OF NORWEGIAN GOVT, RAISED TWO POINTS OF INTEREST. FIRST, HE HAD
BEEN TOLD THAT CDA HAD ASKED THAT NORWAY BE EXCLUDED FROM DISCUSS-
IONS OF ATLANTIC SALMON CONVENTION WHICH ARE CONTINUING BETWEEN
CDA, USA AND EEC. CAMPBELL EXPLAINED THAT, ON THE CONTRARY, CDA HAS
NO/NO OBJECTION TO NORWEGIAN INVOLVEMENT IN DISCUSSIONS ON SUCH
CONVENTION. INDEED, CDN APPROACH WOULD ALLOW FOR PARTICIPATION OF
NORWAY, ICELAND AND SWEDEN IN PROPOSED GREENLAND COMMISSION, GIVEN
THEIR INPUT OF SALMON TO GREENLAND SALMON FISHERIES. HOWEVER, ONLY
CDA AND USA COULD BE MEMBERS OF PROPOSED SEPARATE NORTH AMERICAN
COMMISSION CONCERNED EXCLUSIVELY WITH SALMON FISHERY IN CDN AND
USA FISHING ZONES, WHERE SALMON ORIGINATES EXCLUSIVELY FROM THEIR
RESPECTIVE RIVERS.

2. ON SEALSKINS LYKKE ADVISED THAT THERE HAS BEEN VIGOROUS INTERNAL
DEBATE IN NORWAY ON DESIRABILITY OF NORWEGIAN INVOLVEMENT IN SEAL
AND WHALEHUNTING. NORWEGIAN CABINET IS MORE RECEPTIVE TO ANTI-SEALS/
WHALING ARGUMENTS AND THERE HAS THUS BEEN A QUOTE COOLING DOWN

...2

PAGE TWO GEB2043 RESTD

UNQUOTE IN NORWEGIAN SUPPORT OF SEAL HUNT AND RELATED ISSUES. IN NOTING GROWING OPPOSITION IN NORWAY TO SEAL HUNT, LYKKE STATED THAT BUSINESS COUNCIL HAD ADVISED THAT NORWEGIAN IMAGE IS BEING ADVERSELY AFFECTED BY SEAL HUNTING. BENEFITS OF INVOLVEMENT WITH SEALS DO NOT/NOT BALANCE WITH COSTS IN TERMS OF LOST TRADE. THESE CONSIDERATIONS WILL INEVITABLY INFLUENCE SEALSKINS POLICY.

3. WE WERE IMPRESSED BY FORTHRIGHT ADMISSION OF SIGNIFICANT POTENTIAL SHIFT IN NORWEGIAN THINKING ON SEALS. GRATEFUL YOU FOLLOW THIS ISSUE VERY CLOSELY AND REPORT AS REQUIRED.

CCC/001 122309Z GEB2043

Handwritten: 102
RFF & n-st.

UNCLASSIFIED

FM EXTOTT GER1948 02SEP80

TO COPEN DELIVER BY 030900

INFO BREEC BONN ITCOTT/FPB/EUR FINOTT/IER *25-5-7-2-SARADON-1*

BH FANDOOTT/CAMPBELL/APPLEBAUM/WALSH/SCHWEIGER DE OTZ

DISTR ECO FLO FLP

REF YOURTEL 1868 27AUG

---GREENLAND SALMON FISHERY

FOLLOWING INFO MAY BE USED IN RESPONDING TO LOCAL PRESS

STORIES REGARDING CLOSURE OF GREENLAND SALMON FISHING.

2.CDN CONCERNS WITH RESPECT TO SALMON FISHING OFF WEST GREEN-

LAND RISE FROM FACT THAT SALMON OF CDN ORIGIN ARE MINGLED

WITH SALMON OF OTHER(IE EC)ORIGIN IN THESE WATERS.CDN

AUTHORITIES ARE THEREFORE INTERESTED IN THE OPERATION OF A

SOUND FISHERIES CONSERVATION AND MANAGEMENT REGIME IN THESE

WATERS.IT IS FOR THIS REASON THAT CDA HAS INSISTED THAT

THE CURRENT AND PREVIOUS FISHERIES AGREEMENTS INCLUDE CLAUSES

PROTECTING CDN SALMON IN GREENLAND WATERS.THE AGREEMENTS HAVE

SPECIFIED THAT QUANTITY OF SALMON TO BE TAKEN AS WELL AS THE

SEASON.PURPOSE OF THE LATTER REGULATION IS TO ENSURE THAT

FISH ARE PERMITTED TO GROW TO MATURITY SO THAT FEWER FISH NEED

TO BE TAKEN TO OBTAIN ANY GIVEN WEIGHT OF CATCH.AUG 10 IS

EARLIEST DATE WHICH SCIENTISTS HAVE CONCLUDED IS CONSISTENT WITH

THIS.CDN DIPLOMATIC NOTE TO EC AND SUBSEQUENT EXCHANGES RELATED

...2

DATE	
ACC	96282 REF
FILE	25-5-5-CDN-DANMARK DOSSIER
BY HAND	PAR PORTEUR
ATTN:	

PAGE TWO GEB1948 UNCLAS

TO CDN CONCERN THAT ADMINISTRATION OF QUOTA BY APPROPRIATE AUTHORITIES FAILED TO PAY SUFFICIENT REGARD TO PROVISIONS OF CDA/EC AGREEMENT REGARDING CATCHING SEASON. WE DID NOT/NOT REQUEST COMPLETE TERMINATION OF FISHING SEASON (ONLY TEMPORARY SUSPENSION PENDING SCIENTIFIC MEETING), BUT IN EVENT WHEN SUSPENSION OCCURRED FULL AMOUNT OF QUOTA HAD IN FACT BEEN TAKEN. (IT IS NOT/NOT NORMAL CDN PRACTICE TO RELEASE TEXTS OF NOTES FOR PUBLICATION.) YOU WILL NOTE THAT BECAUSE FISH WERE SMALLER IN SIZE THAN NORMAL, SINCE SEASON HAD BEEN OPENED EARLIER THAN NORMAL, NUMBER OF FISH TAKEN IN ORDER TO REACH ALLOWED TONNAGE WAS MUCH GREATER THAN WOULD HAVE BEEN CASE IF PROVISIONS OF AGREEMENT HAD BEEN FOLLOWED (IE, LATER OPENING OF SEASON). THIS HAS RESULTED IN NUMBER OF FISH AVAILABLE FOR REPRODUCTION BEING REDUCED AND IS CONTRARY TO BEST INTERESTS OF GREENLAND, AS WELL AS CDN, FISHERMAN.

3. RESPONSE TO QUESTION 1-CATCH FIGURES PROVIDED BY DANISH AUTHS HAVE NOW CONFIRMED THAT SUSPENSION OF W. GREENLAND SALMON FISHERY COINCIDED WITH TAKING OF 1190 TON SALMON QUOTA. THIS SITUATION MEANS THAT SALMON FISHING CANNOT/NOT BE REDUCED THIS YEAR TO OFFSET EXCESSIVE TAKINGS OF SMALLER FISH. ACCORDINGLY, CDA DOES NOT/NOT CONSIDER THAT DAMAGE OF CONSERVATION WHICH EARLIER OPENING OF SEASON CAUSED HAS BEEN OFFSET.

4. QUESTION 2-CDN AUTHS WERE CONCERNED AT THE MANNER IN WHICH

PAGE THREE GEB1948 UNCLAS

WEST GREENLAND SALMON FISHERY WAS CONDUCTED THIS YR. BECAUSE
RESULTANT INCREASE IN CATCH OF NUMBERS OF SALMON OF CDN
ORIGIN HAS NEGATIVE SOCIAL AND ECONOMIC IMPLICATIONS FOR EAST
COAST PRODUCING PROVINCES. ECONOMIES AND PEOPLE OF CERTAIN
SECTORS OF THESE PROVINCES, IN PARTICULAR NFLD AND NB, RELY
HEAVILY ON SALMON INDUSTRY AS A SOURCE OF INCOME AND AS A WAY
OF LIFE IN AREAS THAT DO NOT/NOT PROVIDE POPULATION WITH MANY
ALTERNATIVE EMPLOYMENT OPPORTUNITIES.

5. QUESTION 3-CDA IS GREATLY CONCERNED ABOUT CONSERVATION OF ATL.
SALMON AND FAVORS A MULTILATERAL APPROACH THRU ADOPTION OF AN
INTL ATLANTIC SALMON CONV INCLUDING ALL PARTIES CONTRIBUTING
SALMON WHICH ARE FISHED IN THE NW ATL OCEAN, INCLUDING NORTH
AMERICAN WATERS AND WEST GREENLAND WATERS. WITHIN THIS FRAMEWORK
CDA FAVOURS A STRUCTURE THAT WLD ALLOW PARTIES WITH A REAL AND
SUBSTANTIAL INTEREST IN PARTICULAR FISHERIES TO CONSULT IN THE
MANAGEMENT OF THOSE FISHERIES. IT IS ALSO CANADAS POSITION THAT
COMMON STRUCTURE THAT MIGHT BE EST. BY SUCH A CONV.

TO MANAGE CERTAIN SALMON FISHERIES MUST BE
CONSISTENT WITH CONSENSUS THAT HAS EMERGED
AT UNCLOS ON FISHERIES MANAGEMENT IN GENL AND ON ANADROMOUS
SPECIES ARTICLE IN PARTICULAR.

6. QUESTION 4-BEARING IN MIND THESE LOS FISHERIES MANAGEMENT
PRINCIPLES IT WLD NOT/NOT BE APPROP. FOR A STATE OF ORIGIN TO

PAGE FOUR GEB1948 UNCLAS

HAVE IT OWN SALMON FISHERY MANAGED BY AN INTL SALMON QUOTA SYSTEM. THIS POSITION IS TAKEN NOT/NOT ONLY ON JURIDICAL GROUNDS STEMMING FROM UNCLOS BUT ALSO ON MANAGEMENT AND CONSERVATION GROUNDS AS QUOTAS ARE NOT/NOT ALWAYS MOST EFFECTIVE WAY TO MANAGE SALMON FISHERY IN HOME WATERS. CDA HAS CHOSEN INSTEAD TO STRICTLY MANAGE AND CONTROL ITS OWN FISHERY BY MEANS OF LICENSES, SEASON OPENINGS AND CLOSURES AND IN CERTAIN CASES A BAN ON SALMON FISHING SUCH AS HAS BEEN IN EFFECT IN NB WATERS FOR THE PAST 8 YRS RE COMMERCIAL SALMON FISHING.

7. QUESTION 5-MAINTAINING ITS SALMON STOCKS REQUIRES SUBSTANTIAL EXPENDITURES BY CDA ON RESEARCH, MANAGEMENT AND HABITAT PROTECTION. MANY OF THE SALMON CAUGHT AT GREENLAND ARE PRODUCED IN HATCHERIES AT CONSIDERABLE EXPENSE. ESTIMATE THAT 40 PERCENT OF FOOD OF CDN SALMON IS EATEN IN GREENLAND WATERS DOES NOT/NOT SEEM TO CORRESPOND WITH KNOWN GROWTH RATES. THERE IS PRESENTLY NO/NO INTERNATIONALLY AGREED METHOD OF ESTIMATING GRAZING FEES. ANY COSTS TO GREENLAND ASSOCIATED WITH FOREGONE CAPELIN CATCHES DUES TO SALMON PRETATIONS ARE FAR LESS THAN CURRENT EXPENDITURES BY CDA TO PROTECT AND ENHANCE SALMON STOCKS.

8. QUESTION 6-CDN ATLANTIC SALMON CATCHES REPORTED FOR 1976-79 WERE IN TONNES, FRESH WEIGHT:

	SALMON	GRILSE	TOTAL
1976	1,721	785	2,506

000200

PAGE FIVE GEB1948 UNCLAS

1977	1,883	662	2,506
1978	1,225	320	1,545
1979	705	582	1,287

9. QUESTION 7-THE COMMERCIAL FISHING EFFORT IS LIMITED BY A COMBINATION OF LIMITED ENTRY(LICENCING),AND CLOSED SEASONS TO MAINTAIN A BALANCE BETWEEN COMMERCIAL AND SPORT CATCHES.

10. YOU MAY ALSO WISH TO DRAW UPON INFO CONTAINED IN BREEC TEL 2478 OF 28 AUG 80 CONCERNING RESULTS OF AUG 27 MTG BETWEEN CDN AND DANISH/EEC SCIENTISTS. IMP TO NOTE THAT ALL PARTICIPANTS AGREED THAT EARLIER 1980 OPENING OF SEASON LED TO 31,000 MORE SALMON BEING KILLED TO TAKE 1,191 TONS THAN AVERAGE NUMBER KILLED TO TAKE THIS AMT IN REF PERIOD OF AGREEMENT. THIS NUMBER OF SALMON IS EQUIVALENT TO 105 TONS IF A MEAN WT. CORRESPONDING TO THAT OF SEPT 1 IS APPLIED.

11. WILL RESPOND TO QUERY RE BAUNSGAARD VISIT WHEN TEL HAS BEEN RECD.

UUU/039 022359Z GEB1948

UNCLASSIFIED

FM COPEN YJGR1884 02SEP80

TO EXTOTT GEB

INFO FANDCOOTT/APPLEBAUM

DISTR GEP (FLO)

REF YOURTEL 1545 JUL14

DATE	
ACC	96235
REF	
FILE	25-5-5-CDA-DUMARK
DOSSIER	
BY HAND	PAR PORTEUR
ATTN:	

---VISIT TO GREENLAND INNATL ATLANTIC SALMON FOUNDATION(IASF)

SIX MEMBERS OF IASF VISITED GREENLAND RECENTLY. LOCAL AUTHORITIES RECEIVED THEM WELL AND MADE AVAILABLE ALL FACILITIES WITH RESULT TEAM ABLE TO TRAVEL EXTENSIVELY, VISIT FISHERIES AND ALSO WATCH CATCH BEING LANDED FISHERY CLOSED.

2. IASF TEAM ARRIVED AT FOLLOWING CONCLUSIONS:

- (1) REGULATIONS GOVERNING SALMON CATCH SCRUPULOUSLY OBSERVED.
- (2) LOCAL GOVERNORS OFFICE WELL IN CONTROL OF FISHERY AND FISHING.
- (3) ATTITUDE OF FISHERMANS COOPERATIVE (CERTAINLY AT MANAGEMENT LEVEL) VERY CONSERVATIONIST.

CATCH THEY SAW SHOWED SALMON NETTED WERE MATURE FISH OF AT LEAST 2 SEA WINTERS OLD. IN ADDITION TO QUOTA CERTAIN AMOUNT OF QUOTE FISHING FOR POT UNQUOTE TAKES PLACE--BUT MINIMAL AMOUNT OF ABOUT 20 TONS.

3. TEAM JUDGED VISIT GREAT SUCCESS AS IT BANISHED THEIR SUSPICION THAT CATCH WAS NOT/NOT PROPERLY REGULATED. LIKELY THEY WILL MAKE VISIT TO VIEW CATCH AN ANNUAL EVENT, CERTAINLY FOR IMMEDIATE FUTURE.

UUU/066 021208Z YJGR1884

GEB	
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

9/1.

ACTION
SUITE A DONNER

G.T. to see
& file
a3

COPENHAGEN

UNCLASSIFIED

FM COPEN YJGR1884 02SEP80

TO EXTOTT GEB

INFO FANDCOTT/APPLEBAUM

DISTR GEP FLO

REF YOURTEL 1545 JUL14

25-5-7-2-salmon-1

18

24

---VISIT TO GREENLAND INNATL ATLANTIC SALMON FOUNDATION(IASF)

SIX MEMBERS OF IASF VISITED GREENLAND RECENTLY. LOCAL AUTHORITIES RECEIVED THEM WELL AND MADE AVAILABLE ALL FACILITIES WITH RESULT TEAM ABLE TO TRAVEL EXTENSIVELY, VISIT FISHERIES AND ALSO WATCH CATCH BEING LANDED FISHERY CLOSED.

2. IASF TEAM ARRIVED AT FOLLOWING CONCLUSIONS:

- (1) REGULATIONS GOVERNING SALMON CATCH SCRUPULOUSLY OBSERVED.
- (2) LOCAL GOVERNORS OFFICE WELL IN CONTROL OF FISHERY AND FISHING.
- (3) ATTITUDE OF FISHERMANS COOPERATIVE (CERTAINLY AT MANAGEMENT LEVEL) VERY CONSERVATIONIST.

CATCH THEY SAW SHOWED SALMON NETTED WERE MATURE FISH OF AT LEAST 2 SEA WINTERS OLD. IN ADDITION TO QUOTA CERTAIN AMOUNT OF QUOTE FISHING FOR POT UNQUOTE TAKES PLACE--BUT MINIMAL AMOUNT OF ABOUT 20 TONS.

3. TEAM JUDGED VISIT GREAT SUCCESS AS IT BANISHED THEIR SUSPICION THAT CATCH WAS NOT/NOT PROPERLY REGULATED. LIKELY THEY WILL MAKE VISIT TO VIEW CATCH AN ANNUAL EVENT, CERTAINLY FOR IMMEDIATE FUTURE.

UUU/066 021208Z YJGR1884



Government
of Canada

Gouvernement
du Canada

Fisheries
and Oceans

Pêches
et Océans

Fisheries - Pacific Region
1090 West Pender Street
Vancouver, B.C.
V6E 2P1

Pêches - Région du Pacifique
1090 rue West Pender
Vancouver (C.-B.)
V6E 2P1

*Mr. Fadden
You should give Eche -
August 27, 1980*

Your file Votre référence

Our file Notre référence

JIM HARLICK

TO:

lib
Advisors - Canada/USA
Salmon Negotiations

DATE		1031-1	
ACC	95930	REF	
FILE	25-5-1-2-SALMON-1	DOSSIER	
B: HAND	PAR PORTEUR		
ATTN:			

*(111)
ANDO Brown
Informant will be going
She will advise West Coast
North & South going for 9/9*

Dear Sir:

This is to confirm that the next round of the above negotiations will be held in Seattle, Washington, on October 20 - 25, 1980. The U.S. is currently arranging for the meeting place but we do not yet have the name of the hotel where it will be held. Hotel reservations for the Canadian delegation should be made through Miss Holbrook. Would you please advise her by telephone at 666-1588 the name(s) of delegates from each organization who will be attending.

You are reminded that each organization is limited to not more than two representatives, one of which only will be paid by the Department.

Dr. Shepard has advised that the first plenary will be held at 10:00 A.M. on October 20. He proposes to convene a Canadian delegation meeting at 2:00 P.M. on Sunday, Oct. 19.

We will let you know the meeting place as soon as it is available. In the meantime, we would request your early advice to Miss Holbrook regarding the names of the representatives from your organization who will be attending.

Yours truly,

W. R. Hourston,
Director,
Intergovernmental Affairs

ACTION
SUITE A DONNER

*Planned ok reponse to
Lester*
WJR

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

FM WSHDC UNGR4689 25AUG80

TO EXTOTT FLO

INFO BH FANDOOTT/CAMPBELL/SWAN DE OTZ

DISTR FLM FLP GNG ECO GNP

REF OURTEL UNGR4679 22AUG

---CDA-USA TUNA/SALMON NEGOTIATIONS

AFTER WE HAD SET ASIDE EXCHANGE OF NOTES ON INTERIM TUNA ARRANGEMENTS, BUSBY ADDRESSED TIMETABLE FOR NEGS LEADING TO LONGER TERM AGMT. IN HIS VIEW IT WAS ESSENTIAL TO TAKE ADVANTAGE OF MOMENTUM AND BENEFICIAL FALLOUT OF THIS SUCCESSFUL INTERIM DEAL. HE IS STILL HOPEFUL THAT NEGS CAN BE COMPLETED IN TIME FOR POSSIBLE SENATE RATIFICATION THIS YEAR, BUT RECOGNIZES THAT IF SENATE ADJOURNS ON 04OCT AS CURRENTLY PLANNED, THIS MAY NOT/NOT LEAVE ENOUGH TIME. BUT HE IS CONVINCED THAT IT WLD BE HIGHLY USEFUL TO HAVE A NEGOTIATED TREATY SUBMITTED TO CONGRESS BY PRES CARTER THIS YEAR, THEREBY GIVING THIS TREATY A HEAD-START IN NEXT CONGRESS.

2. ONLY MAJOR SUBSTANTIVE PROBLEM BUSBY CAN FORESEE IS QUESTION OF ACCESS TO PORTS AS FAR SOUTH AS SAN DIEGO. WE REMINDED HIM THAT CHOICE OF PORTS IS STILL SUBJ FOR NEGOTIATION AND THAT WE WLD PERHAPS EVEN WISH TO HAVE SOME FLEXIBILITY, EG HAVING PORTS SET OUT IN SEPARATE ANNEX WHICH CLD BE REVIEWED PERIODICALLY. BUSBY DID NOT/NOT THINK THIS WLD WORK, SINCE EXISTING USA LEGISLATION WAS SUCH THAT PORT ACCESS NEEDED TO BE SPELLED OUT FULLY IN BINDING

...2

DATE	
ACC	92572
FILE	25-5-5-CDA-USA
BY HAND	PAR PORTEUR
ATTN:	

25-5-7-2-SALMON-1

PAGE TWO UNGR4689 CONFL

TREATY, INCLUDING DESIGNATION OF SPECIFIC PORTS.

3. BUSBY OFFERED TO HAVE HIS STAFF PREPARE INITIAL DRAFT OF TUNA TREATY AND PASS IT ON TO US ASAP FOR OUR CONSIDERATION. IT CLD BE THAT THIS TEXT WLD BE CLOSE ENOUGH TO OUR OWN THINKING THAT FULL-SCALE NEGS WLD NOT/NOT BE REQUIRED, OR AT LEAST WLD NOT/NOT REQUIRE MORE THAN ONE BRIEF ROUND. WE UNDERTOOK TO PASS ON HIS SUGGESTION.

CCC/173 251914Z UNGR4689



Government
of Canada

Gouvernement
du Canada

Fisheries
and Oceans

Pêches
et Océans

news release communiqué

R.F. [signature] [initials]
gp

ACC	REF
FILE	DOSSIER
25-5-4-2-SALMON-4	
HAND	PAR
[blank]	

NR-HQ-80-031E

FOR IMMEDIATE RELEASE
Monday, August 25, 1980

Appoint New Head for Salmonid Enhancement Program in B.C.

OTTAWA - The appointment of Dr. N. Ward Falkner, 42, of Winnipeg, as executive director of the multi-million dollar Salmonid Enhancement Program in British Columbia was announced today by Donald D. Tansley, Chairman of the Salmonid Enhancement Board.

A fisheries research scientist, Dr. Falkner replaces Les Edgeworth, who retired from the position earlier this year. He will be based in Vancouver, B.C.

Now in its fourth year, the Salmonid Enhancement Program is a federal-provincial project aimed at restoring Canada's stocks of Pacific salmon and sea-run trout to their former levels of abundance. In the initial seven-year phase, the federal government plans an investment of \$150 million, with provincial expenditures of \$7.5 million. Enhancement techniques being employed include the construction of hatcheries, fishways and artificial spawning streams, as well as lake fertilization.

The program is heavily dependent on public participation, and at the present some 6,000 volunteers are involved in local enhancement programs, from simple activities such as clearing debris from spawning

.../2

- 2 -

streams to design, construction and operation of incubation facilities and rearing systems for young salmon.

A native of Tisdale, Saskatchewan, Dr. Falkner obtained B.Sc., M.Sc., and Ph.D. degrees from the University of Manitoba, specializing in advanced comparative endocrinology. Following a period as a biology teacher at Red Deer College, Alberta, he was employed as fisheries planning specialist and Chief of Fisheries Programs for the Province of Manitoba's Department of Mines, Resources and Environmental Management.

He joined the federal fisheries department in 1975 as section leader of the fisheries resources section, Western Region, based at the Freshwater Institute, Winnipeg. In January, 1977, he was appointed director of Fishing and Industry Services for the Western Region and since early in 1980 has been working in Ottawa as Director of Resource Allocation, Pacific and Freshwater Fisheries.

A member of negotiating teams for a number of international and federal-provincial fisheries agreements, Dr. Falkner led a Canadian fisheries delegation to the People's Republic of China and directed the Canadian fisheries development project in El Salvador. He is the author of numerous papers and reports on aspects of fisheries management and research.

- 30 -

FOR MORE INFORMATION:

E.H. Hearnden
Communications Branch
Fisheries and Oceans
Ottawa, Ontario
K1A 0E6
613/995-2075

ACTION
SUITE A DONNER

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

FM WSHDC UNGR4679 22AUG80

TO EXTOTT FLM

INFO BH FANDOTT/VERNON/CAMPBELL/SWAN DE OTZ

DISTR LMM FLO FLP GNG ECO GNP

REF DMM TEL 0057 22AUG

---CDA-USA TUNA/SALMON NEGOTIATIONS

CDN AND US NOTES WERE EXCHANGED TODAY.WE ARE FAXING COPY OF US
PRESS RELEASE AND HAVE PROVIDED TEXT OF OUR OWN.WE WILL BE
SENDING BY BAG ORIGINALS AND COPIES OF ALL TEXTS.IT IS EXPECTED
THAT FURTHER ARRANGEMENTS AS TO TUNA OPERATIONS WILL BE MADE
DIRECTLY BETWEEN REGIONAL FISHERIES AUTHS OF BOTH COUNTRIES.
ANTICIPATE INITIAL US SUBMISSION OF LISTS OF VESSELS ON 25AUG.
2.WE WILL BE REPORTING IN MORE DETAIL ON POINTS MADE BY BUSBY
AS TO PROGRESS THAT COULD BE ACHIEVED EXPEDITIOUSLY ON LONGER-
TERM TUNA NEGOTIATIONS.

3.USA TUNA EMBARGO IS IN PROCESS OF BEING REMOVED.WE ARE FAXING
COPY OF LET FROM STATE DEPT TO TREASURY DPT REQUESTING THIS
PROCESS BE EXPEDITED.TO BE EFFECTIVE,IT MUST BE PUBLISHED IN
FEDERAL REGISTER WHICH IS EXPECTED WITHIN ONE OR TWO WORKING
DAYS.

CCC/188 222156Z UNGR4679

DATE	
ACC 92589	REF
FILE 25-5-5-CDA-USA	DOSSIER
BY HAND	PAR PORTEUR
ATTN:	

25-5-7-2 SALMON-1

MESSAGE

file

OMA 42/22/76

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
LIEU	MINISTÈRE	N ^O D'ORIG.			
FM/DE	OTT	EXT. AFF.	<i>DMM 57</i> AUG 22/80		CONFÉ

PRECEDENCE

TO/A WASHDC

SEND BY TELEGRAM

AUG 22 17 41 '80

"FLASH"

INFO

ACC

92576

FILE

25-5-5 CDA-USA

BY HAND

ATTN

25-5-7-2-SALMON-T

DISTR. FLO FCP GNG

REF

REF TELECON MATHIEU/ROCHON AUG 22/80

SUB/SUJ

CDA/USA TUNA/SALMON NEGOTIATIONS

HAVING BEEN INFORMED OF FANDO MIN LEBLANC'S CONCURRENCE,

I authorize *to*
~~YEMB AUTHORIZED~~ PROCEED SIGNATURE EXCHANGE OF NOTES AS

SPECIFIED IN PREVIOUS MESSAGES. *and agreed by SSEA*

DEMONTIGNY MARCHAND
ACTING UNDER-SECRETARY

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

SG.....

SG.....
DE MONTIGNY MARCHAND

22.8.19/05)

721774
FILE
2 25-5-7-2-SALMON-1
SCIER
US

The Department of State refers to the Embassy of Canada's note No. 421 of August 21, 1980, regarding the arrest of the US fishing vessel SCORPION in Dixon Entrance.

The United States Government shares the understanding that both Governments reaffirm their intent to abide by the understandings agreed upon concerning new salmon net fisheries and the procedures to be followed to prevent incidents in the boundary region in Dixon entrance.

Department of State,

Washington, August 21, 1980

ERP

No. 421

The Canadian Embassy presents its compliments to the Department of State and has the honour to refer to the Department of State's Note of August 6, 1980, regarding the arrest of the U.S. fishing vessel SCORPION in Dixon Entrance. The vessel was boarded on July 28, 1980 and escorted to Prince Rupert. The vessel owner pleaded guilty on August 1 and was fined \$750.00.

The Canadian Embassy regrets that U.S. Consular officials in British Columbia became aware by radio of the arrest before receiving official notification as to the circumstances of the arrest, and would wish to reassure the Department of State that regardless of the particular circumstances of that case, the Canadian authorities remain committed to providing, on a reciprocal basis and in keeping with Consular practices, prompt and adequate notice of any Canadian enforcement action involving U.S. vessels or citizens in areas where Canada exercises fisheries jurisdiction.

...../2

- 2 -

It is understood by the Canadian authorities that, in an attempt to maintain the present positive climate for the negotiation of a Pacific Salmon agreement, both Governments reaffirm their intent to abide by the understandings agreed upon concerning new salmon net fisheries and the procedures to be followed to prevent incidents in the boundary area in Dixon Entrance.

The Canadian Embassy avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

S.M.

Washington, D.C.

August 21, 1980

273

The Department of State refers the Embassy of Canada to the seizure of the Scorpion, a United States fishing vessel, on Monday, July 28. A Canadian official has indicated to the United States Coast Guard that the seizure took place at 54°41'44" north and 130°42'07" west. These coordinates would place the seizure south of the A-B line and within the area in which the United States has published notice that it will enforce its fisheries jurisdiction in accordance with the Fishery Conservation and Management Act of 1976 (42 Fed. Reg. 12937, March 7, 1977).

The United States Government vigorously protests the seizure of the Scorpion. Seizure of a United States vessel in an area in which the United States exercises fisheries jurisdiction and does not recognize the fisheries jurisdiction asserted by the Government of Canada can only serve to make more difficult the resolution of fisheries issues between our two Governments. Moreover, the seizure was in express violation of the understanding between our two Governments to implement flag-state enforcement procedures in all the boundary regions, along the lines of the 1977 Reciprocal Fisheries Agreement.

3/3

- 2 -

The United States Government also regrets that Canadian officials did not notify the United States Consulate in Vancouver, or any other United States official, that the Scorpion had been seized. The United States consul in Vancouver only learned of the seizure on July 30, when he heard about it on a radio broadcast and made inquiries with Canadian officials. The United States Government requests that, in the future, Canadian officials promptly notify the United States Government of any Canadian fishery enforcement actions involving United States vessels or citizens.

The Department of State

Washington, August 6, 1980

M000215

DATE	
ACC	92600 REF
FILE	25-5-7-2-SALMON-1 DOSSIER
BY HAND	PAR PORTEUR
ATTN:	

25-5-5-CDA-USA

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

FM WSHDC UNGR4638 20AUG80

TO EXTOTT FLM DELIVER BY 210900

INFO ITCOTT/OGR/FPB FINOTT/IER NDHQOTT/ADMAPR/BELL

BH FANDOTT/CAMPBELL/SWAN DE OTZ JUSTOTT/WILLIS DE OTT

DISTR FLP FLO GNG GNP ECO EIP

REF ROCHON/LEGER TELCON 20AUG80

---CDA/USA FISH RELNS:TUNA AND SALMON

AS INDICATED IN REFTELCON, WE CALLED ON BUSBY AS INSTRUCTED AND PRESENTED REVISED CDN DRAFTS OF NOTES ON TUNA AND SALMON. FOLL INTENSIVE TOING AND FROING OVER WHETHER UNDERSTANDING ON SALMON RELATED TO NEW NET FISHERIES OR ONLY TO INTERCEPTING FISHERIES, WE FINALLY AGREED TO CDN LANGUAGE FOR BOTH NOTES, WITH ONLY STYLISTIC CHANGE TO SALMON NOTE.

2.SALMON:IN ORDER TO CLARIFY THAT BOTH GOVTS WERE FULLY IN AGMT WITHOUT HAVING TO EMIT JOINT STATEMENT,WE WORKED OUT SLIGHT CHANGE TO WORDING OF THIRD(AND FINAL)PARA OF DRAFT CDN NOTE TO READ AS FOLL QUOTE:IT IS UNDERSTOOD BY THE CDN AUTHORITIES THAT, IN AN ATTEMPT TO MAINTAIN THE PRESENT POSITIVE CLIMATE FOR THE NEGOTATION OF A PACIFIC SALMON AGMT,BOTH GOVTS REAFFIRM THEIR INTENT TO ABIDE BY THE UNDERSTANDINGS AGREED UPON CONCERNING NEW SALMON NET FISHERIES AND THE PROCEDURES TO BE FOLLOWED TO PREVENT INCIDENTS IN THE BOUNDARY AREA IN DIXON ENTRANCE UNQUOTE.THE USA

...2

PAGE TWO UNGR3638 CONF

NOTE IN REPLY(WHICH WLD TERMINATE THIS EXCHANGE)WLD READ QUOTE
DEPT OF STATE REFERS TO CDN EMB NOTE REGARDING ARREST OF USA FISHING
VESSEL SCORPION IN DIXON ENTRANCE.

USA AUTHS SHARE THE UNDERSTANDING THAT BOTH GOVT REAFFIRM THEIR
INTENT TO ABIDE BY THE UNDERSTANDINGS AGREED UPON CONCERNING NEW
SALMON NET FISHERIES AND THE PROCEDURES TO BE FOLLOWED TO PREVENT
INCIDENTS IN THE BOUNDARY AREA IN DIXON ENTRANCE UNQUOTE.

3.IN COMING TO ABOVE UNDERSTANDING,BUSBY INDICATED THAT HE WLD
WANT US TO RECORD THAT USA STILL CONSIDERED ARREST OF SCORPION
UNACCEPTABLE AND THAT ANY FURTHER INCIDENT INVOLVING SIMILAR CIRCS
WLD CREAT SITU WHEREBY USA MIGHT WELL BE UNABLE TO AVOID IMPOSING
EMBARGO.IN RESPONSE WE STRESSED THAT CDN AUTHS MAINTAIN THEIR
POSITION ON LEGALITY OF ARREST OF USA VESSEL AND THAT FROM OUR
POINT OF VIEW WHAT WAS UNACCEPTABLE WAS USA POSITION REGARDING
ARREST OF CDN VESSELS ENTERING INTO EXTENDED AREA OFF EAST COAST.
BOTH SIDES THUS AGREED ON EXTENT OF REMAINING DISAGREEMENT.

4.TUNA:CDN DRAFT AND ANNEX BOTH ACCEPTED AS REVISED IN OTT.IT WAS
SUGGESTED HOWEVER THAT EXCHANGE OF NOTES BE CONDUCTED IN WSHDC
(IE STATE DEPT NOTE WLD INITIATE EXCHANGE,USING TEXT AGREED UPON.
CDN EMB NOTE WOULD SIMPLY RECORD CDN AGMT WITH PROPOSED
ARRANGEMENTS),SINCE THIS WLD ALSO BE VENUE FOR EXCHANGE OF
SALMON NOTES.(YOU WILL RECALL THAT INITIAL USA NOTE WAS PRESENTED
TO EMB).

...3

No. 421

800821
25-57-2-SALMON-1
on 1 _____ AG

The Canadian Embassy presents its compliments to the Department of State and has the honour to refer to the Department of State's Note of August 6, 1980, regarding the arrest of the U.S. fishing vessel SCORPION in Dixon Entrance. The vessel was boarded on July 28, 1980 and escorted to Prince Rupert. The vessel owner pleaded guilty on August 1 and was fined \$750.00.

The Canadian Embassy regrets that U.S. Consular officials in British Columbia became aware by radio of the arrest before receiving official notification as to the circumstances of the arrest, and would wish to reassure the Department of State that regardless of the particular circumstances of that case, the Canadian authorities remain committed to providing, on a reciprocal basis and in keeping with Consular practices, prompt and adequate notice of any Canadian enforcement action involving U.S. vessels or citizens in areas where Canada exercises fisheries jurisdiction.

...../2

- 2 -

It is understood by the Canadian authorities that, in an attempt to maintain the present positive climate for the negotiation of a Pacific Salmon agreement, both Governments reaffirm their intent to abide by the understandings agreed upon concerning new salmon net fisheries and the procedures to be followed to prevent incidents in the boundary area in Dixon Entrance.

The Canadian Embassy avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

B.M.

Washington, D.C.

August 21, 1980

MIN/2
PARL SEC
AEG
POI
FLP
GNP
GNG
FLP
FLO
DFO/HUNTER/SWAN/APPLEBAUM
JUSTICE/WILLIS
PCO/FOWLER

WASHDC
IT&C/MOLSON
DND/ADMOPR/BELL

Office of Maritime Affairs / FLM
R. Rochon / 22002

FLM-0231

CONFIDENTIAL

August

24, 1980

91915

REF

FILE

25-5-7-2-TUNA

DOSSIER

By HAND

PAR PORTEUR

ATTN:

25-5-7-2-SALMON-1

MEMORANDUM FOR THE MINISTER

Canada/USA Fisheries Relations:
Tuna and Salmon

The purpose of this memorandum is to seek your approval for the signature this afternoon in Washington of two Exchanges of Notes concerning West Coast tuna arrangements and understandings on new net fisheries in the Dixon Entrance.

On the basis of recommendations approved by you and your colleague, Mr. Leblanc, we have reached agreement with the USA on tuna arrangements providing for

- a) the lifting of the U.S. embargo on Canadian tuna and tuna products;
- b) the initiation of negotiations within six weeks on a bilateral treaty providing reciprocal access for tuna vessels of each country to each other's waters beyond 12 nautical miles for the purpose of fishing tuna, and to designated ports of the other country, and
- c) interim arrangements enabling U.S. tuna vessels to prosecute a tuna fishery in Canadian waters this year.

As reported in my earlier memorandum to you of August 12, the tuna negotiations were complicated by the U.S. claim that, under their legislation, they might have to impose an embargo on the import of Canadian salmon products because of the arrest of a U.S. salmon fishing vessel on July 29 operating on the Canadian side of the A-B line in Dixon Entrance. With your approval we informed the USA that a deal on tuna could not be struck as long as the threat of a salmon embargo hung over our heads. Negotiations were therefore initiated to settle this

.../2

- 2 - CONFIDENTIAL

matter. The USA sought an agreement providing for flag state enforcement in the Dixon Entrance and we countered with the demand for flag state enforcement which would apply to all boundary areas, including all disputed areas in the Gulf of Maine right up to the equitable equidistance line. The USA rejected the Canadian demand. In the end, agreement has been reached according to which both Governments reaffirm understandings that

- a) no new net salmon fisheries will be prosecuted in Dixon Entrance;
- b) Canada will exercise restraint to avoid the arrest of U.S. vessels in the area immediately adjacent to the A-B line.

The arrangements on tuna will resolve this issue in time for the anticipated immigration of albacore tuna into Canadian waters this week, while at the same time laying the groundwork for a long-term agreement providing, inter alia, access to U.S. ports for Canadian tuna fishermen. The salmon understandings remove the threat of a U.S. salmon embargo.

I thus recommend that you authorize our Embassy in Washington to sign the two Exchanges of Notes this afternoon. A similar memorandum is being submitted to Mr. Leblanc for his approval. Should he agree, a joint press release should be issued. Given Mr. Leblanc's misgivings concerning our earlier draft press release on tuna arrangements, we have asked officials of the Department of Fisheries and Oceans to submit a draft press release, approved by Mr. Leblanc, for your consideration as soon as possible, so that it can be issued when the Notes are signed in Washington.

Original Signed by
M. CADIEUX
Original signé par
M. Cadieux
Special Negotiator for
Maritime Boundaries (Canada/USA)

MESSAGE ACTC/FILE/DIARY/CIRC/DIV

FM/DE	PLACE LIEU	DEPARTMENT MINISTÈRE	ORIG. NO. N° D'ORIG.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
	OTT	EXT AFF	FLO-1170	21AUG80		RESTRICTED
TO/A LDN						PRECEDENCE
INFO FANDOOTT/WALSH/APPLEBAUM						DATE
BREC WSHDC						ACC 93482
						REF
						FILE 25-5-7-2-SALMON
						DOSSIER
						BY HAND
						PAR PORTEUR
						ATTN.
DISTR. (XNCR)						

REF YOURTEL 1767 18AUG80; WSHDC TEL2445 1MAY80

SUB/SUJ ATLANTIC SALMON NEGS

AS STATED IN WSHDC REFTEL, QUOTE UNITARY DRAFT TEXT UNQUOTE WHICH YOU ENQUIRE ABOUT, WAS TO BE PRODUCED BY USA AFTER EC HAD REVIEWED POSITION ON TWO UNRESOLVED ISSUES AND THEN COMMUNICATED SUCH VIEWS TO CDA AND USA. EC HAS IN FACT NOT/NOT YET COME TO DECISION ON THESE ISSUES (UNOFFICIAL BUT REAL REASON JUL23-25 MTG IN BRU POSTPONED) AND HENCE NO/QUOTE UNITARY DRAFT TEXT UNQUOTE PRODUCED.

2. FYI WE HAVE BEEN PASSED QUOTE IN CONFIDENCE UNQUOTE BY USA OFFICIALS INVOLVED COPY OF AMERICAN REDRAFT OF CONV PROPOSAL BUT WE ARE NOT/NOT IN A POSITION TO PASS THIS ON TO SALMON TRUST. EXPLANATION TO TRUST OF INFO CONTAINED IN 1ST PARA SHOULD BE SUFFICIENT RESPONSE IN ANY CASE.

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG. M.H. WALSH/el	International Directorate, DFO	5-2193	SIG.

**ACTION
SUITE A DONNER**

DATE	
ACC	92600 REF
FILE	25-5-7-2-Tuna DOSSIER
BY HAND	PAR PORTEUR
ATTN:	

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

FM WSHDC UNGR4638 20AUG80

TO EXTOTT FLM DELIVER BY 210900

INFO ITCOTT/OGR/FPB FINOTT/IER NDHQOTT/ADMAPR/BELL

BH FANDOTT/CAMPBELL/SWAN DE OTZ JUSTOTT/WILLIS DE OTT

DISTR FLP FLO GNG GNP ECO EIP

REF ROCHON/LEGER TELCON 20AUG80

---CDA/USA FISH RELNS:TUNA AND SALMON

AS INDICATED IN REFTELCON,WE CALLED ON BUSBY AS INSTRUCTED
AND PRESENTED REVISED CDN DRAFTS OF NOTES ON TUNA AND SALMON.
FOLL INTENSIVE TOING AND FROING OVER WHETHER UNDERSTANDING ON
SALMON RELATED TO NEW NET FISHERIES OR ONLY TO INTERCEPTING
FISHERIES,WE FINALLY AGREED TO CDN LANGUAGE FOR BOTH NOTES,WITH
ONLY STYLISTIC CHANGE TO SALMON NOTE.

2.SALMON:IN ORDER TO CLARIFY THAT BOTH GOVTS WERE FULLY IN AGMT
WITHOUT HAVING TO EMIT JOINT STATEMENT,WE WORKED OUT SLIGHT
CHANGE TO WORDING OF THIRD(AND FINAL)PARA OF DRAFT CDN NOTE TO
READ AS FOLL QUOTE:IT IS UNDERSTOOD BY THE CDN AUTHORITIES THAT,
IN AN ATTEMPT TO MAINTAIN THE PRESENT POSITIVE CLIMATE FOR THE
NEGOTATION OF A PACIFIC SALMON AGMT,BOTH GOVTS REAFFIRM THEIR
INTENT TO ABIDE BY THE UNDERSTANDINGS AGREED UPON CONCERNING NEW
SALMON NET FISHERIES AND THE PROCEDURES TO BE FOLLOWED TO PREVENT
INCIDENTS IN THE BOUNDARY AREA IN DIXON ENTRANCE UNQUOTE.THE USA

...2

PAGE TWO UNGR3638 CONFD

NOTE IN REPLY (WHICH WLD TERMINATE THIS EXCHANGE) WLD READ QUOTE
DEPT OF STATE REFERS TO CDN EMB NOTE REGARDING ARREST OF USA FISHING
VESSEL SCORPION IN DIXON ENTRANCE.

USA AUTHS SHARE THE UNDERSTANDING THAT BOTH GOVT REAFFIRM THEIR
INTENT TO ABIDE BY THE UNDERSTANDINGS AGREED UPON CONCERNING NEW
SALMON NET FISHERIES AND THE PROCEDURES TO BE FOLLOWED TO PREVENT
INCIDENTS IN THE BOUNDARY AREA IN DIXON ENTRANCE UNQUOTE.

3. IN COMING TO ABOVE UNDERSTANDING, BUSBY INDICATED THAT HE WLD
WANT US TO RECORD THAT USA STILL CONSIDERED ARREST OF SCORPION
UNACCEPTABLE AND THAT ANY FURTHER INCIDENT INVOLVING SIMILAR CIRC
WLD CREAT SITU WHEREBY USA MIGHT WELL BE UNABLE TO AVOID IMPOSING
EMBARGO. IN RESPONSE WE STRESSED THAT CDN AUTHS MAINTAIN THEIR
POSITION ON LEGALITY OF ARREST OF USA VESSEL AND THAT FROM OUR
POINT OF VIEW WHAT WAS UNACCEPTABLE WAS USA POSITION REGARDING
ARREST OF CDN VESSELS ENTERING INTO EXTENDED AREA OFF EAST COAST.
BOTH SIDES THUS AGREED ON EXTENT OF REMAINING DISAGREEMENT.

4. TUNA: CDN DRAFT AND ANNEX BOTH ACCEPTED AS REVISED IN OTT. IT WAS
SUGGESTED HOWEVER THAT EXCHANGE OF NOTES BE CONDUCTED IN WSHDC
(IE STATE DEPT NOTE WLD INITIATE EXCHANGE, USING TEXT AGREED UPON.
CDN EMB NOTE WOULD SIMPLY RECORD CDN AGMT WITH PROPOSED
ARRANGEMENTS), SINCE THIS WLD ALSO BE VENUE FOR EXCHANGE OF
SALMON NOTES. (YOU WILL RECALL THAT INITIAL USA NOTE WAS PRESENTED
TO EMB).

...3

PAGE THREE UNGR4638 CONFD

5.STATE DEPT HOPE THAT EXCHANGE OF BOTH SETS OF NOTES CAN OCCUR
TOMORROW IF BOTH SIDES OBTAIN REQUIRED AUTHORIZATIONS.GRATEFUL
YOUR EARLIEST INDICATION WHETHER THIS ACCEPTABLE.AS TO PRESS
RELEASE,WE SIMPLY INDICATED THAT WE DO NOT/NOT ENVISAGE JOINT
RELEASE.

CCC/073 202222Z UNGR4638

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

FM WSHDC UNGR4592 18AUG80

TO EXTOTT FLM DELIVER BY 190900

INFO ITCOTT/OGR/FPE FINOTT/IER NIHQOTT/ADMAPR/BELL

BH FANDOOTT/APPLEBAUM/HUNTER/SWAN DE OTZ JUSTOTT/WILLIS DE OTT

DISTR FLP FLO GNG ECO EIP GNP

---CDA/USA FISH RELATIONS:TUNA AND SALMON

WE WERE CALLED IN TODAY BY ARNAUDO AND MCLEOD OF STATE DEPT TO
RECEIVE LATEST USA RE-DRAFT OF TUNA ARRANGEMENTS.TEXT(FAXED TO
FLO FOR ONWARD DIST IN OTT)APPEARED TO BE IN LINE WITH 15AUG
CONSULTATIONS IN WSHDC.YOU WILL NOTE IN PARTICULAR THAT GATT
NON-PREJUDICE CLAUSE HAS BEEN LEFT OUT:ARNAUDO INDICATED THAT
HIS UNDERSTANDING WAS THAT ONLY CEN NOTE(IN REPLY TO USA NOTE
INITIATING EXCHANGE)WLD CONTAIN REF TO GATT ACTION BY CDA.THIS
WLD SEEM TO BE ONLY OUTSTANDING ISSUE IN TUNA TEXT.

2.ON SALMON,BOTH STATE DEPT INTERLOCUTORS LOOKED AS IF THEY WERE
WELL IMPALED ON HORNS OF DILEMMA OF THEIR OWN MAKING.ON ONE HAND
THEY HAD SEIZED UPON ARREST OF SKORPION AS MEANS OF OBTAINING
CONCRETE ASSURANCES THAT FLAG ENFORCEMENT COMMITMENT WAS CLEARLY
REAFFIRMED BY CDA,UNDER THREAT OF SALMON EMBARGO;BUT SUBSEQUENTLY
THEY DISCOVERED TO THEIR DISMAY THAT FLAG STATE ENFORCEMENT IN
ALL DISPUTED AREAS(LANGUAGE USED IN 1978 UNDERTAKING AS WELL AS
1979 NOTE)WLD HAVE TO ENCOMPASS EAST COAST EXTENDED AREA AS WELL,
AND THIS,LINKED TO URGENCY OF REACHING SETTLEMENT OF TUNA PROBLEM,

...2

DATE	
ACC	92605
REF	
FILE	25-5-7-2-SALMON-1
BY HAND	PAR PORTEUR
ATTN:	

25-5-5-CDA-U8A

PAGE TWO UNGR4592 CONF

HAS PUT THEM IN TERMINAL QUANDARY. ARNAUDO TRIED TO TURN TABLES BY TELLING US THAT IF SALMON PROBLEM NOT/NOT SETTLED THIS WEEK TO THEIR SATISFACTION AND USA TUNE FISHERMEN FIND OUT THAT THEIR OPERATIONS IN CDN WATERS ARE BEING DELAYED BY CDN INTRANSIGENCE OVER BOUNDARY MATTERS, QUOTE ALL HELL WILL BREAK LOOSE UNQUOTE. WE SIMPLY REMINDED HIM THAT INFERNO WLD BE ENTIRELY ON USA SIDE AS MOST CDNS WLD UNDERSTAND THAT CDA WLD NOT/NOT BACK DOWN UNDER THREAT OF EMBARGO ACTION.

3. WHILE THEY DO NOT/NOT YET HAVE AGREED POSITION ON HOW TO RESPOND TO CDN QUOTE NON-PAPER UNQUOTE, ARNAUDO TRIED OUT PERSONAL TACK WHICH HE CLAIMS HE CLD SELL TO BUSBY. THIS WLD INVOLVE DELETING ALL WORDING IN CDN PAPER BEYOND SECOND PARA AND REPLACING WITH FOLLOWING TWO PARAS: QUOTE THE CDN ENFORCEMENT ACTION OCCURRED IN AN AREA IN WHICH CDA EXERCISES FISHERIES JURISDICTION AND IN WHICH THE UNITED STATES ALSO CLAIMS JURISDICTION. THIS AREA IS SUBJ TO CERTAIN UNDERSTANDINGS AND COMMITMENTS CONCERNING FLAG STATE ENFORCEMENT AND THE INITIATION OF NEW INTERCEPTION FISHERIES. THE ACTION OF THE US VESSEL CALLS THE LATTER UNDERSTANDING INTO QUESTION.

PARA: IN AN ATTEMPT TO RESOLVE THIS ISSUE AND TO MAINTAIN THE PRESENT POSITIVE CLIMATE FOR THE NEGOTIATION OF A PACIFIC SALMON INTERCEPTION AGREEMENT, THE CDN GOVT REAFFIRMS ITS INTENT TO ABIDE BY THE UNDERSTANDING PREVIOUSLY AGREED UPON AND CALLS UPON THE UNITED STATES TO DO LIKEWISE. UNQUOTE.

...3

PAGE THREE UNGR4592 CONFD

4.WHEN WE REMINDED ARNAUDO THAT HIS REF TO QUOTE FLAG STATE ENFORCEMENT UNQUOTE IN HIS FIRST PARA WLD REOPEN WHOLE ISSUE OF HOW OR WHERE SUCH ENFORCEMENT APPLIES,HE POINTED OUT THAT HIS NEXT SENTENCE ONLY REFERS TO QUOTE LATTER UNDERSTANDING UNQUOTE WHICH IN CONTEXT OF WHOLE PARA DOES NOT/NOT INCLUDE FLAG STATE ENFORCEMENT.WE UNDERTOOK(WITH SOME SKEPTICISM)TO PASS ON HIS THINKING(WHICH HE ONCE AGAIN DESCRIBED AS PURELY PERSONAL AND WITHOUT AUTHORIZATION AT THIS STAGE)TO YOU FOR YOUR COMMENTS,BUT WONDERED WHETHER IT WLD NOT/NOT BE POSSIBLE TO REFER SIMPLY TO QUOTE ENFORCEMENT UNQUOTE IN THAT SENTENCE WITHOUT NEED TO QUALIFY WITH REF TO FLAG STATE.HE DID NOT/NOT LIKE SUGGESTION BUT DID NOT/NOT REJECT IT OUT-OF-HAND.YOU MAY WISH TO COUNTER ALONG THESE LINES IF YOU THINK ARNAUDO APPROACH MERITS FURTHER CONSIDERATION.

5.FURTHER CONSIDERATION TO BEAR IN MINE IN EXAMINING ARANAUDO LANGUAGE IS 1979 HALIBUT PROTOCOL RATIFIED IN 1980:PROTOCOL CONTAINS FLAG ENFORCEMENT PROVISION APPLYING TO HALIBUT AND GROUND FISH OFF WEST COAST.THEREFORE WORDS QUOTE CERTAIN UNDERTAKINGS AND COMMITMENTS UNQUOTE IN ARNAUDO PAPER CLD BE SAID TO REFER TO THIS PROTOCOL AND NOT/NOT TO WIDER UNDERTAKINGS WE ARE SEEKING AND USA CANNOT/NOT ACCEPT.

CCC/188 182035Z UNGR4592

MESSAGE

ACTC/FILE/DIARY/CIRC/DIV

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY
LIEU	MINISTÈRE	NO D'ORDRE			SECURITE
OTT	EXTAFF	FLM-0228	19AUG80	AUG 19 23 12 '80	CONFIDENTIAL

FM/DE

TO/A

WSHDC

PRECEDENCE

BY TEL

INFO

ITCOTT/OGR/FPB/WHB FINOTT/IER NDHQOTT/ADMAPP/BELL

FANDOTT/APPLEBAUM/HUNTER/SWAN JUSTOTT/WILLIS

ACC

REF

FILE

BY HAND

PAR PORTEUR

DISTR.

FLP FLO GNG ECO EIP GNP

REF YOURTEL UNGR 4592 OF 18AUG80

SUB/SUJ

---CDA/USA FISH RELATIONS: TUNA AND SALMON

HAVE REVIEWED ARNAUDO'S INFORMAL TEXT WHICH IS UNACCEPTABLE. YOU SHLD PROPOSE ON AN EQUALLY INFORMAL BASIS THE FOLLOWING ALTERNATIVE WORDING. INSERT QUOTE IN DIXON ENTRANCE UNQUOTE AT END OF FIRST SENTENCE IN PARA ONE OF CDN PAPER. ADD FOLLOWING AT END OF PARA TWO QUOTE IN AREAS WHERE CDA EXERCISES FISHERIES JURISDICTION UNQUOTE. DELETE REMAINING PARAS AND ADD NEW CONCLUDING PARA AS FOLLOWS. QUOTE IN AN ATTEMPT TO MAINTAIN THE PRESENT POSITIVE CLIMATE FOR THE NEGOTIATION OF A PACIFIC SALMON AGREEMENT, THE TWO GOVTS REAFFIRM THEIR INTENT TO ABIDE BY THE UNDERSTANDINGS AGREED UPON CONCERNING NEW NET FISHERIES AND THE PROCEDURES TO BE FOLLOWED TO PREVENT INCIDENTS IN THE BOUNDARY AREA IN DIXON ENTRANCE UNQUOTE. (FULL TEXT ON NOTE BEING FAXED).

2. WE HAVE NOTED WITH REGRET THAT (A) THE USA CANNOT ACCEPT FLAG STATE ENFORCEMENT IN ALL DISPUTED AREA, I.E. BALANCED DEAL AND (B) THE USA IMPLICITLY ACKNOWLEDGE THAT WE .../2

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

SIG

M. Gadioux/dg

FLM

2-7738

SIG

R.J. ROCHON/DEP. DIR.

- 2 -

CONFIDENTIAL

ARE EXPECTED TO AWAIT RATIFICATION OF THE GULF OF MAINE TREATIES AT THE EXPENSE OF OUR LEGAL CLAIMS TO THE ENLARGED AREA.

3. THIS BEING THE CASE, AND IN EVENT THAT THE ALTERNATIVE WORDING PROVIDED IN PARA ONE ABOVE IS UNACCEPTABLE TO USA, WE SUGGEST THAT USA GIVE SERIOUS AND URGENT CONSIDERATION TO OUR ALTERNATIVE SUGGESTION CONCERNING MUTUAL RESTRAINT. THEY SHLD BE URGED TO BEAR IN MIND THAT RECIPROCITY IS THE KEY TO OUR APPROACH AND THAT WE ARE NOT/NOT DISPOSED TO PAY ANY PRICE TO HELP THE USA TO GET OUT OF AN IMPASSE WHICH IS OF THEIR OWN MAKING. WE ARE OF COURSE DISPOSED TO HELP FIND A SOLUTION BUT THIS CLEARLY MUST BE ON A NON PREJUDICE AND ON FULLY RECIPROCAL BASIS.

4. IF OUR EFFORTS FAIL AND QUOTE ALL HELL BREAKS LOOSE UNQUOTE USA ADMIN SHLD BE IN A GOOD POSITION TO EDUCATE SENATE ON REQUIREMENTS OF CIVILIZED INTERCOURSE AND ON DANGERS OF ATTEMPTING TO EQUATE LOBBY PRESSURES AND INTERNATIONAL LAW. USA SHLD ALSO FULLY APPRECIATE THAT QUOTE ALL HELL WILL BREAK LOOSE UNQUOTE IN CDA SHLD WE EVER CONTEMPLATE REACHING PREJUDICIAL AGREEMENT WITH USA WHICH WLD BE TOTALLY UNACCEPTABLE BOTH TO THE CDN FISHING INDUSTRY AND TO PROVINCIAL GOVTS.

5. YOU SHLD POINT OUT ALSO THAT USA IMAGE IS NOT/NOT LIKELY TO BE IMPROVED IN CDA WHEN WE UNDERTAKE TO EXPLAIN WHY THE TUNA/SALMON DEAL BROKE DOWN BECAUSE WE CLD ONLY ESCAPE ONE EMBARGO AT THE COST/OF ANOTHER, UNLESS WE ABANDONED POSITION WHICH LED TO FIRST EMBARGO. CDN PUBLIC WILL NOT/NOT ACCEPT THAT WE MUST NEGOTIATE WITH THE USA AT THE COST OF SUBSIDIZING OR CONDONING PRESSURES AGAINST US.

FILE/DIARY/CIRC/DIV

FLO/R.J. Rochon/2-2002/dg

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

s.23

AEG

TO
A

FLO

FROM
De

REFERENCE
Référence

SUBJECT Status Report on Tuna Negotiations
Sujet

SECURITY RESTRICTED
Sécurité

DATE August 15, 1980

NUMBER
N° PLO 1151

FILE	90622	DOSSIER
OTTAWA		REF
FILE	25-5-5-CDA-454	DOSSIER
MISSION		
BY HAND		PAR PORTEUR
ATTN:	25-5-7-2-FAIRMAN	

ENCLOSURES
Annexes

DISTRIBUTION



R.J. Rochon
Deputy Director
Legal Operations Division

P.S.:





TRANSMITTAL NOTE AND RECEIPT NOTE D'ENVOI ET REÇU

GOVERNMENT OF CANADA - GOUVERNEMENT DU CANADA

TO
À

Under-Secretary of State for External
Affairs, OTTAWA (FLO)

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

SECURITY CLASSIFICATION
CLASSIFICATION DE SÉCURITÉ

WITH ENCLOSURE(S) - AVEC ANNEXE(S)

CONFIDENTIAL

WITHOUT ENCLOSURE(S) - SANS ANNEXE(S)

FILE OR SERIAL NO. - N° DE DOSSIER OU DE SÉRIE

QUANTITY QUANTITÉ	REFERENCE/COPY NO. N° DE RÉFÉRENCE	DESCRIPTION															
1 copy	<i>CC FANDOTT/HUNTER</i> <i>J. E. Harlick</i>	Numbered letter No. 400 of August 13, 1980, concerning Canadian/U.S.A. Fishing dispute.															
<div data-bbox="967 667 1468 1016"><table border="1"><tr><td>DATE</td><td>Aug 19/80</td><td>REF</td></tr><tr><td>ACC</td><td>73615</td><td></td></tr><tr><td>FILE</td><td>05-5-7-2-SALMON-1</td><td>DOSSIER</td></tr><tr><td>BY HAND</td><td></td><td>PAR PORTEUR</td></tr><tr><td>ATTN:</td><td>FLO</td><td></td></tr></table></div>			DATE	Aug 19/80	REF	ACC	73615		FILE	05-5-7-2-SALMON-1	DOSSIER	BY HAND		PAR PORTEUR	ATTN:	FLO	
DATE	Aug 19/80	REF															
ACC	73615																
FILE	05-5-7-2-SALMON-1	DOSSIER															
BY HAND		PAR PORTEUR															
ATTN:	FLO																
SENT BY - TRANSMIS PAR J. E. Harlick Signature		RECEIVED BY - REÇU PAR Signature															
Date		Date															

☐

PLEASE SIGN AND
RETURN TO ORIGINATOR
PRIÈRE DE SIGNER ET DE RETOURNER
AU SIGNATAIRE

☒

RECEIPT NOT REQUIRED
REÇU NON REQUIS

ORIGINATOR'S ADDRESS - ADRESSE DU SIGNATAIRE



TRANSMITTAL NOTE AND RECEIPT NOTE D'ENVOI ET REÇU

GOVERNMENT OF CANADA - GOUVERNEMENT DU CANADA

TO
À

Under-Secretary of State for External
Affairs, OTTAWA (FLO)

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

SECURITY CLASSIFICATION
CLASSIFICATION DE SÉCURITÉ
WITH ENCLOSURE(S) - AVEC ANNEXE(S)

CONFIDENTIAL

WITHOUT ENCLOSURE(S) - SANS ANNEXE(S)

FILE OR SERIAL NO. - N° DE DOSSIER OU DE SÉRIE

QUANTITY QUANTITÉ	REFERENCE/COPY NO. N° DE RÉFÉRENCE	DESCRIPTION
1 copy	CC FANDOTT/HUNTER J. E. Harlick	Numbered letter No. 400 of August 13, 1980, concerning Canadian/U.S.A. Fishing dispute. 73615 - 4-3-ALUMNI FLO
SENT BY - TRANSMIS PAR J. E. Harlick Signature		RECEIVED BY - REÇU PAR Signature
Date		Date

☐ PLEASE SIGN AND
RETURN TO ORIGINATOR
PRIÈRE DE SIGNER ET DE RETOURNER
AU SIGNATAIRE

☒ RECEIPT NOT REQUIRED
REÇU NON REQUIS

ORIGINATOR'S ADDRESS - ADRESSE DU SIGNATAIRE

FLO

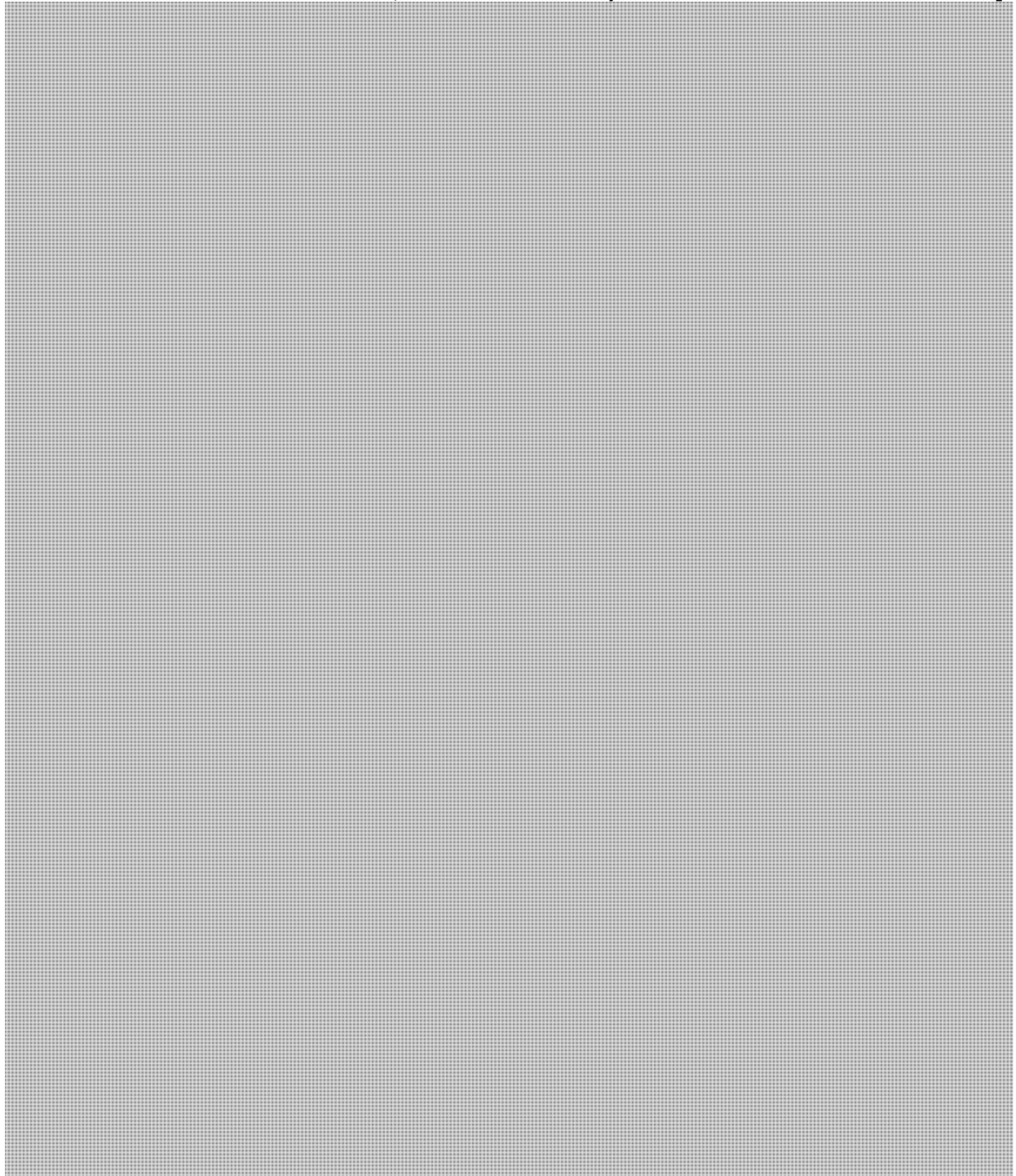


Canadian Embassy

s.23

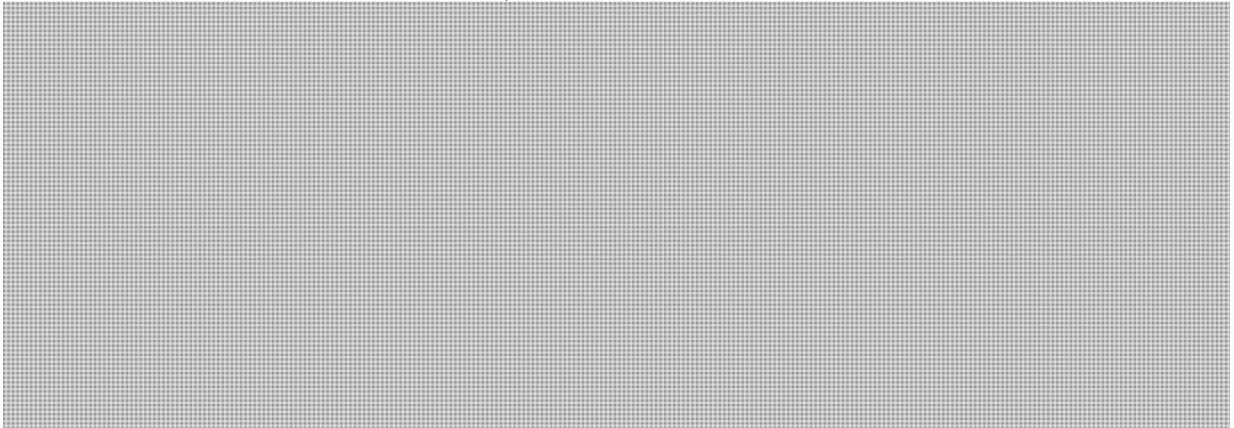
No. 400

DATE	
Ambassade du Canada	
ACC	REF
93615	
FILE	DOSSIER
25-57-2-SALMON-1	
BY HAND	PAR PORTEUR
ATTN:	



s.23

- 2 -



Washington, August 13, 1980



ACTION
SUITE A DONNER

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

FM WSHDC UNGR4549 14AUG80

TO EXTOTT/FLO

INFO BH FANDOOTT/HUNTER/GOODMAN/MACLEOD DE OTZ

SFAX SEATL DE WDC

DISTR GNG EIP

REF YOURTEL FLO1133 12AUG

---IPSFC-USA OBSERVER REQUEST

NOTE CONTAINING POINTS MADE PARA 2 REFTTEL GIVEN TO ARNAUDO OF
STATE DEPT 13AUG.(CARL PRICE WHO NORMALLY HANDLES IPSFC MATTERS
NOT/NOT AVAILABLE).WE ALSO EMPHASIZED ORALLY THE SERIOUSNESS WITH
WHICH CDN SIDE VIEWS APPARENT INABILITY OF USA FISHERY AUTHORITIES
TO INSURE COMPLIANCE WITH IPSFC REGS BY USA INDIAN SALMON FISHERMEN.
2.ALSO NOTED THAT CDN SIDE WOULD BE PREPARED TO DISCUSS RECENT USA
REQUEST FOR OBSERVER FROM NORTH WEST PACIFIC INDIAN FISHERY
COMMISSION TO ATTEND IPSFC MTGS.HOWEVER,WE CAUTIONED THAT CDN SIDE
WAS NOT/NOT IN VERY POSITIVE MOOD CONCERNING REQUEST GIVEN RECENT
VIOLATIONS OF IPFSC REGS BY USA TREATY INDIANS AND FACT THAT USA
OBSERVERS FROM DEPT OF INTERIOR AND NMFS ALREADY ATTEND IPSFC MTGS.
3.ARNAUDO EXPRESSED SOME SYMPATHY WITH OUR DISSATISFACTION ON
MATTERS,ALSO GIVING IMPRESSION THAT USA FEDERAL FISHERY OBSERVERS
DID NOT/NOT HAVE MUCH LEEWAY.HE OFFERED AS HIS UNDERSTANDING OF
PROBLEM THAT IF IPSFC HAD EXPLICITLY INDICATED THAT ONLY ONE DAY
OF FISHING IN USA CONVENTION WATERS WAS NECESSARY FOR CONSERVATION/

...2

RECEIVED

WLF/K

DATE		
ACC	93597	REF
FILE	25-5-72-SALMON	DOSSIER
BY HAND		PAR PORTEUR
ATTN:		

PAGE TWO UNGR4549 CONF

CONSERVATION REASONS. USA AUTHORITIES WOULD HAVE HAD HANDLE WITH WHICH TO CONTROL THEIR INDIAN FISHERMEN. WITHOUT SUCH REF TO CONSERVATION, AUTHORITIES COULD NOT/NOT APPARENTLY EXERCISE MUCH CONTROL.

4. ARNAUDO INDICATED HE FELT THERE WOULD BE NO/NO PROBLEM ARRANGING REQUESTED MTG AND WOULD BE IN CONTACT WITH EMB RE DATES AND VENUE ONCE NECESSARY INTERNAL CONSULTATIONS HAD TAKEN PLACE.

CCC/188 141646Z UNGR4549

MIN/2
PARL SEC
AEG
POL
SER
FPR
GNP
GNG
FLP
FLO
DFO/HUNTER/SWAN/APPLEBAUM
JUSTICEOTT/WILLIS

PCO/FOWLER
WASHDC
ITC/Molson
DND/Bell

Office of Maritime Affairs / FLM

G. Léger / 66316

FLM-0225

Relevé & FLM

CONFIDENTIAL

August 12, 1980.

DATE	1980.
ACC	89671
FILE	25-5-7-2-tuna
BY HAND	PAR PORTEUR
ATTN:	25-5-7-2-Salmon

MEMORANDUM FOR THE MINISTER

Canada/USA Fisheries Relations:
Tuna and Salmon

The purpose of this memorandum is to report on the progress of efforts to conclude a tuna arrangement for the West Coast, and the complicating factor caused by the arrest of a U.S. salmon fishing vessel in Canadian waters.

As a result of the most recent consultations between Embassy officials in Washington and the U.S. State Department, conducted on the basis of the recommendations you and your colleague Mr. LeBlanc had approved (the Minister of Fisheries and Oceans has concurred with your proviso to the effect that U.S. legislative assurances be obtained prior to entering into a long-term tuna treaty), a draft note has been prepared (copy attached) which is being submitted to the U.S. authorities for their consideration. If acceptable, this exchange of notes could resolve the tuna issue within a week, in time for the projected migration of albacore tuna into Canadian waters.

This favourable scenario has been slightly marred by U.S. action protesting the arrest of one of their salmon fishing vessels operating without authorization on the Canadian side of the A-B line in Dixon Entrance, off the West Coast. The U.S. authorities claim that under their legislation they may have no choice but to impose an embargo on the import of Canadian salmon products, unless we can provide assurances that such arrests will not recur.

The arrest occurred in a disputed boundary area. In keeping with our consistent legal position we are therefore prepared to inform the U.S. authorities that Canada is willing to apply flag state enforcement procedures in such boundary areas, but only if they agree that such procedures apply in all boundary regions, i.e. off both coasts, including the extended area in the Gulf of Maine between our equidistance and equitable equidistance lines. The U.S. authorities have always refused to admit that this extended area is a disputed boundary area, and if they persist in this view we would have no choice but to offer simply to exercise a reasonable degree of restraint in areas very close to the boundary line (the U.S. vessel arrested in July was only a half-mile within our waters).

../2

- 2 - CONFIDENTIAL

In presenting the draft arrangements on albacore tuna to the U.S. authorities, our Embassy will remind them that these efforts demonstrate considerable goodwill and cooperation on our part, but that it would be politically unacceptable to enter into these arrangements and allow U.S. vessels to fish for tuna in our waters, while they maintain a threat of a salmon embargo over our heads. While the two issues have not been substantially linked by either side, it is undeniable that they must be settled within the same time-frame.

... If you agree, we will proceed on this basis. Mr. LeBlanc's office has indicated that they are satisfied with the draft press release on the tuna settlement that we submitted to you under cover of an earlier memorandum. He has indicated that he would prefer that it be issued by your office only. I have accordingly attached a revised draft for your approval, but you may wish to consult Mr. LeBlanc personally to ascertain why he would hesitate to associate himself with this announcement.

Signed by
M. CADIEUX
Original signé par
M. Cadieux
Special Negotiator for Maritime
Boundaries (Canada/USA)

DRAFT EXCHANGE OF NOTES

The Embassy of the USA presents its compliments to the Department of External Affairs of Canada and has the honour to refer to discussions held between representatives of the two Governments on July 29, 1980 to consider issues relating to fisheries for albacore tuna off the Pacific coasts of the two countries.

With a view to reaching a mutually satisfactory solution to these issues over the coming year, and without prejudice to the respective positions of both Governments as to the treatment to be afforded highly migratory species of fish in waters under national fisheries jurisdiction, the Embassy has the honour to propose that:

- (a) negotiations be initiated as soon as possible, and at the latest within the next six weeks, on a bilateral treaty to provide, inter alia, for (i) access by fishermen of each country to fish for albacore tuna in waters under the fisheries jurisdiction of the other country, subject to the right of each Party to exclude fishermen of the other Party from fishing within 12 nautical miles of the baselines from which the territorial sea is measured; (ii) reciprocal access for tuna fishermen of each country to land albacore tuna in designated ports of the other country, for sale in such ports or for trans-shipment in bond; and (iii) other reciprocal port

- 2 -

privilèges including fuelling, repairs and the purchase of supplies;

- (b) such negotiations be brought to a satisfactory conclusion within this calendar year, and every effort be made to have the proposed treaty come into effect by June 1, 1981, beyond which date either Government may terminate the negotiations.

The Embassy further proposes, as an interim arrangement pending the conclusion of the proposed treaty referred to above, that:

- (a) each Government shall permit vessels of the other country, subject to any applicable laws and regulations, to enter waters under its fisheries jurisdiction to fish for albacore tuna beyond twelve nautical miles of the baselines from which the territorial sea is measured;
- (b) each Government shall allow fishing vessels of the other country so authorized to fish for albacore tuna, access to its ports for the purposes of fuelling, repairs and the purchase of supplies, subject to applicable regulations and on a non-discriminatory basis;
- (c) access by U.S. vessels to waters under Canadian fisheries jurisdiction pursuant to this interim arrangement shall be contemporaneous with the removal of all current import prohibitions on tuna and tuna products imposed by the U.S. authorities, without prejudice to action brought by the Canadian Government before the GATT in Geneva regarding these prohibitions; and

...3

- 3 -

- (d) this interim arrangement shall cease upon the conclusion of the proposed treaty or otherwise upon the termination of the proposed negotiations thereon.

The Embassy of the USA would appreciate an indication from the Department of External Affairs to the effect that the above proposals are acceptable to the Government of Canada.

DRAFT PRESS RELEASE

The Secretary of State for External Affairs announced today the conclusion of arrangements between Canada and the USA for reciprocal fishing of albacore tuna off the Pacific coast this year, thereby averting a resumption of the conflict which occurred last year when Canada arrested U.S. tuna fishing vessels operating without authorization in Canadian waters.

Since the establishment of a 200-mile zone, Canada has consistently maintained that its jurisdiction extends over all species of fish to be found within the zone. This view is in keeping with the international fisheries regime developed by the U.N. Conference on the Law of the Sea, and is shared by virtually all coastal states in the world, with the notable exception of the USA and Japan. These latter countries, having extensive long-distance tuna fishing fleets of their own, contend that albacore tuna and other highly migratory species are not subject to national jurisdiction. As a result of last year's arrests, the U.S. Government was required, under the terms of U.S. legislation, to impose an embargo on Canadian tuna products, a measure that Canada considers is inconsistent with international trade commitments and which has been submitted to the GATT in Geneva for a ruling.

.../2

- 2 -

The arrangements that have been set in place for 1980 will allow fishermen of both countries to have access to this resource and to the highly favourable market conditions that prevail this year. Although the U.S. embargo will be removed, Canada will pursue its action before the GATT for a ruling against measures of this nature.

The two countries will proceed immediately with negotiations leading to a long-term bilateral agreement for Pacific Coast albacore tuna, including the right for fishing vessels of either country to land and sell fish in designated ports in the other country. These arrangements would create an opportunity for the Canadian fishing industry to develop an albacore tuna fishing capacity based on longer-term resource and market prospects than are current available.

U.S. fishing vessels licenced to fish tuna in Canadian waters will operate in keeping with all applicable Canadian laws and regulations while in the Canadian zone.

MESSAGE

COMCENTRE CIRC DIARY FILE W.F.

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY
LIEU	MINISTÈRE	N° D'ORIG.			SÉCURITÉ
FM/DE	OTT	EXTAFF FLM-0224	AUG12/80		CONFID

AUG 12 19 06 '80

TO/A WSHDC

PRECEDENCE

Send by tel

INFO FANDOOTT/APPLEBAUM/HUNTER/SWAN JUSTOTT/WILSON

ITCOTT/OGR/FPB FINOTT/IER

NDHQOTT/ADMOPR (BELL)

DISTR. FLP FLO GNG ECO EIP GNP

DATE	
REF	92769
FILE	25-5-7-2-TUNA
BY HAND	
ATTN	25-5-7-2-Salmon

REF

SUB/SUJ

CDA/USA FISH RELATIONS: TUNA AND SALMON

WE ARE PROVIDING BY FAX TEXT OF DRAFT DIPLO NOTE ON TUNA ARRANGEMENTS IN KEEPING WITH YOUR MOST RECENT CONSULTATIONS WITH STATE DEPT OFFICIALS. TEXT HAS BEEN DRAFTED IN CONJUNCTION WITH FANDO OFFICIALS AND IF ACCEPTABLE TO USA COULD BE FINALIZED BY END OF THIS WEEK IN TIME FOR ARRIVAL OF TUNA IN CDN WATERS.

2. AS YOU KNOW NEW PROBLEM HAS ARISEN AS RESULT OF USA THREAT OF EMBARGO ACTION BECAUSE OF ARREST OF USA SALMON FISHING VESSEL IN CDN WATERS JUL28. WE ARE ALSO PROVIDING BY FAX TEXT OF QUOTE NON PAPER UNQUOTE REQUESTED BY STATE DEPT OFFICIALS AS POSSIBLE CDN DRAFT NOTE IN REPLY TO THEIRS OF AUG6. YOU SHOULD SEEK TO SEE BUSBY UPON RECEIPT OF BOTH THESE NOTES PREFERABLY AT HIGHEST POSSIBLE EMB LEVEL (HAVING IN MIND THAT AMB WILL BE IN NY AT DEMOCRATIC CONVENTION) TO MAKE CLEAR THAT

(A) TUNA ARRANGEMENTS ARE NOW IN HAND AND APPEAR TO MEET OBJECTIVES OF BOTH SIDES;

(B) CDN AUTHORITIES HAVE SHOWN CONSIDERABLE GOODWILL AND .../2

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG. G. LEGER	FLM	63488	SIG. M. CADIEUX

- 2 - CONF

COOPERATION IN BRINGING THESE TUNA CONSULTATIONS TO FRUITION IN
TIMELY FASHION IN ORDER TO ALLOW USA FISHERMEN INTO CDN WATERS
AS SOON AS TUNA ARRIVE, DESPITE LACK OF BINDING ASSURANCES BY USA
AS TO ACCESS TO USA PORTS NEXT YEAR FOR OFFLOADING OF FISH;
(C) IN THESE CIRCUMSTANCES USA AUTHORITIES WILL APPRECIATE THAT
IT WOULD BE POLITICALLY IMPOSSIBLE FOR CDN AUTHORITIES TO PROCEED
TO AUTHORIZE USA VESSELS TO PROSECUTE TUNA FISHERY IN CDN WATERS
WHILE USA GOVT CONTINUED TO HOLD SALMON EMBARGO THREAT OVER OUR
HEADS. FOR THIS REASON WHILE WE DO NOT/NOT WISH TO MAKE ANY
LINKAGE BETWEEN TUNA AND SALMON ISSUES (ANY LINKAGE WHICH HAS IN
FACT COME TO EXIST IS OF USA MAKING) WE WOULD ASK USA AUTHORITIES
TO GIVE URGENT CONSIDERATION TO DISPOSAL OF SALMON ISSUE ON BASIS
OUR REASSURANCES AS EXPRESSED IN DEMARCHE AUG8 AND IN QUOTE NON
PAPER UNQUOTE WHICH WE ARE PREPARED TO ISSUE AS FORMAL DIPLO NOTE
IF THEY AGREE. IF THEY ARE NOT/NOT HAPPY WITH DRAFT NOTE WE COULD
REITERATE ORALLY POINTS (A) AND (B) IN OURTEL FLO1125 AUG8 AND
ASK THEM TO MAKE DETERMINATION ON THIS BASIS AND DROP MATTER AT
THAT POINT. AS SOON AS SALMON MATTER IS DROPPED AND TUNA TEXT
FOUND ACCEPTABLE WE CAN ENTER INTO EXCHANGE OF NOTES CONSTITUTING
ARRANGEMENTS ON TUNA FOR 1980.

MESSAGE ACTC/FILE/DIARY CIRC DIV

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY
LIEU	MINISTÈRE	N ^O D'ORIG.			SÉCURITÉ
FM/DE	OTT	EXTAFF	FLO-1133	12AUG80	CONFIDENTIAL

TO/A

WSHDC

Aug 12 15 20 '80

BY TEL R

INFO

FANDOTT/HUNTER/GOODMAN/MACLEOD

SEATL

S/FAX

DISTR.

GNG EIP

REF

YOURTEL TEL UNGR 4090 18JUL80

SUB/SUJ

--IPSFC -- USA OBSERVER REQUEST

REGRET DELAY IN REPLYING TO REFTEL BUT CONSIDER DELAY FORTUITOUS GIVEN PUBLIC OUTCRY OVER USA INDIAN FISHERY IN WK OF AUG 4/80 AND SUBSEQUENT PRESS REPORTS OF THREATS OF RESIGNATION BY CDN COMMISSIONER SIMMONDS AND IPSFC ASST DIR ROOS.

2. IN PRESS RELEASE ISSUED FROM VANCOUVER AUG 8/80, MIN OF FISHERIES INDICATED HE HAD INSTRUCTED HIS OFFICIALS TO PROTEST LAST WEEK'S 4-DAY INDIAN FISHERY AND TO MEET WITH USA OFFICIALS TO DISCUSS WHOLE QUESTION OF REGN OF INDIAN FISHERIES. TO THIS END, PLS DELIVER NOTE REQUESTING SUCH MTG AND INCORPORATING FOLLOWING POINTS: A) CDN AUTHORITIES WISH TO BRING TO THE ATTN OF THE USA AUTHORITIES CDN CONCERN OVER RECENT FISHING PATTERNS BY USA TREATY INDIAN FISHERMEN IN IPSFC CONVENTION WATERS. B) CDN AUTHORITIES NOTE THAT DURING THE WEEK OF AUG 3/80, WHEN IPSFC REGULATIONS PERMITTED ONE DAY FISHING IN USA CONVENTION WATERS, SEPARATE REGULATIONS ISSUED BY THE DEPT OF THE INTERIOR PROVIDED FOR FOUR DAYS FISHING. .../2

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

SG

R.J. Rochon/dg

FLO

2-2002

SG

R.J. ROCHON/DEP. DIR.

- 2 -

CONFIDENTIAL

THIS FISHERY TOOK PLACE IN SPITE OF THE EVIDENCE OF SERIOUS CONSERVATION PROBLEMS WHICH HAD BEEN PRESENTED TO IPSFC, IN THE PRESENCE OF USA OBSERVERS FROM ^{NMFS} ~~NMFS~~ AND THE DEPT OF THE INTERIOR.

C) CDN AUTHORITIES HAVE NOTED IN PREVIOUS COMMUNICATIONS THE LATENT DANGERS OF THE DUAL SYSTEM OF MANAGEMENT BEING FOLLOWED IN USA CONVENTION WATERS, WHICH IS NOT IN KEEPING WITH THE TERMS OF THE FRASER RIVER CONVENTION. THE CDN AUTHORITIES ARE CONCERNED THAT THE FISHING PATTERN IN USA WATERS DURING THE WEEK OF AUG 3/03 1980 WAS ESTABLISHED CONTRARY TO THE EXPERT ADVICE OF THE IPSFC STAFF. D) IN LIGHT OF THESE FACTS, CDN AUTHORITIES WLD LIKE TO MEET WITH THE RESPONSIBLE USA OFFICIALS ON AN URGENT BASIS TO DISCUSS THESE MATTERS, AND WLD PROPOSE THAT ARRANGEMENTS FOR SUCH A MTG BE MADE BETWEEN OFFICIALS OF THE CDN DEPT OF FISHERIES & OCEANS AND THEIR COUNTERPARTS IN THE NATIONAL MARINE FISHERIES SERVICE.

3. ALSO INFORM USA OFFICIALS CDN SIDE PREPARED TO HOLD MTG TO DISCUSS OBSERVER ISSUE RAISED IN REFTL. FOR YOUR INFO, HOWEVER, OUR ATTITUDE TOWARD USA REQUEST IS NOT POSITIVE. PRESENCE OF NMFS AND DEPT OF INTERIOR REPS AT IPSFC MTGS WAS PARTIALLY RESPONSIBLE FOR ROOS RESIGNATION THREATS. ON OTHER HAND, GIVEN DISPUTE WITH USA OVER INTERPRETATION OF CONVENTION RE INDIAN FISHING REGULATIONS (ON WHICH WE SET OUT OUR POSITION IN RECENT DIP NOTE) WE MUST FIND MODUS VIVENDI FOR PROTECTION OF WHAT IS, AFTER ALL, A CDN RESOURCE.

REQUEST FOR FACSMILE TRANSMISSION

TO: ACTC

DATE: AUG 12/80

FM: FLM

NUMBER: _____

DATE	
ACC	REF
90617	
FILE	DOSSIER
25-5-5-CDA-1.5M	
BY HAND	PAR PORTEUR
ATTN:	
25-5-7-2 Subpart 1	

PLEASE TRANSMIT THE ATTACHED DOCUMENT(S) TO:

WASHDC

ATTENTION: J HARLICK

NO. OF PAGES: 2

CDA/USA FISHERY RELATIONS
DRAFT NOTE ON SALMON

[Signature]

AUTHORIZING OFFICER

63488

PHONE NUMBER

DRAFT NOTE

The Canadian Embassy refers to the Department of State's Note of August 6, 1980, regarding the arrest of the U.S. fishing vessel the Skorpion. The vessel was boarded on July 28, 1980 and escorted to Prince Rupert. The vessel owner pleaded guilty on August 1 and was fined \$750.

The Canadian Embassy regrets that U.S. consular officials in British Columbia became aware by radio of the arrest before receiving official notification as to the circumstances of the arrest, and would wish to reassure the Department of State that regardless of the particular circumstances of that case, the Canadian authorities remain committed to providing, on a reciprocal basis and in keeping with consular practices, prompt and adequate notice of any Canadian enforcement action involving U.S. vessels or citizens.

The Canadian enforcement action occurred in an area in which Canada exercises fisheries jurisdiction. The U.S. vessel was prosecuting an ~~unauthorized~~ fishery which was not ^{IN KEEPING} compatible with ~~traditional patterns of fishing in the area. Its activities were contrary to~~ a bilateral undertaking that new net fisheries not be initiated in Dixon Entrance. ~~The Canadian authorities wish to stress the importance of this existing undertaking and have considered their enforcement action in this context.~~

In an attempt to resolve this issue and to maintain the present positive climate for the negotiation of a Pacific salmon agreement, the Canadian authorities would propose that our two

- 2 -

Governments reaffirm their commitment to preventing the initiation of net fisheries along the Pacific coast.

In conjunction with such reaffirmation and subject to its implementation, and in order to clarify the enforcement situation in this area, the Canadian Government would be prepared to undertake, on a reciprocal basis, to exercise flag state enforcement in all boundary areas under dispute on both the Atlantic and Pacific coasts.

R E S T R I C T E D

FM WSHDC UNGR4090 18JUL80

TO EXOTT FLO

INFO BH FANDOO TT/APPLEBAUM/GOODMAN DE OTZ

REGAM SEATL DE WDC

DISTR GNG EIP

---IPSFC-USA OBSERVER REQUEST

CARL PRICE OF STATE DEPT/OES CALLED TODAY TO ENQUIRE WHETHER CDN
AUTHORITIES WOULD AGREE TO HAVE REP OF NORTHWEST INDIAN FISHERIES
COMMISSION(NWIFC),MICHAEL GRAHAM,ATTEND IPSFC MTGS WHEN COMMISSION
REGS ARE DISCUSSED.HE SAID THIS REQUEST WAS INITIATED BY DEPT OF
INTERIOR,AT LEVEL OF SECRETARY ANDRUS,AND DEPT OF COMMERCE(LEITZELL)
AND THAT STATE DEPT FULLY SUPPORTS IT.HE WOULD BE GRATEFUL FOR CDN
VIEWS ASAP.

2.FOR INTERNAL REASONS USA FEDERAL FISHERIES AUTHORITIES WOULD LIKE
OBSERVER FROM NWIFC TO BE PRESENT AT MTGS WHEN IPSFC REGS ARE
DISCUSSED.HAVING DIRECT ACCESS TO INFO DISCUSSED AT THESE MTGS
WOULD GREATLY ASSIST NWIFC TO MANAGE THEIR FISHERIES.THIS IN TURN
WOULD ASSIST USA FEDERAL FISHERIES OFFICIALS IN THEIR RELATIONS
WITH NATIVE FISHERMEN IN THE PACIFIC NORTHWEST.THE DEPTS OF INTERIOR
AND COMMERCE STRONGLY SUPPORT THIS MOVE AND HAVE ASKED STATE DEPT
TO FOLLOW UP WITH CDA FOR APPROPRIATE ARRANGEMENTS.

3.PRICE INDICATED THAT REPS OF INTERIOR AND COMMERCE ALREADY ATTEND
IPSEFC AS OBSERVERS.THUS HE WOULD HOPE CDN OFFICIALS WOULD HAVE

...2

DATE	801024	REF
ACC	100012	
FILE	25-5-7-2-SALMON-1	DOSSIER
BY HAND		PAR PORTEUR
ATTN:		

*original not returned
by division*

PAGE TWO UNGR4090 RESTR

NO/NO OBJECTIONS TO ATTENDANCE OF NWIFC REP.HE SUGGESTED THIS COULD BE ACCOMPLISHED FORMALLY BY HAVING IPSFC COMMISSIONERS VOTE TO ACCEPT PRESENCE OF REP.ALTHOUGH THIS WOULD BE PREFERRED APPROACH OF STATE DEPT,PRICE SUGGESTED IT IS NOT/NOT ONLY WAY TO ACCOMPLISH GOAL.

4.GRATEFUL YOU TAKE UP THIS MATTER WITH APPROPRIATE CDN FISHERIES OFFICIALS.USA WOULD LIKE TO COMPLETE ARRANGEMENTS ASAP SO THAT NWFC REP COULD ATTEND MTGS DURING CURRENT SALMON SEASON.PLEASE ADVISE.

CCC/275 182135Z UNGR4090

Government of Canada / Gouvernement du Canada

Fisheries and Oceans / Pêches et Océans

Fisheries - Pacific Region
1090 West Pender Street
Vancouver, B.C.
V6E 2P1

Pêches - Région du Pacifique
1090 rue West Pender
Vancouver (C.-B.)
V6E 2P1

File

Your file / Votre référence

Our file / Notre référence

Jim Harlick

1031-1

July 16, 1980

TO:

Advisers - Canada/USA
Salmon Negotiations

DATE	
ACC	90328
REF	
FILE	25-5-7-2-SALMON-1
DOSSIER	
By HAND	PAR PORTEUR
ATTN:	

Dear Sir:

At the June 9 - 13, 1980, Canada/USA negotiation meeting Mr. Riddell gave a presentation on the "Adult Equivalency" Principle with reference to a change from a 26 inch to a 28 inch size limit on chinook salmon. A number of the advisers asked Mr. Riddell if he could put this down in report form. He has done this and I am enclosing a copy of it for your information.

Yours truly,



W. R. Hourston,
Director,
Intergovernmental Affairs

Encl.

cc - Dr. M. P. Shepard
Dr. R. Beamish
Brian Riddell

APPLICATION OF THE "ADULT EQUIVALENCY" PRINCIPLE TO A CHANGE FROM A 26-INCH TO A 28-INCH SIZE LIMIT ON CHINOOK IN THE WEST COAST TROLL

Under the adult equivalency principle, when fishing methods or patterns are changed, interception limits may be changed in order to maintain the same total impact on intercepted stocks. Table 1 outlines the application of this principle to a change from a 26 to a 28-inch size limit on chinook in the West Coast Troll. Assuming that the number of "shakers" is equal to 0.46 times the landed catch, the total impact of the West Coast Troll on American chinook with a 26-inch size limit is 275,330 fish (catch + shaker mortality - the decrease in natural mortality due to fishing). If the size limit were increased to 28 inches, both the catch and total impact would decrease substantially with no change in effort. However, if effort were increased to obtain the same catch as under the 26-inch limit, the total impact on intercepted chinook would be greater than the impact with the 26-inch limit. Thus, under the 28-inch limit, the catch of intercepted chinook would have to be decreased to about 418,400 fish to maintain the same total impact on the intercepted stock. However, considering the increased average size of fish caught this catch would result in an increase of about 500,000 lb. dressed weight over the weight caught under the 26-inch limit (a 7.9% increase). A similar situation arises assuming that the number of shakers equals three-quarters of the catch (Table 1b), except that the increase in landed dressed weight with a 28-inch limit and no change in impact is reduced to 410,000 lb. (a 6.6% increase).

Table 2 shows the output from the Washington Department of Fisheries troll model for comparison. The catch predicted with a 28-inch limit assumes no change in fishing effort.

- 2 -

We obtained the values in Table 1 as follows. The average catch of chinook by the West Coast Troll during the 1971-74 base period was 610,000 fish. The average catch of intercepted chinook, assuming an 80% interception rate, was 488,000 fish. For simplicity, we considered only 3₁, 4₁, and 5₁ fish, which comprised 93.7% of the catch or 457,256 intercepted fish. We also assumed that the population fished was resident in the area, ignoring all migrations other than spawning migrations for simplicity. We then constructed Table 3, which follows a single brood of fish through the fishery. We first entered the catch of intercepted fish, broken down by age. In part (a) of Table 1, we assumed that the number of shakers equalled 0.46 times the catch, that all shakers were three-year-olds, and that shaking mortality was 30% (this refers to all mortality associated with shaking, not just immediate mortalities). We assumed that the utilization rate of three-year-olds was 25% and thus estimated that the initial stock size of three-year-old fish was 1,128,256 (i.e. $282,064 / 0.25$). We applied a semi-annual natural mortality rate of 0.171 to all three age groups. Assuming that most fishing occurred between May and October, we adjusted the estimates of natural mortality during this period for the effects of fishing and shaker mortality. We assumed that 20% of the 3-year-olds, 80% of the 4-year-olds, and all of the 5-year-olds left the area on spawning migrations at the end of the fishing season.

We obtained the values under the 28-inch limit similarly, with the following changes:

- i) with no change in effort, we simply reduced the catch by the percentage of fish between 26 and 28 inches and added these to the number of shakers. We applied a 15% mortality rate to shakers over 26 inches.

- 3 -

ii) with no change in catch or impact, we broke the total catch down by age using the age distribution of the catch in (i) above. We obtained the number of shakers as follows:

	Catch of 3 ₁ 's	Number of shakers	
		under 26"	26-28"
No Change in Effort	183,624	211,548	98,440
No Change in Catch	239,922		

with no change in catch,

$$\text{the number of shakers under 26"} = \frac{239,922}{183,624} \times 211,548 = 276,407$$

$$\text{the number of shakers 26-28"} = \frac{239,922}{183,624} \times 98,440 = 128,621.$$

We recognize that this analysis involves many simplifications and untested assumptions which could influence the accuracy of its results.

For example:

- 1) the use of finer time periods (e.g. monthly) would be an improvement over the 6 month periods used in our calculations.
- 2) the migration of fish to and from more northerly regions should also be incorporated into the analysis. Unfortunately, little is presently known regarding the rate and extent of such migrations. Incorporating such migrations would also greatly increase the complexity of the analysis, since the effects of more northerly fisheries would also have to be considered.
- 3) the values of 30 and 15% for shaker mortality and 34.2% for natural mortality were used for comparisons with Washington's calculations. These values could be greatly in error. No good estimates of shaker mortality exist presently. A natural mortality rate of much less than 34.2% is possible for older fish.

- 4 -

Thus, the values calculated in this analysis may not be very accurate. However, we feel that the analysis is a valid representation of the relative effects of the various fishing regimes on catches and other mortality factors and of the application of the adult equivalency principle to changes in fishing methods.

We would be pleased to provide further details of our calculations and would welcome any comments or information regarding any of the factors used in our analysis (e.g., numbers of shakers caught, shaker mortality, etc.). Please send any comments or requests for further information to:

Brian Riddell or Doug Swain
Department of Fisheries & Oceans
Pacific Biological Station
Nanaimo, B.C.
V9R 5K6

Table 1. Effects of various fishing regimes on intercepted chinook in the West Coast Troll.

			28" Limit		
			No change in effort	No change in catch	No change in impact
26" Limit					
<u>(a) Assuming number of shakers = 0.46 x catch</u>					
Catch	+	457,256	349,949	457,256	418,400
Shaker mortality	+	63,464	79,560	103,953	95,120
Decrease in natural mortality ¹	-	245,390	216,723	250,511	238,150
Impact		275,330	212,786	310,698	275,370
"Escapement" ²		313,495	376,039	278,127	313,455
<u>(b) Assuming number of shakers = 0.75 x catch</u>					
Catch	+	457,256	349,949	457,256	413,150
Shaker mortality	+	102,883	118,979	155,457	140,462
Decrease in natural mortality	-	258,427	229,711	267,781	251,907
Impact		301,712	239,217	344,932	301,705
"Escapement"		287,113	349,608	243,893	287,120

¹"Decrease in natural mortality" = (natural mortality without fishing) - (natural mortality with fishing).

²Escapement refers to all fish escaping the troll fishery.

Table 2. Washington Department of Fisheries "Troll" model output for chinook catches in the West Coast Troll with a 26 or 28" limit.

	26" Limit	28" Limit	% Change with a 28" limit
Catch (pieces)	419,267	303,676	-27.6
Weight	5,394,216	4,741,692	-12.1
Value	4,704,770	4,328,997	- 8.0
Shaker mortality	70,139	84,359	+20.3

cc: FLO/OTTAWA

J HARLICK/HG

Canadian Embassy



DATE	Ambassade du Canada	
ACC	90331	REF
FILE	25-5-7-2-Salmon	
BI HAND	PAR PORTEUR	
ATTN:		

29/7

No. 304

The Embassy of Canada 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, as amended, and to the Embassy's Diplomatic Note No. 305 of July 9, 1979.

The Canadian authorities note that, as in 1979, the United States of America has advised the International Pacific Salmon Commission that it intends to exempt in 1980 treaty Indian fishermen from the coverage of duly approved Commission regulations.

The Canadian authorities wish to restate their view that such actions by the United States are not in accordance with the language, spirit or the intent of the Convention.

The Canadian authorities continue to be concerned about the creation of a separate management structure in the United States Convention waters in that it poses potential dangers for conservation of the stocks, as well as making more difficult the task of the Commission in providing for adequate escapement and equal division of the harvest.

The Embassy of Canada avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

Washington, D.C.

July 14, 1980



000261

MESSAGE

ACTC

FILE DIARY CIRC DIV

FM/DE	PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY
	LIEU	MINISTÈRE	N ^O D'ORIG.			SÉCURITÉ
	OTT	EXT AFF	FLO- 1013	80 09 07		CONFIDENTIAL

SFAX
TO/A SEATL *pld copy made for SEATL*
JUL 14 19 59 '80

INFO	F AND O OTT/HUNTER/FALKNER	DATE	
		ACC	89543
		FILE	25-5-7-2-SALMON-1
		BY HAND	PAR PORTEUR
		ATTN:	

DISTR. GNG FLM

REF YOUR TEL UAGR 5640 07 JULY

SUB/SUJ RESPONSE TO ENQUIRIES ON FISHERIES ISSUES

25-5-5-011-USA

^{REF TEL}
GRATEFUL ~~YOUR~~ COMMENTS ON NMFS/DOI SITUATION.

2. GIVEN RECENT HISTORY OF INDIAN FISHING RIGHTS ISSUE IN PACIFIC NORTHWEST, AND ROLE OF DOI OFFICIALS IN PROMOTING NATIVE INTERESTS, WE ARE NOT TOO SURPRISED THAT WORKING RELATIONSHIP MAY BE A LITTLE STRAINED.

3. YOUR INTEREST IN FISHERIES SITUATION AND ASSISTANCE PROVIDED IS APPRECIATED ~~BY US AND BY F AND O~~, AND WE AGREE IT WOULD BE PRUDENT FOR YOU TO BE IN POSITION TO HANDLE ENQUIRIES, ^{AND} ~~AND~~ TO BE KEPT INFORMED ON MAJOR DOMESTIC ISSUES IN PACIFIC FISHING INDUSTRY.

4. ^{HOWEVER} IT MUST BE RECOGNISED [^] THAT MANY ISSUES ARE COMPLEX IN A TECHNICAL AS WELL AS A POLITICAL SENSE, AND ARE SUBJECT OF FULL TIME ATTENTION OF F AND O VANCOUVER OFFICIALS. CONGEN CANNOT BE EXPECTED TO FOLLOW ALL ISSUES IN DETAIL.

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SG. <i>[Signature]</i> M. Hunter/lma	International Directorate	5-2186 2-2104	SIG. <i>[Signature]</i>

JUL 9 1980

PAGE 2

5. BELIEVE MARTENS CONTACTS WITH F AND O VANCOUVER
OFFICE SHOULD BE ENCOURAGED. F AND O HAVE INDICATED THEIR
INTEREST IN FOSTERING PRESENT EXCELLENT RELATIONSHIP FOR
MUTUAL BENEFIT. ^{AND} ~~IN ADDITION F AND O OFFICIALS~~ WILL ATTEMPT
TO BE MORE CONSCIOUS OF YOUR INTEREST BY PROVIDING COPIES OF
RELEVANT DOCS. IN FUTURE.

MESSAGE

ACT 12/10/12

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY
LIEU	MINISTÈRE	N° D'ORIG.			SECURITE
FM/DE	OTT	EXT AFF	FLO 80 09 07		PRECEDENCE

0004

TO/A WSH DC

Jul 12 00 10 '80

INFO BH F AND O OTT/CAMPBELL/JOHNSTON/HUNTER/GOODMAN
SEATTLE

DATE	
ACC	89537
FILE	25-5-7-2-SALMON-1
BY HAND	PAR PORTEUR
ATTN:	

DISTR. GNG, FLM

REF

SUB/SUJ

IPSFC Regulations

ONCE AGAIN FOR 1980 USA HAS APPROVED REGULATIONS OF INTNTL PACIFIC SALMON FISHERIES COMMISSION, WITH EXEMPTION FROM REGS. OF TREATY INDIANS. USA WILL PROMULGATE SEPARATE REGS. FOR INDIAN FISHING, AND COMMISSION HAS BEEN REQUESTED BY STATE DEPT. TO COOPERATE WITH DEPTS. OF INTERIOR AND COMMERCE. TEXT OF STATE'S LETTER TO IPSFC CHAIRMAN SANDISON SENT BY BAG FOR YOUR INFO.

IN 1979, CDA DECIDED THAT FURTHER DISCUSSIONS WITH USA ON THIS SUBJ WOULD BE USELESS AND USA VIEW THAT CERTAIN CITIZENS CAN BE EXEMPTED FROM REGS. HAS BECOME ENTRENCHED. IN ORDER TO PROTECT CDA'S LEGAL POSITION, GRATEFUL YOU DELIVER NOTE AS SET OUT BELOW. **NOTE REFERS TO SIMILAR COMMUNICATION ON THIS SUBJ. IN JULY 1979.** TEXT BEGINS QUOTE. . . THE EMBASSY OF CANADA PRESENTS ITS COMPLIMENTS TO THE DEPT. OF STATE AND HAS THE HONOUR TO REFER TO THE CONVENTION BETWEEN CANADA AND THE USA

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG..... M. Hunter G. Morrison	FLO International Directorate	2 8658 5-2186	SIG..... [Signature]

PAGE 2


FOR THE PROTECTION, PRESERVATION AND EXTENSION OF THE SOCKEYE SALMON FISHERIES IN THE FRASER RIVER SYSTEM, AS AMENDED, AND TO THE EMBASSY'S DIPLOMATIC NOTE NO. ____ OF JULY ____ 1979.

THE CANADIAN AUTHORITIES NOTE THAT, AS IN 1979, THE USA HAS ADVISED THE IPSFC THAT IT INTENDS TO EXEMPT IN 1980 TREATY INDIAN FISHERMEN FROM THE COVERAGE OF DULY APPROVED COMMISSION REGULATIONS.

THE CANADIAN AUTHORITIES WISH TO RESTATE THEIR VIEW THAT SUCH ACTIONS BY THE UNITED STATES ARE NOT IN ACCORDANCE WITH THE LANGUAGE, SPIRIT OR INTENT OF THE CONVENTION.

THE CANADIAN AUTHORITIES CONTINUE TO BE CONCERNED ABOUT THE CREATION OF A SEPARATE MANAGEMENT STRUCTURE IN US CONVENTION WATERS ~~WHICH THEY CONSIDER TO BE UNDESIRABLE~~ IN THAT IT POSES POTENTIAL DANGERS FOR CONSERVATION OF THE STOCKS, AS WELL AS MAKING MORE DIFFICULT THE TASK OF THE COMMISSION IN PROVIDING FOR ADEQUATE ESCAPEMENT AND EQUAL DIVISION OF THE HARVEST.

THE EMBASSY AVAILS ITSELF ETC. . . ~~UNQUOTE-TEXT~~
ENDS.



000265

ACTION
SUITE A DONNER

MESSAGE

P1572

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY
LIEU	MINISTÈRE	N° D'ORIG.		35-11-1	SECURITÉ
FM/DE	SEATL	UAGR	07JUL80		CONFIDENTIAL

TO/A EXTOTT ⁴ FLO

SEA 003/07

INFO RHY AND O OTT/HUNTER

DISTR. GNC FLM

DATE	
ACC	89796
FILE	25-5-7-2-SAMMEX-1
BY HAND	
ATTN	


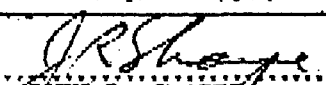
REF HUNTER/MARTENS TELECON 25JUN80.

SUB/SUBJ DEPT OF INTERIOR/NATIONAL MARINE FISHERIES RELATIONS.

ON 25JUN CONTACT IN REGIONAL OFFICE OF DEPT OF INTERIOR (DOI) PHONED US CONCERNING REQUEST HE HAD RECEIVED FROM MAKAH INDIANS FOR EARLY OPENING OF FISHERY. INTENT OF CALL WAS TO ASCERTAIN IF EARLY OPENING WOULD CAUSE ANY DIFFICULTY ON CANADIAN SIDE. FOLLOWING CONVERSATION WITH HUNTER AND HOURSTON CONTACT WAS TOLD THAT INDEED IT WOULD CAUSE DIFFICULTY. SUBSEQUENTLY, WE WERE TOLD THAT BASED IN PART ON THIS INFO REQUEST FOR EARLY OPENING WAS DENIED.

2. THE FOREGOING SITUATION WAS INTERESTING INASMUCH AS IT SHED SOME LIGHT ON THE RELATIONSHIP EXISTING BETWEEN THE REGIONAL OFFICE OF NATIONAL MARINE FISHERIES SERVICE (NMFS) AND THE REGIONAL OFFICE OF DOI. PRIOR TO CONTACTING US, DOI ATTEMPTED TO OBTAIN THE RELEVANT INFO FROM NMFS. WE UNDERSTAND THAT IN A PHONE CONVERSATION DOI WAS TOLD BY NMFS THAT THERE WOULD BE DIFFICULTIES FOR CANADA IF THE EARLY FISHERY WAS ESTABLISHED AND EXCERPTS FROM A DOCUMENT WERE READ TO SUPPORT THIS POSITION. (THE NATURE OF THE DOCUMENT IS NOT CLEAR TO US BUT WE UNDERSTAND IT WAS AN UNCLASSIFIED DOCUMENT EITHER FROM THE IPSFC OR FROM CANADIAN AUTHORITIES WHICH HAD BEEN ROUTED THROUGH THE IPSFC). ALSO UNDERSTAND DOI OFFICIAL ATTENDS THE IPSFC MEETINGS. HOWEVER, WHEN THE DOI OFFICIAL ASKED IF HE COULD GO TO NMFS AND READ THE DOCUMENT, HE WAS TOLD THAT THAT WOULD NOT BE ALLOWED. IT WAS AT THIS POINT THAT WE WERE CONTACTED.

3. ALTHOUGH THIS IS UNDOUBTEDLY A ONE SIDED VERSION OF WHAT OCCURRED, IT RAISES A NUMBER OF QUESTIONS. ALTHOUGH IT IS A DOMESTIC PROBLEM, IT COULD

DRAFT/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SG  F.D. MARTENS/5			SG  JOHN R. SHARPE

SEA003/07

P272

2.

ADVERSELY IMPACT OUR BILATERAL RELATIONSHIP (AS EXEMPLIFIED BY THE FOREGOING SITUATION). WE DO NOT WISH TO BECOME EMBROILED IN ANY DISPUTE BETWEEN NMFS AND DOI. BUT ON THE OTHER HAND, IT WOULD SEEM PRUDENT TO ENSURE THAT WE ARE IN A POSITION TO RESPOND TO FUTURE ENQUIRIES AND ARE KEPT AWARE OF MAJOR QUOTE DOMESTIC UNQUOTE ISSUES IN OUR WEST COAST SALMON FISHING INDUSTRY (PARTICULARLY THOSE CONCERNING INDIAN FISHING) AND THE RELATED CANADIAN POSITION BEING PRESENTED IN THE LPSPC. ON THE OTHER HAND, WE COULD CONTINUE QUOTE BUSINESS AS USUAL UNQUOTE IN THIS AREA RESPONDING TO ENQUIRIES AS THEY ARISE AND SEEKING GUIDANCE AS REQUIRED FROM THE APPROPRIATE CANADIAN OFFICIAL. ON THIS, WE SHOULD BE GRATEFUL FOR YOUR COMMENTS.

FILE/DIARY/CIRC/DIV

ELO/J. HARLICK/5-3589/dg

FLO-911

June 23, 1980
DATE

ACC

REF

FILE

DOSSIER

BY HAND

PAR PORTEUR

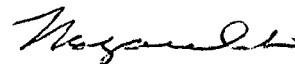
ATTN:

Dear Mr. Prud'homme,

--

The attached is forwarded in reply to questions asked by Mr. Benno Friesen, M.P., at the meeting of the House of Commons Standing Committee on External Affairs and National Defence on June 17, 1980. Should Mr. Friesen wish more details concerning the elements of a possible Canada/USA Pacific Salmon agreement, he may wish to contact the Department of Fisheries and Oceans.

Yours sincerely,



L.H. Legault
Director General
Bureau of Legal Affairs

Mr. Marcel Prud'homme, M.P.
Chairman
Standing Committee on
External Affairs & National Defence
House of Commons
Room 265, West Block
OTTAWA, Ontario

Answers to Questions put by Mr. Friesen, M.P., during the meeting of the Standing Committee on, External Affairs and National Defence on June 17, 1980 concerning the Canada/USA Pacific Salmon Negotiations

Q.: What is the purpose of and the reasons for the consultations between Canada and the USA on Pacific Salmon?

A.: The purpose of the consultations is to discuss the desirability and possible terms of an international agreement designed to achieve co-operation in the management of Pacific Salmon.

Such co-operation is necessary because west coast salmon stocks originating in one country are fished by nationals of the other, thus rendering management and enhancement of stocks very difficult. Lack of mechanisms for co-operation and co-ordination of enhancement projects reduces the potential benefits to fishermen of both countries. Thus, under present circumstances, neither Canada nor the USA is prepared to invest in such salmon enhancement projects, when a substantial part of the benefits would accrue to fishermen of the other country.

Q.: What would be the basic elements of such an agreement?

A.: The basic elements of an agreement on co-operative salmon management would include: an initial limitation on all interceptions at levels existing during an agreed base period; consultations concerning future salmon enhancement in both countries; and a system to provide for adjustments to fisheries in the future in order to bring about a sharing of the total salmon harvest, so that each country would receive catches commensurate with the production from its own rivers, and so that there would be an equitable balance in the value of interceptions made by both countries.

--- The attached Agreed Summary Record will provide more information on the current state of the Canada/USA consultations on this subject.

Q.: Are there any snags on the Canadian side regarding the development of a salmon agreement with the USA?

A.: A representative of the United Fishermen and Allied Workers Union (UFAWU) announced to the press at the conclusion of the most recent round of consultations (in Vancouver, June 9-13, 1980) that the elements of an agreement being developed by the Canadian and U.S. negotiators represented a "sell-out" of Canadian salmon interests to the U.S. This is not the view of officials concerned in the Departments of External Affairs

- 2 -

and Fisheries and Oceans. Nor would it appear to be the view of all the other organizations represented on the Canadian Fisheries Advisory Committee. These organizations issued a
--- press release (copy attached) in which they expressed their satisfaction "with the progress in the negotiations" and their "confidence in the ability and integrity of the Canadian negotiating team headed by Dr. Mike Shepard".

Q.: What is the target date for completion of the development of a Canada/USA salmon agreement?

A.: Given the complex issues involved in this subject and the need to ensure that the west coast fishing industry of both countries could support the elements which such an agreement would comprise, it is very difficult to predict when an agreement may be completed. At the earliest, this might occur by the end of 1980.

OTTAWA, K1A OG2

June 25, 1980

DATE 1980	
ACC 81593	REF
FILE 25-5-7-2-SALMON-1	DOSSIER
BY HAND	PAR PORTEUR
ATTN:	

Dear Mr. Hucal,

I attach for your use a corrected copy of those remarks made by Mr. Legault in reply to questions put by Mr. Friesen at the meeting of the Standing Committee on External Affairs and National Defence on June 17, 1980 on the subject of a Canada/USA Pacific salmon agreement. Mr. Legault reviewed the transcript which you provided to Mr. Harlick and has made the necessary editorial alternations.

Yours sincerely,

J. E. Harlick

for

Lorne S. Clark
Director
Legal Operations Division

Mr. Peter M. Hucal
Committee Clerk
Committees and Private
Legislation Branch
House of Commons Room 511 CB
OTTAWA, Ontario
K1A OA7

Mr. Friesen: That never happened to me before. Mr. Chairman, just a point of clarification. I see on Vote 1--are we restricted.

The Chairman: No, tonight. It is very clear, I said that I am calling first (le crédit numéro 1) on External Affairs. It was understood that the Minister was coming here tonight as Minister of External Affairs and also Minister responsible for CIDA. So, you have the choice. You do not have to follow that trend.

Mr. Friesen: Fantastic.

The Chairman: But, you would be as limited.

Mr. Friesen: Right. I will not...

The Chairman:

Mr. Friesen: I am concerned about another area and that is, that I understand that the Pacific Salmon Fishing Treaty is now under renegotiation. It has nothing to do with CIDA obviously. I wonder if the Minister could tell me, first of all, what areas are being considered in the renegotiation of that treaty?

Mr. MacGuigan: Well, I can tell you that we are prepared to move ahead with that treaty, and I must honestly say that I do not know whether negotiations with the U.S. have yet begun. I think not, but we are prepared to begin negotiations on that subject, but I think I would like to ask Mr. Legault for further details.

Mr. Legault: We have recently completed a round of consultations with the United States dealing with the problem of interception of Canadian-bred salmon by U.S. fishermen, and

...2

- 2 -

U.S.-bred salmon by Canadian fishermen. The consultations came, oh I suppose, at the end of 17 or 18 years of negotiations; I am not precisely sure of the figure. This is a very complex issue that has complicated fisheries relations between Canada and the United States on the Pacific coast for many years, as the honourable member is no doubt aware. The last round of consultations saw some considerable progress towards an eventual agreement, but we are not quite there yet.

Mr. Friesen: Well, Mr. Chairman, there are two areas that are of concern to the fishermen, at least two areas that I would like to ask about. One is, the settlement itself and how the catch is going to be determined, the numbers that the Canadian fishermen, for example, are going to get, and, secondly, is surveillance because there is always a deep suspicion on the part of the Canadian fishermen that, regardless of what the quota is, that the Americans exceed that quota. Now, whether or not they are justified, that is a suspicion. Suspicion that they have, and I wonder if the Minister or his official could tell me what is going to happen in terms of a quota, and enforcement of the quota. I am speaking of the Fraser River catch obviously.

Mr. Legault: I do not think that I am in a position to answer detailed questions of that nature on the salmon negotiations this evening, but I would be happy to send the honourable member written replies to these questions on behalf of the Minister, if that would be agreeable.

...3

- 3 -

Mr. Friesen: Sure. Could you tell me, sir, what is the target date for the completion of the negotiations?

Mr. Legault: I am afraid I really cannot, and I do not believe that anyone could, at the moment. Obviously, we would like to bring these negotiations to a successful conclusion as soon as we possibly could. There is a very important salmon enhancement program, again as you no doubt are aware, that depends in part at least on the successful conclusion of an interception agreement with the United States. We are anxious to achieve an equitable agreement, but that is the key word, equitable. It has not been easy to agree on what equity is as between Canada and the United States in this area. I do not know if we will be at it for another three months or another six months. I think some of my colleagues in the Department of Fisheries might have a better idea, but I am sorry that I am not in a position to really give you a precise answer to that question, and no one is at this time.

Mr. Friesen: Could you tell me what are the areas where the snags are? Are they particular issues that are holding it up, or particular people, particular organizations, that are the roadblocks, if I can use that metaphor in this context?

Mr. Legault: Well, I would think, and I have not been involved in the latest round of consultations myself, but on past experience I think one of the most serious difficulties we face is reconciling internal differences on the U.S. side and

...4

internal differences on the Canadian side. Perhaps the statement by George Hewison of the UFAWU, a few days ago in the Vancouver press, may give you some indication of the kind of internal difficulties that are faced on both sides in this search for a bilateral agreement with the United States.

Mr. Friesen: Are you suggesting then, Sir, that the problem is not as much a Canada-U.S. problem as it is an internal problem in each of the two countries?

Mr. Legault: It is both.

Mr. Friesen: It is both. I will not carry this line of questioning too far but it strikes me that this problem arose around 1935--in that general area--because of American investment at Hell's Gate, and whatever their investment was, they have realized substantial benefits as a result of that investment over 45 years. Is any consideration given to

An hon. Member:

Mr. Friesen: Is any consideration given to a resolution that is more proportionate for Canadian fishermen because of the long-term benefits that have accrued to the American fishermen as a result of that initial investment which was substantial on the part of the Americans and which we accept as being at their initiative and we are thankful for it but, nevertheless, has for 45 years been of substantial benefit to American fishermen.

...5

- 5 -

Mr. Legault: You are quite right that the Fraser River Convention goes back to the nineteen-thirties but there is more at issue in these negotiations than the Fraser River stocks alone. There are the Columbia River stocks, and there are the ^{Panhandle} stocks as well. As I say, it is a very complex issue. I once heard one of the union members on the west coast say that this was a negotiation which would go on in perpetuity if not longer. I do not know if that gives you their view of our chances for success but the over-all resolution will require precisely what you are suggesting -- an equitable apportionment of the respective catches of the various species, all of which carry different values, between the fishermen of the two countries; a balance -- an equitable balance -- in the interceptions and in the value of the interceptions. But it is not easy, again, to arrive at a mutually acceptable determination of what is equitable when such broad areas are in play.

Mr. Friesen: I will close with this, Mr. Chairman. Is it true then that we cannot go ahead with our own enhancement program, the way we would like to, until this treaty is totally renegotiated, and secondly, somewhat facetiously, are you suggesting that if the whole thing were settled rather than being in perpetuity that there is some fear that a lot of negotiators would be out of a job?

Mr. Legault: I am not one of the negotiators so I do not have that fear myself. I think the other part of your question would more properly be addressed to the Minister of Fisheries.

**OFFICE
OF THE
SECRETARY OF STATE
FOR
EXTERNAL AFFAIRS**

**CABINET
DU
SECRÉTAIRE D'ÉTAT
AUX
AFFAIRES EXTÉRIEURES**

TO/A: FLE

Date 23.6.80

FROM/DE: MIN

REFERENCE/RÉFÉRENCE:



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

Signed by SSEA

s.23

RESTRICTED

June 19, 1980

FILE 931

84224

REF

FILE

BY HAND

ATTN

DOSSIER

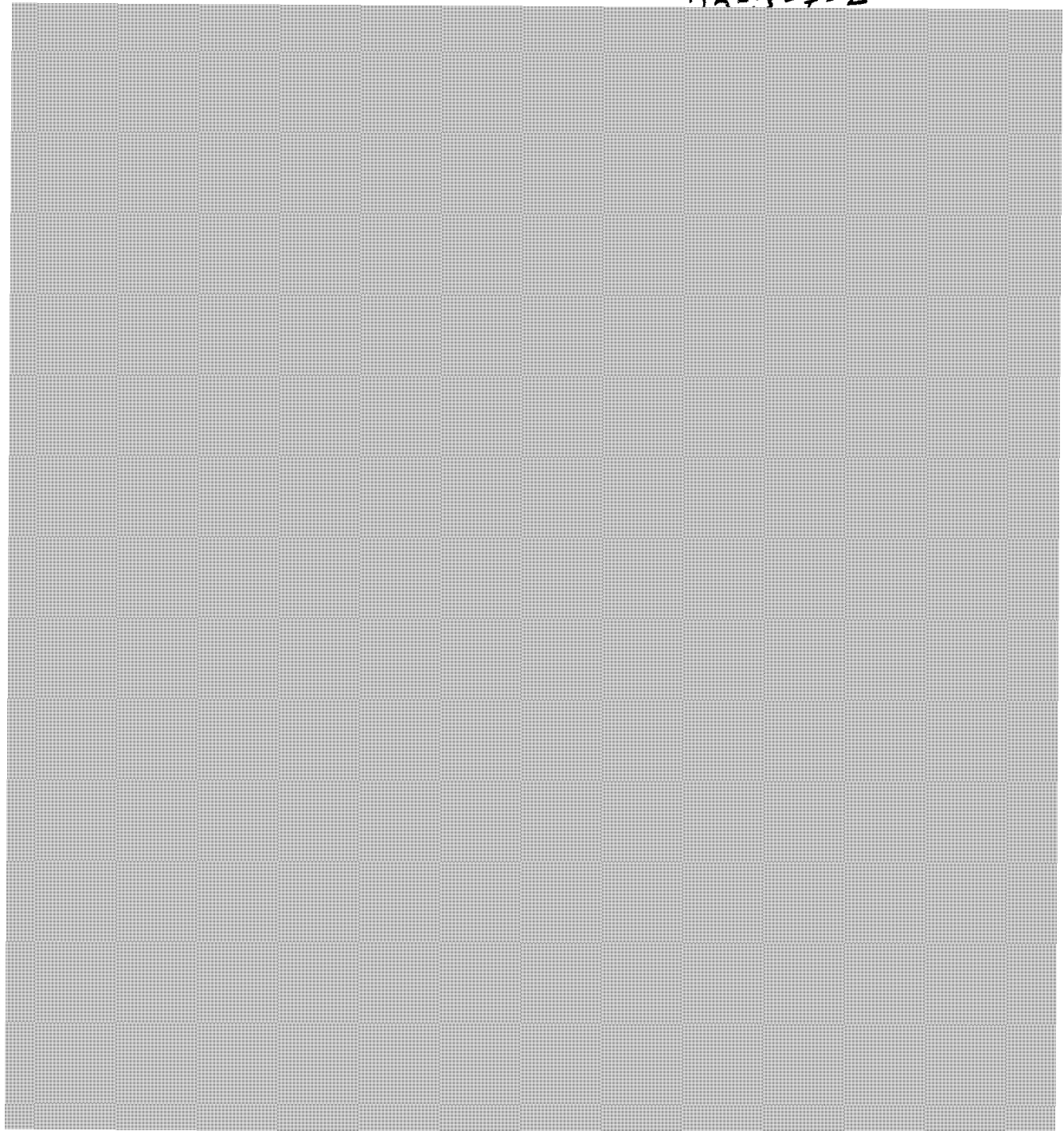
25-5-7-2-SALMON

PAR PORTEUR

MEMORANDUM FOR THE MINISTER

Ratification of two Protocols amending
Canada/U.S.A. Fisheries Conventions.

25-5-7-2-HALIBUT



.../2.

000278

20.6.48(us)

20.6.80/min

- 2 - RESTRICTED

5. I recommend that you sign the attached two
Instruments of Ratification.

L. H. Legault
L.H. Legault
Legal Advisor

*Agreed Jan 20/70
L.H.*

Government of Canada / Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO
À

The Minister of Fisheries and Oceans

FROM
DE

Donald D. Tansley

SUBJECT
OBJET

Report of Pacific Salmon Negotiations
Vancouver, B.C., June 9 - 13, 1980.

Handwritten:
FIP
M. Clapham
love
8 file
SH

SECURITY CLASSIFICATION - DE SÉCURITÉ	
OUR FILE / NOTRE RÉFÉRENCE	
YOUR FILE / VOTRE RÉFÉRENCE	
DATE JUN 18 1980	ACC 85255
FILE 25-5-7-2-Salmon	REF
BY HAND	PAR PORTIUR
ATTN:	

Canadian and U.S. delegations, including representatives from industry, State and Provincial governments and U.S. Regional Management Councils met in Vancouver, B.C. from June 9 - 13, 1980 to continue negotiations towards the development of a comprehensive agreement on cooperation in management and development of Pacific Salmon stocks of common concern.

The meeting was characterized as a continuation of the May 6-8 meeting held in Juneau, and concluded with an agreed summary record reflecting the negotiators' approaches to the resolution of the issues. It is anticipated that at the end of the next session tentatively scheduled for early October, we will be in a position to prepare a Treaty for consideration by the two governments.

HIGHLIGHTS

a) Equity and an initial interception limitation scheme.

The negotiators reaffirmed their agreement that a basic objective of the agreement is to provide a framework under which each country would eventually harvest an amount of salmon commensurate with its own production (subject to special provisions for the Fraser and transboundary rivers). In this regard, the two sides agreed to most of the elements of an initial interception limitation scheme and a framework for the achievement of equity.

The initial scheme would essentially limit interceptions to the average number of interceptions that occurred in the four year period, 1971 - 1974 or to the percentage level of interceptions that existed in that period in fisheries where stock levels have since declined.

. . . /2

- 2 -

The scheme would be flexible so that changes in fishing patterns, and increases in production through enhancement programs would not be inhibited by the slavish application of a scheme designed to prevent increases in interceptions at the present time.

The negotiators agreed that the new international Commission contemplated by the agreement would be charged with the development, by the end of the fourth year of the agreement, of a scheme which would set the procedures and timetables to achieve equity by an agreed date.

The two remaining unresolved matters respecting the initial interception limitation scheme involve the details of the system of accounting of interceptions and specifically the development of a penalty system to prevent either country from accumulating or carrying excess interceptions on the "accounting books" for prolonged periods and the question of whether or not there should be compensation for shortfalls below specified interception limits.

b) Transboundary rivers.

The Canadian proposal concerning transboundary rivers presented at the Juneau meeting was elaborated into a regime whereby scientists and managers of the two countries under the auspices of the Commission, would annually determine the state of the stocks in the rivers, appropriate escapements, total allowable catches and other necessary management parameters for those portions of the runs bound for the Canadian sections of these rivers. It was further agreed that Canada would receive an entitlement to benefits equivalent to a fixed share (Canada proposed 75% - U.S. offered 50%) of the total allowable catch of salmon from the Canadian sections of each river, and that the Agreement will provide for the initial shares of the allowable catch to be taken by Canadian fishermen in each river and will contain a schedule of increasing shares for future years. The U.S. side also agreed to provide at the next meeting a proposed schedule of construction of enhancement facilities that would contribute to Canadian fisheries and through which Canada would receive a part of the compensation for current production from the transboundary rivers from which we do not benefit at the present time.

c) Fraser River.

Substantive discussion of U.S. entitlements to sockeye and pink salmon bound for the Fraser River was put off to the next meeting. However, the Canadian side indicated

. . . /3

- 3 -

that at such time, it would present a proposal that would take into account recent changes in fishing patterns on the rivers and past contributions by the United States to the International Pacific Salmon Fisheries Commission for enhancement facilities that have not yet come into full production.

ADVISERS VIEWS

With the exception of the UFAWU, the advisory group, comprising 14 organizations in B.C., fully supports the objectives and strategies of the Canadian negotiating team. Despite the fact that the negotiators had agreed to save press comments until after the session, Mr. Hewison decided to appear on television twice during the week. He was interviewed by Laurier Lapierre on the local station CKVU, and it appears that the interview was picked up in a local segment of CTV's Canada AM the following morning.

In this interview, Mr. Hewison alleged that Canada was perpetrating a sell-out, and said that an agreement of the kind being negotiated would cause a loss to Canada of \$1 billion over the next ten years.

The interview deeply disturbed the other advisers, and the attached Press Release was prepared by the group as a whole. The situation was made worse by the fact that Mr. Hewison sat in the negotiators' Press Conference as a reporter from "The Fisherman". You will doubtless receive requests from other groups for his exclusion from the advisory committee in future.

ANALYSIS OF PROGRESS

The considerable progress made during the meetings in Juneau and Vancouver represents a substantial change in the attitude of representatives from Alaska on the U.S. delegation. It is believed that an apparent promise of U.S. Federal funds for enhancement facilities in Alaska has been a significant factor in this change along with the pressure created by our 1979 fisheries in the Canadian sections of the Stikine and Taku Rivers.

Although some areas of the proposed Agreement are still to be negotiated it is our analysis that the acceptability of an Agreement to the U.S. now hinges on the one major item yet to be discussed in a substantive manner: - U.S. entitlement for sockeye and pink salmon bound for the Fraser River.

. . . /4

- 4 -

NEXT STEPS

a) Administrative

The two sides propose to resume negotiations at a date yet to be agreed upon in the fall. It is expected that at the end of that session a draft agreement will be prepared for consideration by both Governments. In the intervening period Canadian officials will be required to develop a policy concerning the levels of Canadian fisheries on the transboundary rivers for 1981 and the future and a proposal for U.S. entitlement to Fraser River sockeye and pink salmon.

b) Public relations

The proposed unity of the fisheries & forestry is part of this strategy.

In view of the UFAWU promise to mount a major campaign opposing the Agreement, consideration will also be given to a public relations strategy. It is our recommendation that we not be drawn into the "numbers game" which Mr. Hewison is using. The source of his estimates is unclear, and any estimate of the balance in the value of interceptions depends greatly on what prices are used in calculations. We believe that the strength of our case rests in the US acceptance of the principle of equity, and in our efforts to seek a method of implementation of the principle which would not rely upon the draconian reductions in intercepting fisheries which Mr. Hewison would evidently seek.

For your information, attached are a copy of the agreed summary record and the Advisory Committee's press statement.

M.Hunter/Int'l/5-2186/tm
18 June 1980

Original Sh. 111
PC 1550 1211

cc: Minister's Office (3)
Donald D. Tansley (2)
ADMs - H.D. Johnston

A.W. May
G.C. Vernon
G.N. Ewing
J.R. MacLeod
W. Falkner
A. Campbell
M. Hunter
D. Goodman
J. Harlick (Ext. Aff.) ✓
M. Goldberg
W.R. Hourston (for standard
distribution in Pacific Reg.)

PRESS RELEASE

VANCOUVER, B. C. - JUNE 13, 1980

In the many years of salmon negotiations the various sectors of the fishing industry has been fully consulted and the United Fishermen and Allied Workers' Union is but one of the fourteen organizations represented on the Advisory Committee.

In the current negotiations the majority of advisors feel that substantial progress has been achieved and the groundwork for a reasonable agreement, which would satisfy the basic objectives to protect the salmon resources of both countries, has been laid. The majority of the advisors are satisfied with the progress in the negotiations and they have every confidence in the ability and integrity of the Canadian negotiating team headed by Dr. Mike Shepard.

Canadian Fisheries
Advisory Committee

AGREED SUMMARY RECORD

Delegations of Canada and the United States of America, including advisers from the fishing industry, State and Provincial Governments, and domestic U.S. Fisheries Management agencies, met in Vancouver, B. C. from June 9-13, 1980, to continue the development of a comprehensive agreement on cooperation in the management and development of Pacific salmon stocks of common concern.

SECTION I

This document records approaches to the resolution of the outstanding issues under discussion which the Canadian and U.S. negotiators consider hold promise for reaching a comprehensive agreement. The document is intended to provide a basis for thorough consideration of all issues by the two delegations prior to the next meeting scheduled for the fall of 1980.

SECTION II

Coordination to Achieve Optimum Utilization of Salmon Stocks

The negotiators reaffirmed the previous agreement between the two sides that a Convention will contain provisions requiring the parties to establish a Commission to coordinate their plans for salmon enhancement in order to provide for the maximization of salmon production. They agreed that a basic objective of the agreement is to provide a framework under which each country would eventually harvest an amount of salmon commensurate with its own production. Subject to special provisions for the Fraser and transboundary rivers. In this regard, they agreed that the Commission would be charged with the development, by the end of the fourth year of the Agreement, of a scheme which would set out the procedures and timetables to achieve this objective by an agreed date. In achieving the objectives of the Convention the Commission and its Panels shall take into account the domestic allocation objectives of the two countries.

SECTION III

Provisions for Initial Salmon
Interception Scheme

1. Interception of salmon originating in rivers other than transboundary rivers shall be considered within one of four categories:

- (a) Salmon bound for spawning grounds in British Columbia by United States fishermen operating in the vicinity of Alaska;
- (b) Salmon bound for spawning grounds in Alaska by Canadian fishermen;
- (c) Salmon bound for spawning grounds in British Columbia by United States fishermen operating in the vicinity of the coasts of Washington, Oregon and California;
and
- (d) Salmon bound for spawning grounds in Washington, Idaho, Oregon and California by Canadian fishermen.

2. The provisions for the interception scheme that follow permit annual interceptions for each species in each category, and shall be incorporated into an Annex to the Convention that may be modified upon recommendation by the Commission to the Parties:

- (a)(i) Subject to paragraph (ii) , whenever the annual total harvest^{1/} and escapement of a given species within any category equals or exceeds the

^{1/} harvest: comprises fish taken by interception and by fishermen of the country of origin of the fish harvested.

average annual number of those fish in the four year period, 1971-1974, then interceptions of those fish in that category shall be kept to the average number of interceptions that occurred in that period, except--

(ii) When, due to an increased contribution by the non-intercepting country's fish,

(A) the percentage of those fish available for interception in the intercepting fishery increases; and

(B) the consequences of applying the provisions of paragraph (i) to the fishery would reduce the total catch in the fishery by intercepting fishermen to a level below the 1971-74 average, notwithstanding the best efforts of those fishermen to avoid that reduction; then

(C) at the request of the intercepting party; and

(D) upon the determination of the Commission that the percent of intercepted fish had increased: the number of interceptions permitted shall be limited to that number of fish that is the result of multiplying the proportion of fish available for interception in the fishery by the average total catch of that species in that fishery within the category during the period 1971-1974.

- (b) Whenever the annual total harvest and escapement of a given species in any category falls below the average annual numbers of those fish in the period 1971-1974, then the percentage that intercepted salmon form of the total allowable catch of those fish shall not exceed the average percentage of intercepted fish in catches taken during that period.
- (c) Whenever the fishing methods or patterns of either country are so altered that they have an effect upon the number and composition of fish in any category that reach the waters of the originating country, other than the effect that would have resulted from applying the interception provisions of paragraphs (a) and (b), then the Commission shall recommend to the Parties changes to the number of permitted interceptions so that the total number and composition of fish reaching those waters is equivalent to the number and composition of the fish that would have reached those waters if the alteration in fishing methods or patterns had not occurred.
- (d) Notwithstanding paragraphs (a), (b), and (c), no intercepting country shall alter its fishing methods or patterns as to substantially decrease the proportion of stocks, as defined in an Annex to the Convention, that would otherwise have reached the waters of the originating country had the fishing methods or patterns not been so altered.

- (e) Taking into account annual fluctuations in the strength of stocks, particularly cyclic fluctuations, annual limits on interceptions within categories may be exceeded provided that the total number of interceptions of each species within each four year period does not exceed the sum of the interception limits established pursuant to paragraphs (a) and (b).
- (f) Where the total number of fish intercepted during a four year period exceeds the sum of the interception limits that applied during that four year period, the excesses, under procedures established by the Commission, shall be reduced to zero during the following four year period.
- (g) There was insufficient time during the negotiations to develop detailed approaches to the question of ensuring adherence of the fisheries of the two countries to the interception limitation provisions of the Convention, and it was agreed that elaboration of such approaches would have to await the next meeting. The two negotiators agreed, however, that the ad referendum Convention will contain provisions concerning penalties to prevent either country from accumulating or carrying excesses over specified interception limits for prolonged periods. The two negotiators also agreed that further study is

required regarding the question of whether or not shortfalls below specified interception limits accumulated over four year periods should be compensated for by upward revisions in interception limits in succeeding years. They agreed, however, that such upward adjustments, if any, should not be made in all cases where shortfalls occur.

- (h) Within any year increases in entitlements may be taken provided the percentage that intercepted salmon form of the total allowable catch of the stock does not exceed the average percentage of intercepted fish in catches of that stock during the 1971-1974 period.

SECTION IV

TECHNICAL RESOLUTION MECHANISM

The negotiators agreed that the Agreement should include a process for dispute settlement regarding technical matters with respect to quantification of elements of the interception limitation scheme and other strictly technical provisions of the Agreement.

The United States agreed to present a proposal for such a scheme at the next negotiating session.

SECTION V

Transboundary Rivers

1. The negotiators agreed that the following arrangements will apply to the harvest of salmon originating in transboundary rivers (i.e., rivers which rise in Canada and flow to the sea through the U.S.A.).
2. Under the aegis of the Commission or one of its Panels, technical specialists and managers of the two countries shall meet annually to determine the state of the stocks in the rivers and to determine appropriate escapement targets, total allowable catches, and other necessary management parameters for those portions of the runs bound for the Canadian sections of these rivers.
3. Upon entry into force of the Agreement and with respect to each transboundary river system, Canada shall receive an entitlement to benefits equivalent to a fixed share (to be agreed upon at the next meeting) of the total allowable catch of salmon from the Canadian sections of each river. Further, Canada shall receive the benefits from salmon produced as a result of future Canadian enhancement on the Canadian sections of these rivers.

- 10 -

4. Canada shall receive the benefits referred to in paragraph 3 in the following ways as mutually agreed:

- (a) by the catch of salmon by Canadian fishermen in the Canadian sections of the rivers;
- (b) by compensation paid to Canada for that portion of its entitlement established in paragraph 3 but not taken by the means set out in subparagraph (a). Such compensation shall be made through agreed adjustments favourable to Canada in interception limits specified in Section III above and by enhancement.

5. An Annex to the Convention shall provide for the portion of the share of the total allowable catch on the stock bound for the Canadian section of each transboundary river that will be taken by Canadian fishermen in that river at the time of the coming into force of the Convention. The Agreement will provide for establishing the share of the allowable catch to be taken by Canadian fishermen in each river in future years. When increased shares occur, the Agreement will also specify the means by which such increased shares will be achieved.

Changes in percentage from initial levels shall take

- 11 -

place in a phased manner in order to avoid undue disruption of United States fisheries exploiting the stocks.

6. Enhancement of the stocks of the rivers shall be carried out in a coordinated manner and by agreement within the Commission. Each party shall carry out enhancement activities in its own waters.
7. Both parties agree that further research is required on the transboundary rivers and intend to conclude an undertaking in the Agreement to conduct research on these rivers.
8. In preparation for the next negotiating session, specialists of both sides will work together to provide background technical data required to develop effective co-operative enhancement programs associated with stocks in transboundary river areas and fishing strategies that will be required to ensure the smooth working of the transboundary fishery regimes as outlined in paragraph 5 above. The United States will provide Canada with a proposed schedule for construction of enhancement facilities associated with U.S. stocks in the vicinity of and including transboundary rivers and for other agreed upon sites.

SECTION VI

Fraser River

The negotiators discussed the practicalities of the transfer of specified management responsibilities on the Fraser River from the International Pacific Salmon Fisheries Commission to Canada as agreed upon at earlier meetings. The Canadian side indicated that at the next negotiating session, it would present a proposal for the future entitlement of the United States for sockeye and pink salmon bound for the Fraser River. The proposal would take into account recent changes in fishing patterns on the rivers and past contributions by the United States to the International Pacific Salmon Fisheries Commission for enhancement facilities that had not yet come into full production.

A number of elements of the Agreement, mainly those of a procedural nature, which have been previously discussed were not addressed during the present meetings. It is anticipated that the next session will address all of the elements on cooperation in the management and enhancement of salmon resources to be included within the Agreement.

Divisional Copies/
Copies de la direction

Copies to be taken
to MIN/
Copies destinées à MIN:

Copies to be taken to
AEG (including
additional distribution
as necessary)/
Copies destinées à AEG
(y compris, au besoin,
la distribution
supplémentaire):

Diary
Circ

MIN(3)
Leader Senat(e)
Acting MIN suppléant
MIN ACDI/CIDA
PARL SEC
PMO/CPM

AEG
POL
SER
FPR
FAI
FILE

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

Drafter/
Rédacteur: J.E. Harlick

Telephone: 5-3589

Date June 16, 1980	
DATE	
ACC	79169
REF	
DOSSIER	
25-5-7-2-SALMON-	
B. HAND	PAR PORTEUR
1-11-FLO-2-3	

ANTICIPATED QUESTION/QUESTION ANTICIPEE

HOUSE OF COMMONS/CHAMBRE DES COMMUNES

SUBJECT/SUJET: Canada/USA Pacific Salmon Consultations

QUESTION: Where do these negotiations now stand?

ANSWER: Good progress was registered at the most recent round of Canada/USA consultations (in Vancouver, 9-13 June 1980) on the development of a comprehensive agreement for co-operation in the management and enhancement of Pacific salmon stocks of common concern. (The previous round took place in May 1980 in Juneau, Alaska.)

The Canadian and U.S. sides were able to identify approaches to the resolution of the outstanding issues which they consider hold promise for reaching a comprehensive agreement on this subject. These approaches, set out in an agreed Summary Record, would provide a basis for thorough consideration of all issues by the two delegations (which include representatives from federal and provincial governments and the west coast fishing industry).

CONFIDENTIAL

June 12,

DATE	1980.	REF
ACC	79389	
FILE	25-5-7-2-Tuna.	
	25-5-7-2-Salmon	
ATTN:	25-5-6-COA-USA	

MEMORANDUM FOR THE MINISTER

Legal and Political Options on the Fisheries and Boundaries Front

... Attached are supplementary points to those contained in the Cabinet Memorandum and the Discussion Paper outlining the options available on the East Coast fisheries problems. The attachment deals with the possibility of linking lack of progress on ratification with two current Canada-USA West Coast fisheries issues:

- (1) salmon negotiations, and
- (2) tuna consultations.

You will recall that Mr. Cadieux, in his Memorandum to you of June 11, 1980 pointed out the value of linking East Coast and West Coast issues. These options were not incorporated into the Cabinet Memorandum and Discussion Paper which you have approved and which have already been circulated for the June 16 Cabinet Committee meeting.

If you agree with the attached outline of these further options, I shall ensure that they are transmitted to the Ministers who are members of the Cabinet Committee and to the Privy Council Office so that they will form part of the package under consideration on Monday.

I should add that it is likely that Mr. LeBlanc will resist using the salmon or tuna negotiations as leverage and will argue that these are discrete fisheries matters. While some justification may exist for trying to wrap up a salmon agreement, it is my view that West Coast tuna is one area where we can slow matters down and inform the USA that progress on this front is dependent on progress toward ratification of the East Coast Agreement. Moreover, the economic loss to Canadian fishermen in not getting access to U.S. ports and markets for tuna is speculative, because at the present time there is no Canadian tuna fishery in the U.S. 200-mile zone.

A.E.G.

R E S
June 13/80
Agreed
W R L

000299

CONFIDENTIAL

June 12, 1980.

SUPPLEMENTARY POINTS TO CABINET MEMORANDUM ON EAST
COAST BOUNDARY AND FISHERIES PROBLEMS

Linkage of East Coast Fisheries and
Boundaries Problems with West Coast
Fisheries and Boundaries Problems

Together with East Coast fisheries and boundaries problems, there are several West Coast issues under discussion with the USA. The question is whether progress on West Coast matters (particularly the tuna problem) should be linked with the lack of progress in Senate consent to the East Coast Fishery Agreement. A further question is whether Canada should be prepared to conclude any agreement with the USA which requires Senate consent (as a salmon or tuna agreement would) given the problems encountered on the East Coast Fishery Agreement.

2. By engaging the attention of U.S. politicians on the West Coast, linkage in these areas could broaden the degree of attention which Canada-USA fisheries and boundaries relations receive in the U.S. Congress and could possibly allow the U.S. Administration to isolate East Coast Senators who oppose the East Coast Fishery Agreement.

3. Any linkage between East Coast and West Coast fisheries issues, if Ministers so determine, could be used as tactical levers and need not be permanent in nature. In other words, if a slow-down on West Coast fisheries issues stimulates progress towards ratification of the East Coast Fishery Agreement, the tactics could be adjusted accordingly.

4. Finally, it should be noted that the approach - as a policy matter - up to now has been to not trade off East Coast and West Coast fishery interests in Canada. Ministers must now decide whether this approach should be continued or adjusted in light of the East Coast fishery situation.

5. Linkage of East and West Coast issues could prove useful in the event that comprehensive boundary negotiations are revived in the future: if West Coast fisheries issues are settled separately, Canada may lose important cards in the overall negotiating process on West Coast boundaries.

CANADA/USA PACIFIC SALMON NEGOTIATIONS

6. Complex and detailed negotiations between the USA and Canada have been continuing for many years on the problem of Pacific salmon, particularly on the issue of salmon interception. While there is a Fraser River Sockeye Salmon Convention in force, Canada and the USA have, up until now, managed other salmon resources independently, a fact which is causing increasingly difficult problems for Canadian salmon management programmes and for developing Canadian salmon potential on the West Coast. Recently in the negotiations, the U.S. side has said that the U.S. Congress (Senate consent is required) is willing to proceed quickly to finalizing an agreement with Canada on limiting salmon interception which would lead to further cooperative development of salmon resources. It thus appears that it may be possible, in the near future, to finally resolve a major West Coast fisheries problem between Canada and the USA.

.../2

- 2 - CONFIDENTIAL

7. A separate Memorandum to the Cabinet and Discussion Paper has been prepared on this issue, seeking Cabinet approval of instructions for the Canadian delegation in negotiations with the USA towards a comprehensive agreement on cooperative Pacific salmon management. The Discussion Paper points out the advantages of a comprehensive agreement to Canada, including limitations on interceptions and on enhancement programmes and the implications resulting from no salmon agreement.

8. The issue is whether Ministers now wish to link progress toward a comprehensive salmon agreement with ratification of the East Coast Fishery Agreement.

Advantages of Linkage

- As with the following option, refusal to move further towards a salmon agreement would demonstrate to the U.S. Administration that cooperation on one fisheries front is dependent on cooperation on another.
- Slowing down progress on West Coast salmon would engage the attention of West Coast Senators and Congressmen and, hopefully, stimulate some of them to help in securing Senate approval of the East Coast treaty.

Disadvantages of Linkage

- A comprehensive agreement with the USA on cooperative management of Pacific salmon resources, together with provisions on limitation of interceptions, salmon enhancement and on equitable sharing of catches is in Canada's long-term interests and has been a Canadian objective which could be lost if momentum towards an agreement is not maintained. Canada needs and wants an agreement more than the USA.
- Linkage risks giving further ammunition to opponents of the salmon agreement in the USA. Some western Senators would not react as Canada might hope - i.e. by pressing for ratification of the East Coast Agreement.
- There would be negative reaction from B.C. interests if, after many years of working toward an agreement, the Government decided to slow down the process because of East Coast concerns.

CANADA/USA TUNA NEGOTIATIONS

9. In the summer of 1979, Canada found itself in serious conflict with the USA over U.S. tuna fishermen entering the Canadian 200-mile fishing zone off British Columbia without Canadian licences. The USA does not recognize any foreign state's jurisdiction over tuna (a "highly migratory" species) in the 200-mile zone. Canada considers that this view is not supported by state practice or the consensus of the Law of the Sea Conference and hence arrested the U.S. tuna vessels. Court proceedings in Vancouver have yet to terminate. As a result of Canadian arrests, an automatic embargo on Canadian tuna products was applied under U.S. law. This embargo is contrary to the GATT. Canada has referred the matter to a GATT panel, where it is at present under review. (The amount of actual Canadian trade harmed is negligible).

.../3

- 3 - CONFIDENTIAL

10. In September 1978 consultations were held with the USA on resolving the tuna problem, leaving the GATT aspect of the matter to be resolved separately. In this first round of talks, Canada said that the tradeoff for permitting U.S. tuna vessels into Canadian waters would be:

- a) port and market access in the USA for Canadian tuna vessels and tuna landings;
- b) a U.S. commitment to restrict the development of a commercial herring fishery on the West Coast.

11. There is a possibility in further talks with the USA that a deal may be struck whereby in return for Canada permitting U.S. vessels to enter the Canadian 200-mile zone, the USA would grant Canadian vessels port privileges and landing rights for tuna. The issue is whether Canada should agree to continue these talks and move to a possible agreement with the USA in the face of Senate intransigence regarding approval of the East Coast Fishery Agreement. As with the salmon issue, a further question is the extent to which Canada is prepared to strike a negotiated deal with the USA which will necessitate approval by the Senate, in light of the problems encountered on the East Coast Fishery Agreement.

Advantages of Linkage

- Canada would link progress on the West Coast fisheries front (where the USA stands to gain benefits) with progress on the East Coast. This would further demonstrate to the U.S. Administration the importance of ratification to Canada. (In 1978, the value of U.S. tuna catches off the B.C. coast was worth \$7 million. However, because of its large tuna fleet, these dollar figures may not represent the real value to the USA of access to the 200-mile zone of another state in the long term.)
- U.S. Senators from the West Coast would become aware of the problem and could be stimulated into taking an active role in de-blocking approval of the East Coast Agreement.
- In the event that a slow-down in tuna talks does not aid in securing ratification of the East Coast Agreement, Canada would still be able to use the tuna card for bargaining purposes later, if and when negotiations are resumed on the unsettled Canada-USA West Coast boundaries.

Disadvantages of Linkage

- By not reaching an agreement on tuna now, Canadian West Coast fishermen will lose the potential benefits of gaining an entry into U.S. ports and duty-free access to U.S. markets and will thereby not be able to effectively exploit and develop a viable tuna industry with a high potential value. (The tuna industry provides an opportunity to expand the Canadian fishing industry into new areas, helping to take up the slack in other stocks. It should be pointed out, however, that it is impossible at this point to quantify the potential benefits to Canadian fishermen of access to U.S. ports and markets for tuna.)

MIN (2)

AEG

PARL SEC

POL

DFO/Hunter

FPR

FAI

EIP

s.23

GNG

FLM

FLP

June 6, 1980

Return to FLO

DS

CONFIDENTIAL

FLO-819

ACC

FILE

HAND

R.F.

DOSSIER

PAR POSTEUR

MEMORANDUM FOR THE MINISTER

SUBJECT: Canada/USA Pacific Salmon Consultations,
June 9-13, 1980, Vancouver

.../2

- 2 -

CONFIDENTIAL

s.23



Original Signed by
A. E. GOTLIEB
A.E.G.

ACTION
SUITE A DOTTLE

MESSAGE

9172

J.H.

PLACE LIEU	DEPARTMENT MINISTÈRE	ORIG. NO. N° D'ORIG.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
SEATL	UAGR	5526	04JUN80	35-11-11	

FM/DE

SEATL

UAGR

04JUN80

P/C

TO/A

EXTOTT/FLO

SEA001/04

INFO

B.H. FANDO OTT/HUNTER DE OTT

REGAM FANDO VNCVR/HOURSTON DE SEA

SFAX WSHDC DE SEA

SEA001/04

DATE	PRECEDENCE
ACC	REF
FILE 25-5-7-2	DOSSIER SALMON-1
BY HAND	MR. PORTER
ATTN.	

DISTR.

GNG

REK

SUB/SUB

---PORTLAND CANAL CHUM AND PINK SALMON FISHERY

CDA'S DECISION TO OPEN EARLY THE CHUM AND PINK SALMON FISHERY IN PORTLAND CANAL IN RETALIATION FOR ALASKA'S DECISION TO OPEN EARLY THEIR SOCKEYE FISHERY HAS BEEN REPORTED IN BOTH THE SEATTLE TIMES OF JUN01 AND THE (PORTLAND) OREGONIAN OF JUN02 (BOTH MAJOR NEWSPAPERS IN THEIR RESPECTIVE STATES). BOTH ARTICLES ARE DATED VNCVR AND HAVE BEEN TAKEN FROM THE ASSOCIATED PRESS (AP) WIRE SERVICE. BOTH ARTICLES HIGHLIGHT THAT CDA'S ACTION IS RETALIATORY AND SUBSEQUENT TO ALASKAN ACTION. COPIES OF BOTH ARTICLES ARE ATTACHED FOR YOUR INFORMATION.

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

SG.....

F.O. MARTENS/cn

SG.....

SEA 001/04

P 2072

OREGONIAN

JUN 0 2 1980

SEATTLE TIMES

JUN 1 1980

Move meant to spur talks, Canada says

VANCOUVER, British Columbia (AP) — Canadian fisheries officials say a "tit-for-tat" action against their U.S. rivals for the salmon catch in Portland Canal is intended to get talks under way.

Early chum and pink salmon openings on the Canadian side of the waterway, which lies between British Columbia and Alaska, were announced Friday by Dr. Wally Johnson, regional director-general for fisheries.

"It's definitely a retaliatory action, tit-for-tat, and we're taking it in hopes American officials will sit down and talk," Johnson said. "Our opening is designed to take in a comparable value of their fish."

"Our fishermen stand to lose up to 50,000 sockeye, and that's something we just can't tolerate."

The first salvo in the salmon war was fired a few weeks ago when Alaskan authorities announced a June 1 sockeye opening on the U.S. side of Portland Canal, three weeks earlier than the usual opening.

Johnson said most of the fish were migrating through the U.S. side of the canal on their way to spawning grounds in the Nass River of British Columbia.

To extend the opening on sockeye would be pointless, since the fish already would have been intercepted by U.S. boats, officials said.

Instead, Canadian authorities decided to extend the opening on chum and pink salmon, which follow migratory routes through Canadian waters on their way to Alaskan rivers.

Johnson refused to specify the date of the Canadian opening but said he hoped the timing of the announcement of Canadian plans would "force the Americans to think again about what they are doing."

Fishing open early; B.C. retaliation

VANCOUVER, B.C. — (AP) — In a retaliatory move against the United States, Canadian fisheries officials have announced early opening of chum- and pink-salmon seasons in the Portland Canal.

The Canadians are angry because Alaska announced the sockeye season would open today — three weeks earlier than usual — on its side of the canal, which lies between British Columbia and Alaska.

Dr. Wally Johnson, regional director-general for fisheries, said, "It's definitely a retaliatory action, tit-for-tat, and we're taking it in hopes American officials will sit down and talk."

He said the early Canadian opening is aimed to increase the value of the take of chum and pink salmon to equal the expected loss in sockeye to Americans. "Our fishermen stand to lose up to 50,000 sockeye, and that's something we just can't tolerate."

Johnson said most of the sockeye were moving through the United States side of the canal on their way to spawning grounds in the Nass River of British Columbia.

He refused to specify the date of the Canadian opening but said he hoped the timing of the announcement would "force the Americans to think again about what they are doing."

**ACTION
SUITE A DONNER**

MESSAGE

P1083

JA

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY
LIEU	MINISTÈRE	N° D'ORIG.		35-11-11	SECURITE
SEATL	UAGR	5324	03JUN80		U/C

FM/DE **EXTOTT FLO** **320009/03**

INFO **B.H. FANDO OTT/HUNTER DE OTT**
REGAM FANDO VNCVR/HOUSTON DE SEA

DATE	ACC	REF
	77882	
FILE	DOSSIER	
25-5-7-2-SALMON-1		
BY HAND	PAR PORTEUR	
ATTN:		

DISTR. **GNG**

REF OURTEL UAGR 5496 OF 29MAY80

SUB/SUB ---POTENTIAL FISHERY BLACKMOUTH SALMON (CHINOOK)

ATTACHED IS COPY OF NEW REGULATIONS CONCERNING JUVENILE CHINOOK SALMON
FISHERY IN REPORTING AREAS SEVEN AND SEVEN A. WASHINGTON STATE DEPARTMENT OF
FISHERIES HAVE NOTED THAT SUCH A FISHERY WOULD BECOME LEGAL ONLY AFTER
ACCEPTABLE REGULATIONS WERE PROPERLY FILED BY TREATY TRIBES.

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPRUVÉ
P.D. MARTENS/gn			<i>[Signature]</i>

009

P20f3

NEW SECTION

ORDER NO. 80-37

Page 1.

WAC 220-28-00700H CHINOOK RESTRICTIONS

- (1) Effective immediately through June 21, 1980, it shall be unlawful for non-treaty fishermen to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 7.
- (2) Effective immediately through June 21, 1980, it shall be unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes with gill net gear having a mesh size greater than 5 1/4 inches in Puget Sound Salmon Management and Catch Reporting Area 7.
- (3) Effective immediately through June 21, 1980, it shall be unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes with purse seine gear in Puget Sound Salmon Management and Catch Reporting Area 7 except as provided in this subsection:
 - (a) A tribal biologist must be present on board the vessel during all fishing operations.
 - (b) The minimum size limit for chinook salmon shall be 20 inches.
 - (c) It shall be unlawful to continue operating purse seine gear if at any time that vessel's cumulative catch of chinook salmon over 28 inches in length exceeds 25 percent of the total catch of chinook salmon over 20 inches in length.
- (4) It shall be unlawful for treaty Indian fishermen to take, fish for or possess chinook salmon for commercial purposes less than 20 inches in length with troll gear in Puget Sound Salmon Management and Catch Reporting Area 7.

NEW SECTION

WAC 220-28-007A06 CHINOOK RESTRICTIONS

- (1) Effective immediately through June 21, 1980, it shall be unlawful for non-treaty fishermen to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 7A.
- (2) Effective immediately through June 21, 1980, it shall be unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes with gill net gear having a mesh size greater than 5 1/4 inches in Puget Sound Salmon Management and Catch Reporting Area 7A.
- (3) Effective immediately through June 21, 1980, it shall be unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes with purse seine gear in Puget Sound Salmon Management and Catch Reporting Area 7A except as provided in this subsection:
 - (a) A tribal biologist must be present on board the vessel during all fishing operations.
 - (b) The minimum size limit for chinook salmon shall be 20 inches.
 - (c) It shall be unlawful to continue operating purse seine gear if at any time that vessel's cumulative catch of chinook salmon over 28 inches in length exceeds 25 percent of the total catch of chinook salmon over 20 inches in length.
- (4) It shall be unlawful for treaty Indian fishermen to take, fish for or possess chinook salmon for commercial purposes less than 20 inches in length with troll gear in Puget Sound Salmon Management and Catch Reporting Area 7A.

(2) ALTERNATIVE B. The only for Adoption of Emergency Rules.

1. **Gordon Sandison** find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

This order is necessary to establish the least restrictive regulation that provides protection for adult Puget Sound spring chinook and adult Canadian chinook.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(80-37 5/23/80)

009

P 3 of 3

ORDER NO. 80-37

Page 2.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

MAC 220-28-00700G - CLOSED AREA (80-20)
MAC 220-28-007A0F - CLOSED AREA (80-20)

(2) ALTERNATIVE B. (the only for Adoption of Emergency Rules,
i. Gordon Sandison

And that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

This order is necessary to establish the least restrictive regulation that provides protection for adult Puget Sound spring chinook and adult Canadian chinook.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(80-37 · 5/23/80)

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

C O N F I D E N T I A L NO/NO DISTR

FM POECD WFGR1738 02JUN80

TO EXTOTT FLO

---CDA/USA PACIFIC SALMON NEGOTIATIONS

SSEA HAS SIGNED MEMO TO CABINET AND DISCUSSION PAPER ON SUBJECT
UNDER REF.

CCC/272 021109Z WFGR1738

NO / NO DISTR
DISTR INTERDITE

Copy to David Brown
3/6/80
Done
Private Council
Office.
For Defense Policy
Secretariat

EXTERNAL AFFAIRS



FLO/J. Harlick/5-3589/dg

AFFAIRES EXTÉRIEURES

J.H.

TO
À

AEC

s.23

FROM
De

FLP

REFERENCE
Référence

Memorandum to the Minister, FLO-782 of
29 May, 1980

SUBJECT
Sujet

Canada/USA Pacific Salmon Negotiations
Vancouver, June 9 - 13, 1980

SECURITY
Sécurité

RESTRICTED

DATE

May 30, 1980

DATE
NUMBER
Numéro

FLO-788

ACC

REF

FILE

DOSSIER

OTTAWA

DOSSIER

MISSION

PAR PORTEUR

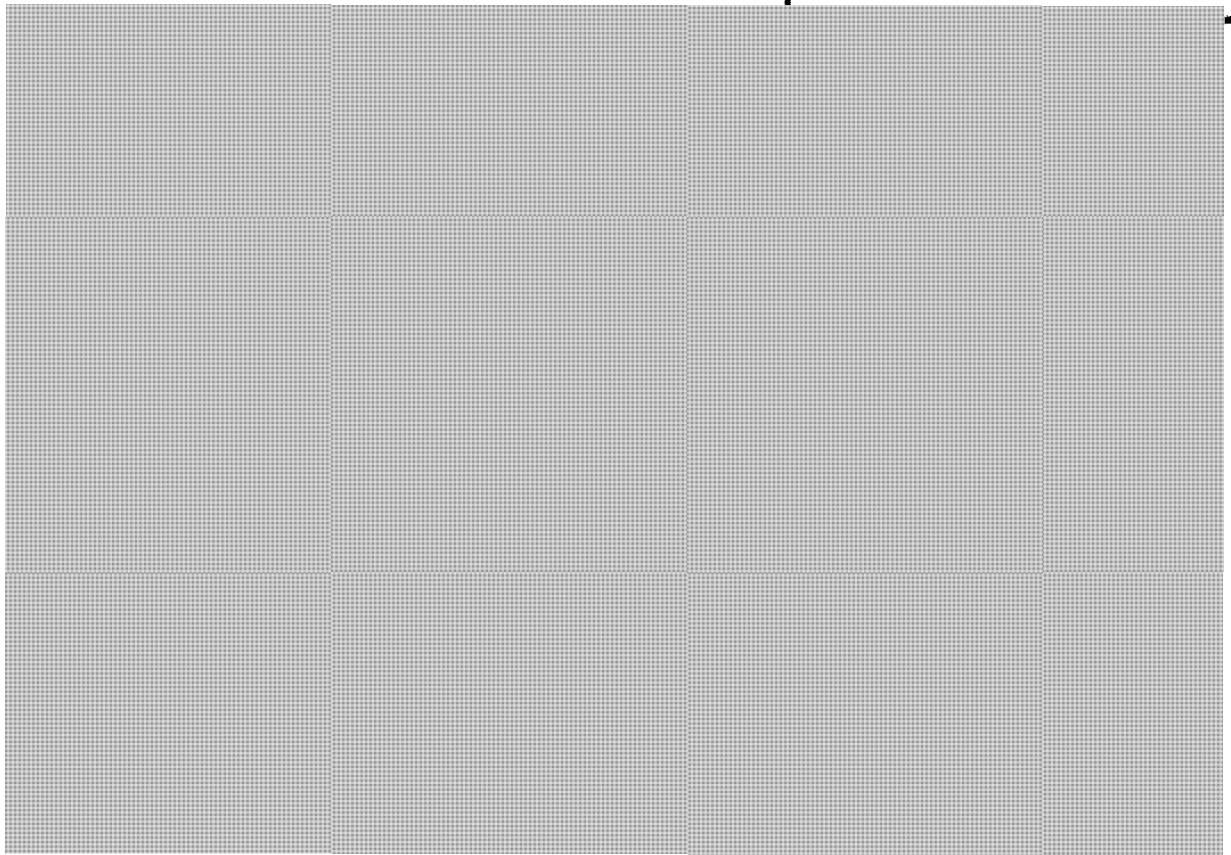
ATTN:

ENCLOSURES
Annexes

1

DISTRIBUTION

GNG
FLM



L.H. Legault

L.H. Legault
Director-General
Bureau of Legal Affairs

* Lee Almeron will be heading
the US delegation. He is a consultant
to the State Department and a
former official in the National Marine
Fisheries Service of the Dept of
Commerce.

File/Diary/Circ/Div wt

J.E. Harlick/6-5407
Legal Operations Division

MIN(2)

AEG

PARL SEC

POL s.23

FPR

FAI

GMG

EIP

FLP

FLM

RESTRICTED

March 31, 1980

MEMORANDUM FOR THE MINISTER

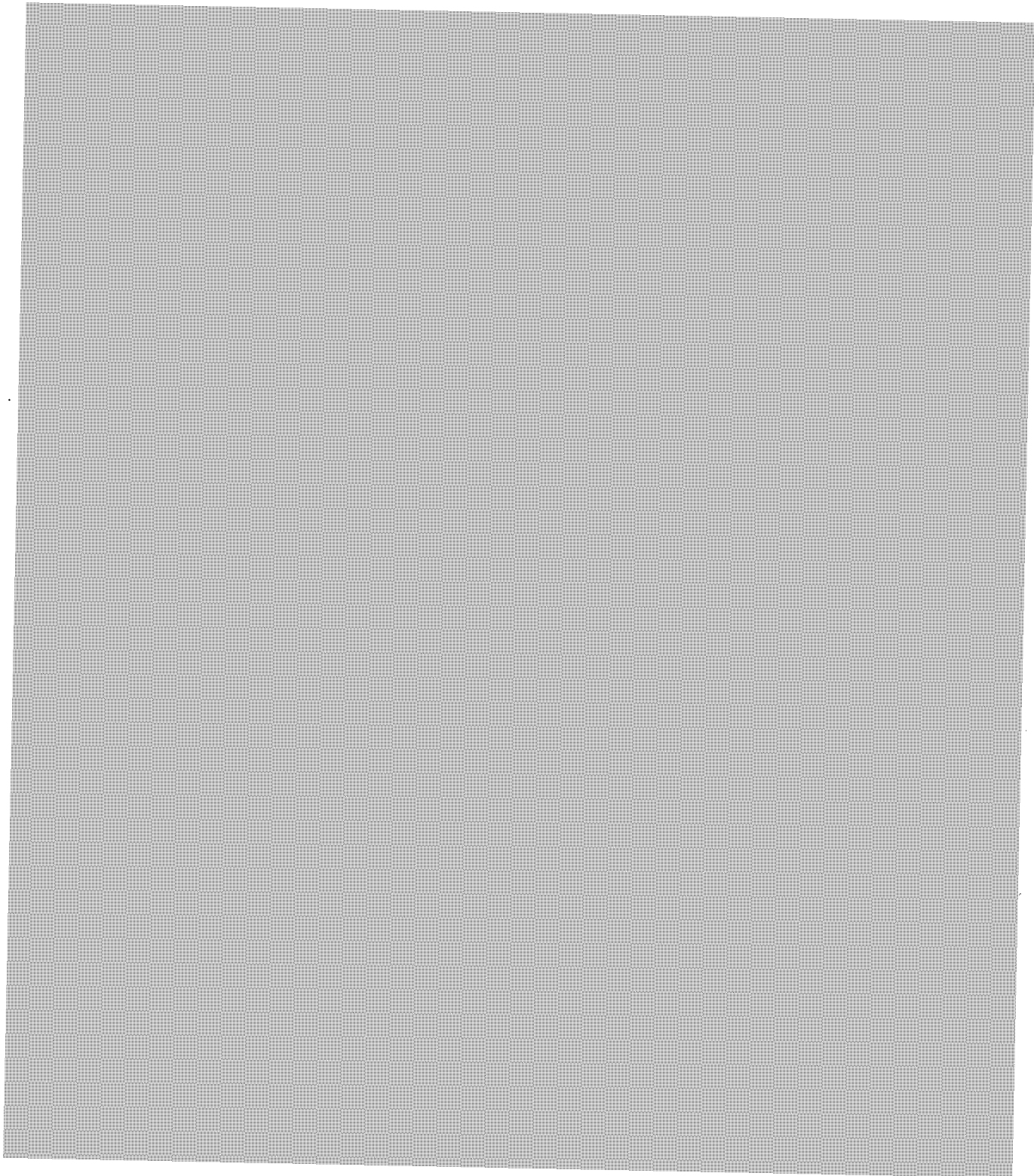
SUBJECT: Canada-U.S. Pacific Salmon Negotiations
Juneau, Alaska, May 6-9, 1980

.../2

~~RESTRICTED~~

- 2 -

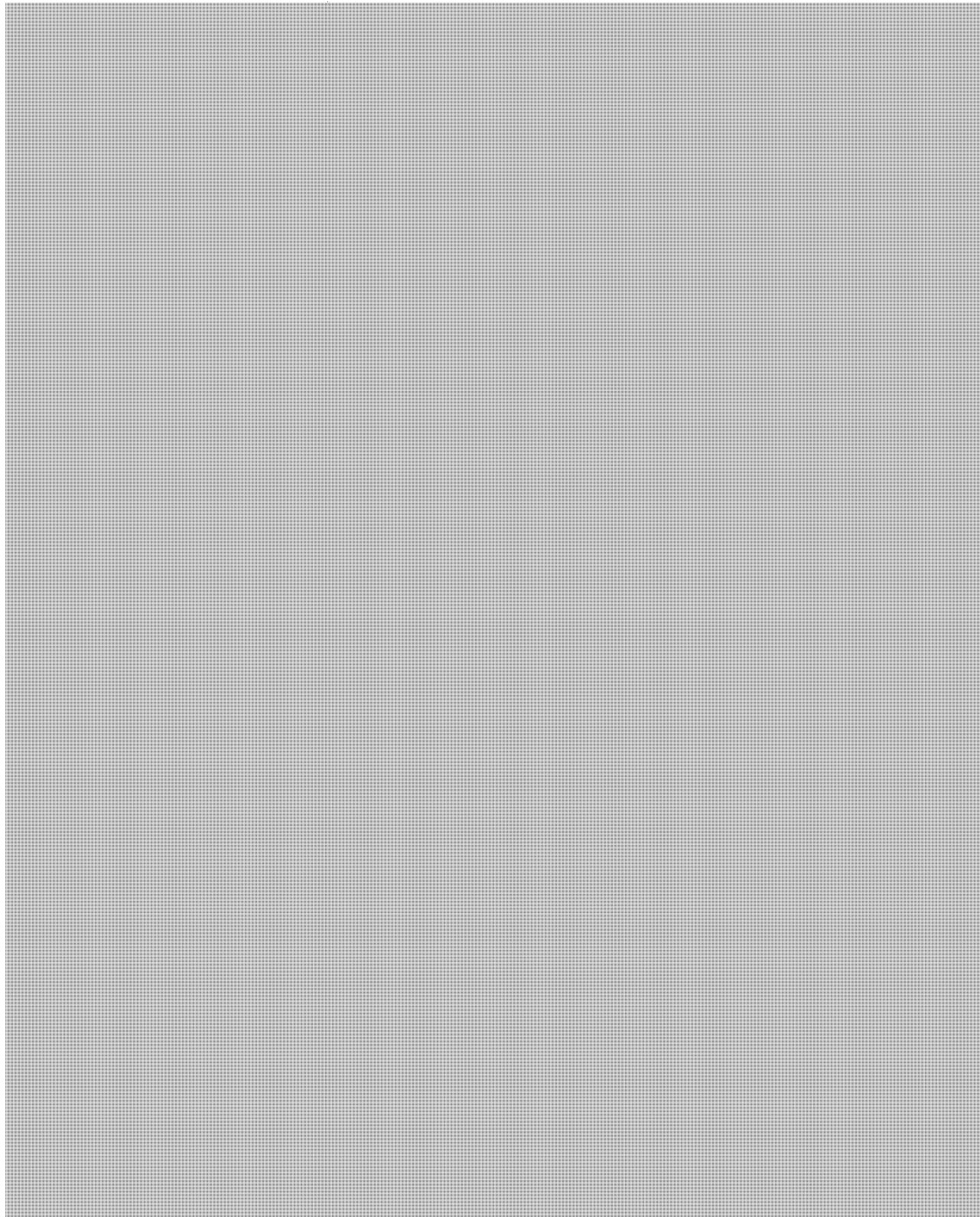
s.23



.../3

RESTRICTED

s.23

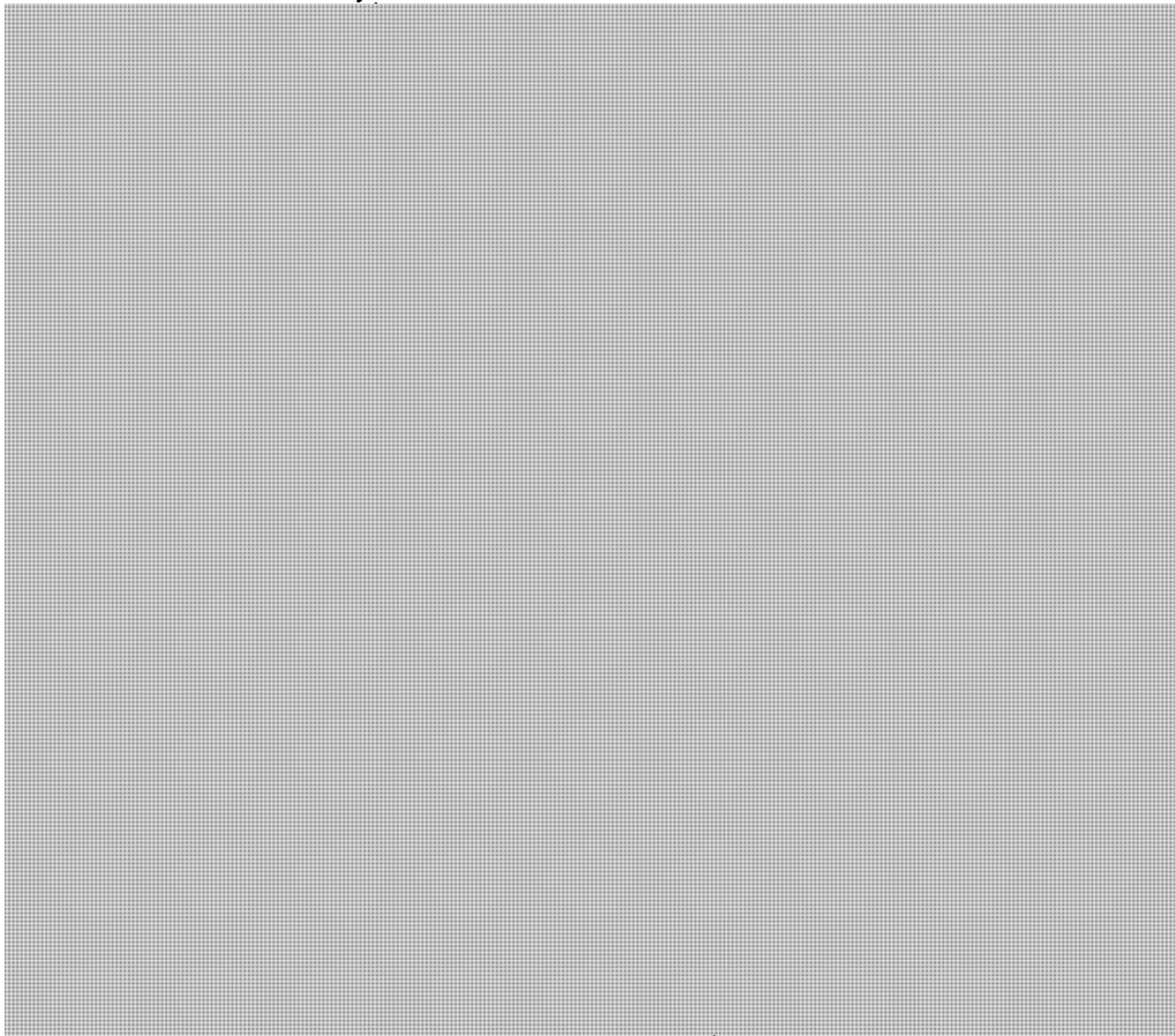


.../4

s.23

- 4 -

RESTRICTED



ORIGINAL SIGNED BY
ORIGINAL SIGNÉ PAR
A. E. GOTLIEB

A.E.G.

FILE/DIARY/CIRC/DIV

EXTERNAL AFFAIRS



FLO/J. Harlick/5-3589/dg

AFFAIRES EXTÉRIEURES

s.23

TO
A AEG

FROM
De FLP

REFERENCE
Référence Memorandum to the Minister, FLO-782 of
29 May, 1980

SUBJECT
Sujet Canada/USA Pacific Salmon Negotiations
Vancouver, June 9 - 13, 1980

SECURITY
Sécurité

RESTRICTED

DATE	May 30, 1980		
NUMBER	FLO-788		
ACC	REF		
FILE	DOSSIER		
OTTAWA	DCS X		
25-5-7-2-SALMON-1			
MISSION	PAR PORTEUR		
ATTN:			

ENCLOSURES
Annexes

1

DISTRIBUTION

GNG

FLM

L.H. Legault
Director-General
Bureau of Legal Affairs

DATE	
ACC	REF
FILE	DISSEM
25-5-7-2-Salmon-1	
BY HAND	PAR PORTEUR
ATTN:	

OTTAWA, May 30, 1980

Dear Gordon,

I have signed the attached memorandum dated May 30, although I have my doubts about the delegation being led by a consultant to Fisheries, given the importance of that particular negotiation in the overall Canada/USA relationship and the fact that the US Delegation is led by a consultant to the State Department.

However, I am being assured that this is indeed a very technical matter and that this Department is well represented on the team.

Yours sincerely,

Original Signed by
A. E. GOTLIEP
Under-Secretary

Mr. Gordon Smith,
Associate Secretary to the Cabinet,
Privy Council Office,
Room 328 - Langevin Block,
OTTAWA

File Diary Circ Div

J.E. Harlick/5-3589
Legal Operations Division

s.23

FLO-782

MIN(2)

~~AEG~~

PARL SEC

POL

FPR

FAI

EIP

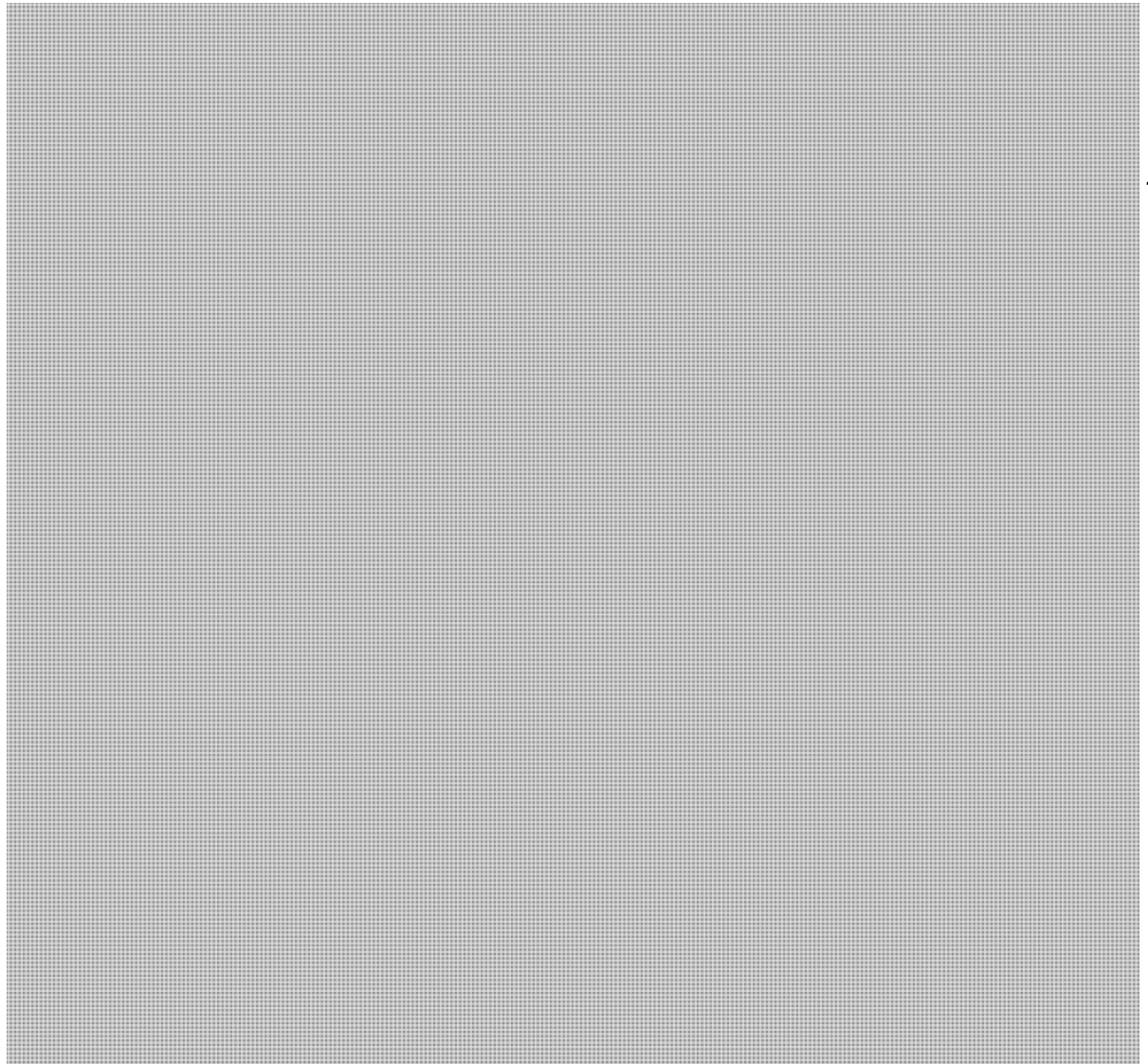
FLP

May 29, 1980

CONFIDENTIAL

MEMORANDUM FOR THE MINISTER

SUBJECT: Canada/USA Pacific Salmon Negotiations,
Vancouver, June 9-13, 1980



Original signed by

A. E. GOTLIEB

A.E.G.

File Diary Circ Div

J.B. Harlick/5-3589
Legal Operations Division

FLO-782

"Return to FLO

DS"

MIN(2)
AEG
PARL SEC
POL
FPR s.23
FAI
EIP
FLP

May 29, 1980

CONFIDENTIAL

DATE

ACC

FILE

BY HAND

ATTN:

R.F.

PAR POSTEUR

MEMORANDUM FOR THE MINISTER

SUBJECT: Canada/USA Pacific Salmon Negotiations,
Vancouver, June 9-13, 1980

ORIGINAL SIGNED BY

A. E. GOTLIEB

A. E. GOTLIEB L'ORIGINAL

May 26, 1980

DATE	
ACC	REF
FILE	DOSSIER
25-5-7-2-Salmon-1	
B. HAND	PAR PORTEUR
ATTN:	

CANADA/USA PACIFIC SALMON NEGOTIATIONS

Minister of Fisheries and Oceans
Secretary of State for External Affairs

Discussion Paper attached.

OBJECT

1. To seek the guidance and instructions of Cabinet on matters related to discussions with the USA respecting cooperation in management of Pacific salmon and on possible terms of an international salmon agreement designed to achieve this cooperation.

DECISIONS REQUIRED

2. A decision is required on:
 - a) the acceptability of the basic elements of an agreement to be negotiated ad referendum providing for cooperation between Canada and the United States in the management and development of Pacific Salmon resources.

CONSIDERATIONS

3. The background of this matter has been set out in the attached Discussion Paper.
4. With respect to the four alternative approaches to present domestic and international Pacific salmon management problems set out in paragraph 17 of the Discussion Paper, it should be noted that:
 - a) with the exception of the "Convention between Canada and the USA for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries of the Fraser River System" both Canada and the United States have managed their salmon resources independently. Lack of international cooperation in salmon management is, however, causing increasingly difficult problems for Canadian management programs, including the conservation of important chinook and coho stocks in southern British Columbia, and is preventing the development of Canada's Pacific salmon resources to their full potential.
 - b) Canadian withdrawal from the present Fraser River Convention remains an option for consideration by Ministers should the negotiations reach an impasse.
 - c) The U.S. negotiator has advised that there is a willingness in the U.S. Congress to proceed quickly to finalizing an agreement with Canada that would limit interceptions to agreed base period levels and facilitate cooperation in future development of salmon resources.

- d) The United States has been willing to enter into agreement that would limit salmon interceptions in the southern portion of B.C. and the State of Washington, leaving the interceptions in Alaska and northern B.C. to future resolution. The Canadian response to this proposal has been that only a coast-wide agreement is acceptable or meaningful.
- e) Recent discussions with the United States have been aimed towards developing an agreement on cooperative salmon management, the elements of which would include an initial limitation of all interceptions to levels existing during an agreed base period, consultations concerning future Salmonid enhancement in both countries and a system to provide for adjustments to fisheries in the future to bring about a sharing of the total salmon harvest such that each country received catches equivalent to the production from its own rivers and that there is an equitable balance in the value of interceptions made by both countries (the "equity" provision).
- f) The United States is seeking, in an agreement, increased allocations of sockeye and pink salmon from the Fraser system as repayment for its financial contribution to recent enhancement facilities constructed by the International Pacific Salmon Fisheries Commission (IPSFC) on the Fraser River which have not yet achieved full production. The amount, if any, of such increased allocations remains to be negotiated.
- g) Canada is seeking arrangements for the "transboundary" rivers, whereby a share, (to be negotiated) of the stocks returning to the upper (Canadian) sections of the rivers would be available for capture by Canadian fishermen, thus ensuring a secure resource base for the development of fisheries in the future.

FINANCIAL CONSIDERATIONS

- 5. Costs to Canada of failure to reach agreement on cooperative salmon management with the U.S. include \$14 million annually resulting from an imbalance in salmon interceptions in favour of the U.S. and a loss of potential income to fishermen as a result of lost enhancement options.

6.
 - a) Anticipated costs of Canadian management of the Fraser River (irrespective of whether this objective is obtained through agreement with the USA or by withdrawal from the Fraser River Convention, will require additional money and employees to provide for necessary managerial and scientific functions) include an annual operating cost of approximately \$1.8 million.
 - b) Research costs of approximately \$35 million over a ten year period are anticipated for continuing assessments of the extent and location of interceptions, and to provide a basis for future adjustments in fishing patterns in order to achieve an equitable balance in the value of those interceptions. Present research funding is at a level approximately one third of that which will be required.
 - c) One half of the annual budget of a new Pacific Salmon Commission to be established under the terms of an agreement with the United States. Expected annual costs to Canada of such a Commission are presently estimated to be \$250,000.
7. It should be noted that the achievement of "equity" in salmon interceptions in the future would provide increased benefits to the fishing industry of B.C. in excess of the government expenditures outlined in paragraph 6 above.

FEDERAL - PROVINCIAL CONSIDERATIONS

8. Officials of the Province of British Columbia have actively participated as advisors in negotiations with the USA since 1971, and the Province has to date been fully supportive of the Canadian negotiating objectives.

OTHER CONSIDERATIONS

9. While the Canada/USA negotiations on Pacific salmon management have been treated as an entirely separate issue with no linkages to other west coast international fisheries issues, the achievement of an agreement on salmon would have a positive effect on the overall fisheries relationship with the USA on the Pacific coast.

INTERDEPARTMENTAL CONSULTATIONS

10. This Memorandum was prepared by the Department of Fisheries and Oceans and the Department of External Affairs.
11. Consultations with Treasury Board and the Department of Finance with respect to the financial considerations have been initiated.

PUBLIC INFORMATION STRATEGY

12. Representatives of all organisations interested in fisheries matters on the Pacific coast have attended meetings with the USA on this subject since 1971. Most groups have, throughout, supported Canada's objective of reaching an agreement with the USA. A detailed technical paper on this subject is being prepared for public dissemination. Further, a public information strategy is presently in preparation for use as appropriate and with the concurrence of the Minister of Fisheries and Oceans and the Secretary of State for External Affairs.
13. The press on the Pacific coast, continues to show an interest in this subject. The Salmonid Enhancement Board supports the concept of an agreement with the USA along the lines recommended in this memorandum.

POLITICAL CONSIDERATIONS

14. The achievement of an agreement with the USA as recommended in this memorandum would be broadly supported on the Pacific coast. Among all the interested organisations only the United Fishermen and Allied Workers' Union (UFAWU) and the Native Brotherhood of B.C. have occasionally been publicly critical of the Canadian position. These organisations would seek to reduce interceptions and penalise the USA for its past interceptions, despite the fact that previous negotiations to this end were unsuccessful.

CONCLUSIONS

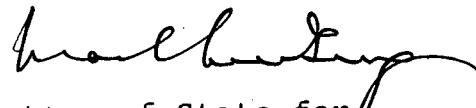
15. It is concluded that a comprehensive agreement with the United States on cooperative management of Pacific salmon resources including the elements described in paragraph 4 e) above, remains the best option for resolution of the present situation which involves severe conservation problems, an inequitable division of catches favouring the U.S. and lost potential earnings resulting from reduced enhancement potential.

RECOMMENDATIONS

16. It is recommended that:

- a) the Canadian negotiator be authorized to continue consultations with advisors and negotiations with the USA towards a comprehensive agreement on cooperative Pacific salmon management and to conclude such an agreement ad referendum based on, the following elements:
 - i) limitation of intercepting fisheries in both countries to levels existing in an agreed base period;
 - ii) cooperation respecting future development of salmon resources in both countries;
 - iii) future adjustments in fisheries of both countries to bring about a sharing of the salmon harvest such that each country receives catches equivalent to the production from its own rivers;
 - iv) provisions respecting the conservation and sharing of the salmon stocks of transboundary rivers;
 - v) return to Canada of management responsibility for Fraser River pink and sockeye salmon presently managed on behalf of Canada and the USA by the International Pacific Salmon Fisheries Commission;
 - vi) a schedule of U.S. entitlements to Fraser River pink and sockeye salmon as compensation for investment by the USA in recent IPSFC enhancement facilities, which have not yet reached full production.
- b) the Minister of Fisheries and Oceans in consultation with the Secretary of State for External Affairs and with his concurrence where appropriate, be authorized to provide specific guidance to the Canadian negotiator on the resolution of issues which might arise during negotiation of a salmon agreement with the USA.

Minister of Fisheries
and Oceans



Secretary of State for
External Affairs

Serial no
Série

Confidential
Confidentiel

Discussion Paper
Document de travail

Canada/USA Pacific Salmon Negotiations
Négociations entre le Canada et les Etats-Unis
sur le Saumon

Minister of Fisheries and Oceans
Ministre des Pêches et des Océans

Secretary of State for External Affairs
Secrétaire d'Etat aux Affaires extérieures

OBJECT

1. To outline the status of discussions with the USA with respect to cooperation in management of Pacific salmon and to discuss the desirability and possible terms of an international salmon agreement designed to achieve this cooperation.

BACKGROUND

2. The salmon fishery is the most important fishery on the Pacific coast of Canada, exploited by a fleet of 5,308 vessels, and employing some 8,400 fishermen and 6,000 shore workers. The value of the catch to the fishermen (landed value) averaged \$140 million in the period 1976 to 1979.
3. Five species of Pacific salmon (Sockeye, Pink, Chum, Coho, Chinook) are bred in the rivers of British Columbia, the U.S. Pacific Northwest and Alaska. Salmon of Canadian and U.S. origin freely intermingle in the ocean, so that Canadian fishermen intercept salmon of U.S. origin, and U.S. fishermen intercept salmon of Canadian origin. These interceptions pose problems for management of salmon resources in both countries, and, because the value of interceptions made by each country is not equal, raise questions of equity. Current estimates suggest that the landed value of United States interceptions exceeds the landed value of Canadian interceptions by some \$14 million annually. A map illustrating the areas and magnitude of these interceptions is attached as Annex A.
4. Negotiations between the two countries on this question have been pursued since 1971, although not until late 1977 did the elements of a possible agreement begin to emerge. In the earlier part of the decade, negotiations focussed almost entirely on the question of limitation of interceptions of salmon, where the objective was to limit or reduce the number of salmon of U.S. origin being caught by Canadian fishermen, and vice versa.
5. The Salmonid Enhancement Program, introduced in 1976 by Canada is designed to double current salmon production from Canadian rivers. This program introduced a new and compelling factor into consideration of the interception issue, since it became clear that under current arrangements, the country which invests in the enhancement of its salmon production does

not have control over catches by the other country of such production. For this reason, negotiations began to focus on an agreement that would permit maximization of all North American salmon catches, with each country to receive an appropriate share of the catch thereby making the question of interception limitation less punitive and one element of a positive solution to the broader issues.

6. Since 1937, international cooperation in salmon management has been limited to joint management of sockeye salmon of the Fraser River system under the "Convention between Canada and the United States of America for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries of the Fraser River System". (The Convention was amended in 1957 to include pink salmon.) Salmon fisheries for other species originating in the Fraser, and fisheries on all species originating elsewhere, are presently subject to the domestic management system of each country.

FACTORS

7. The value of landings of Pacific salmon by Canadian fishermen in B.C. has averaged approximately \$140 million in the 1976 to 1979 period. While most of the value was derived from salmon of Canadian origin it is estimated that 18 to 20 percent of the landed value of Canadian salmon catches is derived from fish of U.S. origin.
8. The major Canadian intercepting fishery is the troll (hook and line) fishery off the west coast of Vancouver Island, which intercepts chinook and coho salmon bound for rivers in Puget Sound, the Columbia River, and other coastal rivers of Washington, Oregon and Northern California.
9. These interceptions are roughly balanced, in terms of value, by catches made by U.S. fishermen in northern Washington of fish bound for the Fraser River. The majority of these U.S. interceptions in the South are of sockeye and pink salmon taken under the auspices of the current Fraser River Convention which allows the USA to take 50 percent of all sockeye and pinks harvested in Juan de Fuca

Strait, N. Puget Sound, the southern Gulf of Georgia, and the Fraser River itself.

10. In northern British Columbia, Canadian interceptions of U.S. fish are limited mostly to pink and chum salmon originating in south east Alaska. The landed value of those interceptions is exceeded annually by approximately \$12 million by interceptions of Canadian fish in south east Alaska.
11. U.S. fisheries in Alaska which intercept Canadian salmon may be classified under four headings:
 - a) Troll fisheries on the outer coast of the Panhandle archipelago, taking mostly chinook salmon of Canadian origin and of U.S. origin from Washington, Oregon, and California.
 - b) Net fisheries in the southern part of the south east Alaska area intercepting pink, chum and sockeye salmon from northern B.C., particularly the Nass and Skeena rivers.
 - c) Troll fisheries in the inside passages, and terminal net fisheries exploiting species bound for the south (chinook, coho) and salmon of all species originating in the so-called trans-boundary rivers (i.e.: rivers which rise in Canada and flow to the sea through the USA). Most of these rivers produce salmon in both U.S. and Canadian sections. Thus, salmon produced in the Canadian sections are being intercepted by fisheries in south east Alaska.
 - d) Fisheries at the mouth of the Yukon River which intercept chinook and chum salmon bound for the Canadian section of that river.
12. The migratory patterns of salmon which result in the intermingling of Canadian and U.S. fish in their ocean environment make interceptions almost inevitable. Fishing of such mixed stocks, however, severely complicates domestic management objectives. For example, the troll fishery on the west coast of Vancouver Island

which intercepts fish bound for the U.S. and thereby acts as an important lever in negotiations, also catches chinook and coho salmon bound for rivers in southern B.C. Thus, the USA is unable to fully manage its salmon production; likewise, Canadian managers, who are required to provide catches in the west coast of Vancouver Island troll fishery to maintain interceptions of U.S. fish, are hindered in their efforts. Because the intercepted fish are in essence "free", incentive to manage this fishery to conserve depressed southern B.C. chinook and coho stocks is limited. Similarly, catches by U.S. fishermen in south east Alaska of fish bound for the Canadian portion of the transboundary rivers make Canadian management of these fish impossible.

13. Problems of fishing mixed stocks become more complicated when artificially enhanced and "natural" runs are involved. Since enhanced stocks are fished along with natural ones, the higher rates of exploitation required to ensure full utilization of enhanced stocks leads to declines in the natural ones. Under these circumstances, and despite increased production from enhancement, such fishing can result in the undesirable loss of natural stocks, as has been the experience for coho salmon in western Washington.
14. Lack of mechanisms for cooperation and coordination of enhancement projects reduces the potential benefits to fishermen of both countries. Under the present circumstances neither country is prepared to invest in enhancement projects wherein a substantial part of the benefits accrue to fishermen of the other country. Because of this, a number of important prospects for enhancement on both sides have been left untouched, with the result that no one is benefitting and both sides foregoing potential harvests.
15. Under the terms of the present Fraser River Convention, the USA receives 50 percent of

the allowable harvest of sockeye and pink salmon in the approaches to the Fraser River (the Convention Area). The Convention does not permit Canada to invest unilaterally in enhancement of sockeye and pink stocks, and its terms have therefore prevented the enhancement of the other three species, because, it is necessary from a biological point of view to enhance all runs in harmony.

16. Canada bears all the costs of maintaining the Fraser watershed for salmon production; these costs include pollution control, and the opportunity costs of foregone hydro power production.
17. The United States does not have to make such sacrifices despite its guaranteed 50 percent share of the sockeye and pink catches in the Fraser Convention Area.
18. The British Columbia Hydro and Power Authority has an active interest in developing the hydro potential of the Skeena River and several of the transboundary rivers in Northern British Columbia. Arguments for maintaining the salmon production of these rivers and against such alternative uses are becoming increasingly difficult to support because a substantial portion of the benefits of keeping these rivers habitable for fish accrue to U.S. fishermen through their interceptions of fish bound for the Skeena River and the Canadian portion of the transboundary rivers.

ALTERNATIVES

19. There are essentially four alternative solutions to the international and domestic salmon management problems on the Pacific coast:
 - a) No agreement - This alternative would maintain the status quo with resulting continued declines in overall salmon production, continued loss of salmon enhancement potential, and increasing domestic fisheries management problems. This in turn could lead to the aggravation of relations between the respective management agencies of the two countries.

- b) Agreement in the south only - This alternative would involve an agreement whereby Canada would limit the west coast of Vancouver Island troll interception of fish bound for the U.S. in return for U.S. limitation of interceptions of Fraser River bound salmon. Such an agreement would benefit U.S. fishermen in Washington, Oregon and northern California but would in no way address the considerable interceptions by Alaska fishermen of salmon bound for British Columbia and would eliminate the incentive for the United States to reduce or bring Alaska interceptions under control because Canada's intercepting fisheries are located mainly in the south.
- c) Interception Limitation Agreement - This alternative would involve both Canada and the United States limiting specified intercepting fisheries to an agreed base level. This essentially punitive action was the substance of unsuccessful negotiations during the period 1971 to 1977 and does not address the issue of cooperation in future development of salmon resources, a factor which is of crucial importance in gaining support for an agreement from the State of Alaska.
- d) Agreement on Cooperative Salmon Management - This alternative would involve an initial limitation of intercepting fisheries to levels existing during an agreed base period and consultation regarding means of maximizing salmon production and development of a mechanism to provide for alterations in fishing patterns in the future such that each country would receive catches equivalent to the production from its own rivers.

FINANCIAL CONSIDERATIONS

20. At the present time, Canada provides one half of the annual budget of the International Pacific Salmon Fisheries Commission (IPSFC), established by the Fraser Convention. Canada's contribution for the fiscal year 1980-81 is \$920,000. Anticipated costs related to an agreement with the USA for cooperative

management of salmon resources include:

- a) Anticipated costs of Canadian management of the Fraser River (irrespective of whether this objective is obtained through agreement with the USA or by withdrawal from the Fraser River Convention, will require additional money and employees to provide for necessary managerial and scientific functions) include an annual operating cost of approximately \$1.8 million.
- b) Research costs of approximately \$35 million over a ten year period are anticipated for continuing assessments of the extent and location of interceptions, and to provide a basis for future adjustments in fishing patterns in order to achieve an equitable balance in the value of those interceptions. Present research funding is at a level approximately one third of that which will be required.
- c) One half of the annual budget of a new Pacific Salmon Commission to be established under the terms of an agreement with the United States. Expected annual costs to Canada of such a Commission, the broad functions of which are set out in paragraph 25 below, are presently estimated to be \$250,000.

FEDERAL-PROVINCIAL CONSIDERATIONS

- 21. Representatives of the Government of British Columbia have served as advisors to the Canadian delegation since the inception of the present negotiations in 1971 and have fully supported the Canadian negotiating objectives to date. Because of the involvement of the Province in the Salmonid Enhancement Program close consultation on the issue of salmon interceptions has been maintained.

INTERDEPARTMENTAL CONSULTATIONS

- 22. This discussion paper was prepared by the Department of Fisheries and Oceans and the Department of External Affairs.

23. Consultations with Treasury Board and the Department of Finance with respect to the financial considerations discussed in paragraph 20 above have been initiated.

PUBLIC INFORMATION CONSIDERATIONS

24. Advisors to the Canadian delegation (see Annex B) since the start of negotiations in 1971 have included representatives from all interested components of the fishing industry as well as from the Native Brotherhood of B.C., the Union of B.C. Indian Chiefs and the B.C. Wildlife Federation. While the advisors have been generally supportive of the Canadian negotiating objectives the United Fishermen and Allied Workers Union has on several occasions publicly expressed its disagreement and would prefer to return to development of an interception limitation agreement containing punitive measures against the USA for its past interceptions, despite the fact that previous negotiations to this end were unsuccessful.

OTHER CONSIDERATIONS

25. An agreement with the United States to limit salmon interceptions and cooperate in the development and management of salmon resources that include Canadian management of the Fraser River would necessitate termination of the present Fraser River Convention and the establishment and maintenance of a new Pacific Salmon Commission. This Commission would provide a forum for Canada/USA consultation with respect to annual management objectives and regulation of salmon stocks subject to interception. The Commission would also provide a forum for coordination of salmon enhancement programs and facilitation of the conduct of coordinated research programs and exchange of scientific information and review the implementation of the program of interception limitation.
26. The United States has indicated that it considers that it should receive benefits (in terms of increased catches) from enhancement facilities recently constructed by the International Pacific Salmon Commission, to which it has contributed one half of the cost, and which have not yet achieved full

production. Canada has agreed with this approach in principle; the extent of benefits to be provided to the USA remains to be negotiated.

27. If agreement with the United States on interception limitation and cooperative development of salmon resources is not achieved in the near future, consideration will have to be given to Canadian withdrawal from the present Convention.

Minister of Fisheries and
Oceans



Secretary of State for
External Affairs

TRANSMITTAL SLIP - NOTE D'ENVOI

TO/À MIN (through AEG) (FILE)
FROM/DE Legal Operations Division (FLO)
SUBJECT/SUJET CANADA/USA PACIFIC SALMON
NEGOTIATIONS, VANCOUVER,
JUNE 9-13, 1980

Security Sécurité	CONFIDENTIAL
File Dossier	
Date	May 29, 1980

ATTACHMENT
PIÈCE JOINTE Memorandum for the Minister

DISTRIBUTION	RECORD OF CONSULTATION (Names/Divisions) RAPPORT DE CONSULTATION (Noms des individus/Directions)	ACTION/SUITE À DONNER
MIN (2) AEG PARL SEC POL FPR FAI EIP FLP		<p>OFFICE OF THE UNDER SECRETARY CABINET DU SOUS-SECRÉTAIRE</p> <p>MAY 30 1980</p> <p>DISPATCHED - ENVOYÉ</p> <p>REQUIRED BY/DEMANDÉ POUR</p> <p><i>Legault</i> L. H. Legault Director General Bureau of Legal Affairs</p>

TO BE RETAINED WITH FILE COPY - A CONSERVER AVEC L'EXEMPLAIRE DESTINÉ AU DOSS000336



TRANSMITTAL NOTE AND RECEIPT NOTE D'ENVOI ET REÇU

GOVERNMENT OF CANADA - GOUVERNEMENT DU CANADA

TO The Under-Secretary of State
À for External Affairs,
OTTAWA. FLO/Harlick.

FLO

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

SECURITY CLASSIFICATION
CLASSIFICATION DE SÉCURITÉ

WITH ENCLOSURE(S) - AVEC ANNEXE(S)

UNCLASSIFIED

WITHOUT ENCLOSURE(S) - SANS ANNEXE(S)

FILE OR SERIAL NO. - N° DE DOSSIER OU DE SÉRIE

QUANTITY QUANTITÉ	REFERENCE/COPY NO. N° DE RÉFÉRENCE	DESCRIPTION
		<p>Federal Register, May 21/80: Dept. of Commerce, 50 CFR Part 611 Foreign Fishing Regulations - Subpart E; Northeast Pacific Ocean.</p> <p>50 CFR Part 674 Alaska Salmon Fishery</p> <div data-bbox="483 729 844 1003"><p>To / A FLO From / De: BICO A-4 MAY 29 1980 Attn: Harlick</p></div> <div data-bbox="1003 752 1516 995"><p>25-5-7-2-SALMON-1 4</p></div>
SENT BY - TRANSMIS PAR		RECEIVED BY - REÇU PAR
J.T. Boehm, Counsellor		
May 22/80		
Signature		Signature
Date		Date

Canadian Embassy,

Washington, D.C.

☐ PLEASE SIGN AND
RETURN TO ORIGINATOR
PRIÈRE DE SIGNER ET DE RETOURNER
AU SIGNATAIRE

☒ RECEIPT NOT REQUIRED
REÇU NON REQUIS

ORIGINATOR'S ADDRESS - ADRESSE DU SIGNATAIRE

should be \$1000. The Trustee also requests that the Commission set terms for the use of Rock Island tracks and related facilities.

RTA has replied to the Trustee's petition. It takes the position that, as a public entity, it should not be required to pay any rent for use of the involved properties because the commuter operations yield no net profit.

Discussion and Conclusions

We have established a formula for calculating reasonable compensation to be paid for use of Rock Island tracks and related facilities operated pursuant to a service order issued under 49 U.S.C. § 11123. Finance Docket No. 29305, *St. Louis-San Francisco Railway Company—Compensation for Use of Terminal Tracks—Chicago, Rock Island & Pacific Railroad Company, Debtor* (William M. Gibbons, Trustee), — I.C.C. — (decided April 7, 1980), 45 FR 25401 (April 15, 1980) (*Frisco Compensation* case). We have determined that this formula is appropriate for setting compensation to be paid for use of a line operated pursuant to an unsubsidized directed service order issued under 49 U.S.C. § 11125, which is not subject to a sale agreement setting a purchase price. DSO No. 1453, *St. Louis Southwestern Railway Company—Directed Service—Chicago, Rock Island & Pacific Railroad Company, Debtor* (William M. Gibbons, Trustee) *Between Santa Rosa, NM, and St. Louis, MO*, Supplemental Order No. 2, embracing DSO No. 1456, *St. Louis Southwestern Railway Company—Directed Service—Chicago, Rock Island & Pacific Railroad Company, Debtor* (William M. Gibbons, Trustee) *Between Memphis, TN, and Fordyce, AR*, Supplemental Order No. 2, (served April 28, 1980) (*SSW Compensation* case).

The concepts of DSO No. 1437 are essentially the same as those of the involved orders in the *SSW Compensation* case, except that they apply to a commuter line, not a freight line. As we noted in the *SSW Compensation* case, the *Frisco Compensation* case formula is designed to make a reasonable accommodation of the opposing interests of the Trustee and the interim operators with respect to lines not subject to a purchase agreement setting an agreed price.

RTA argues that, as a public entity providing subsidized commuter service, it should not be required to pay compensation for use of the line. We do not find this argument to be persuasive. The type of service provided over Rock Island lines during interim operations should not control whether the Trustee should receive compensation.

Profitability of interim operations is a factor to be considered in determining what level of compensation is reasonable. It is not the only factor to be considered, however, in setting compensation for use of lines pursuant to a permissive, unsubsidized directed service order.

Unlike DSO No. 1398, in which we directed the KCT to provide service, we have not compelled RTA to provide interim operations. Rather, it is RTA that wants access to a portion of the Rock Island to provide those operations, and in these circumstances we believe it is not appropriate to allow RTA (or any similarly situated interim operator) that benefit without providing some compensation to the Trustee. Moreover, since it is not up to the Trustee to determine what kind of operations are performed, we believe the Trustee should be paid a base rental for the use of Rock Island property by interim operators. Application of the *Frisco* concept, adjusted to apply costs and revenues of commuter service operations, will assure the Trustee of receiving some compensation for use of Rock Island properties even if temporary operations produce no net revenues. Accordingly, RTA should pay the Trustee, for the use of the Chicago-Joliet, IL, commuter line and related facilities, on a monthly basis, in advance, the sum of \$1,250 per route mile per year. The method of computing net revenues set forth in the second part of the *Frisco Compensation* case formula is not applicable to passenger operations. Therefore, net revenues, if any, from interim operations over the Chicago-Joliet line should be calculated in accordance with the commuter standards at 49 CFR 1127.6 and 1127.7.

The Trustee requests that the Commission fix terms, in addition to compensation, for use of the involved line. We believe that these terms should be negotiated between the parties, giving consideration to the terms and conditions of DSO No. 1437, as revised, and the compensation specified in this decision.

We find: 1. RTA and the RI Trustee have been unable to agree upon terms for compensation for the RI estate for use of RI property by RTA under DSO No. 1437, as revised.

2. The terms of compensation set forth in this decision will be reasonable and will accommodate the interests of RTA and the RI Trustee.

3. This action will not significantly affect either the quality of the human environment or the conservation of energy resources. See 49 CFR Parts 1106 and 1108 (1978).

It is ordered: 1. RTA shall compensate the Rock Island estate for the use of RI tracks and related facilities, operated under DSO No. 1437, in accordance with the terms of this decision.

2. This decision shall be effective on the date it is served, [May 19, 1980].

By the Commission Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam. (Commissioner Gilliam not participating).

(49 U.S.C. 11125)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-15571 Filed 5-20-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Regulations—Subpart E; Northeast Pacific Ocean

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

ACTION: Final regulations.

SUMMARY: These regulations amend 50 CFR Part 611 (foreign fishing regulations) and provide the conditions and restrictions for an orderly fishery by foreign fishermen in the fishery conservation zone (FCZ) off the coasts of Washington, Oregon, and California.

EFFECTIVE DATE: These regulations are effective on May 17, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas E. Kruse, Acting Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109, Telephone: (206) 442-7575.

SUPPLEMENTARY INFORMATION: The Assistant Administrator for Fisheries (Assistant Administrator) approved the amendment to the preliminary management plan (PMP) for the foreign trawl fishery in the FCZ off the coasts of Washington, Oregon, and California on March 19, 1980. Proposed regulations governing this fishery were published on April 16, 1980 (45 FR 25844). A public hearing was held on May 1, 1980 in Seattle, and comments were accepted until May 9, 1980.

The amended PMP, as approved, provides the basis for these regulations and is available for public inspection at the Northwest Regional Office of the National Marine Fisheries Service (NMFS) (address above). These regulations constitute Subpart E of the

1980 foreign fishing regulations, and govern all foreign fishing during 1980 in the FCZ seaward of Washington, Oregon, and California. While they are similar to those regulations which were in effect during 1979, there are some significant differences. Those differences are summarized here:

(1) The name "Pacific whiting" has been substituted for the name "Pacific hake";

(2) Based upon recent stock assessment, the optimum yield (OY) and total allowable catch (TAC) of Pacific whiting is decreased from 198,900 metric tons (mt) to 175,000 mt;

(3) Based upon an evaluation of expected domestic harvesting and processing capabilities and intentions, the estimated domestic annual harvest (DAH) is reduced from 50,000 mt to 40,000 mt (12,000 mt U.S. caught/U.S. processed and 28,000 mt U.S. caught/foreign processed), and the total allowable level of foreign fishing (TALFF) for Pacific whiting is 135,000 mt, of which 35,000 mt is held in reserve and may be apportioned to TALFF after July 1;

(4) The incidental catch allowance for sablefish is increased from 0.1 to 0.173 percent of the Pacific whiting catch. This increase has been determined to be necessary in order to allow foreign fishermen to harvest the Pacific whiting TALFF. Based upon recent evaluation of sablefish stocks, this incidental catch allowance amounts to a maximum of 1.7 percent of the sablefish OY, and should not have any adverse impact on either the resource or the domestic sablefish harvest;

(5) There are two possible ways of increasing TALFF in a given year. The first deals with release of all or part of the reserve that is not needed by domestic industry. The second allows TALFF to be supplemented by the amount of DAH in excess of domestic needs. Both procedures were used in 1979, and reassignments to TALFF were made at the same time (August 1). However, the criteria for assessing release of reserves and the date for implementing reserve release have been changed. As a result, these two procedures are treated separately in 1980, as follows:

The determination whether or not to release any part of the reserves to TALFF will be made after July 1 rather than August 1, and the criteria for that determination are modified to include a larvae survey as well as an in-season survey of processors' intentions and domestic catch and effort. These regulations make pertinent data available to the public and allow for public comment from June 15-30 on the

proposal of whether or not to release reserves.

A procedure to re-evaluate DAH during the season and add to TALFF on August 1 any portion of the DAH that will not be harvested by domestic fishermen is included. These regulations make pertinent data available to the public and allow for public comment on any such proposal from July 15-31. This provision allows for full utilization of the Pacific whiting resource should the domestic whiting harvest during 1980 not be as large as expected.

(6) The OY's for the incidental species have been adjusted, based upon recent evaluations. The catch of incidental species will be reported to the nearest 0.01 mt per haul, rather than to the nearest 0.1 mt. This requirement is intended to provide a more accurate measure of the incidental catch. Also, a new daily log book system will be implemented.

Two parties commented on the amendment and proposed regulations. The first statement, from the Polish representative, included three recommendations which were incorporated into the final regulations. These suggestions are discussed below:

(1) 50 CFR 611.70(f)(1)(ii) on gear restrictions would be clarified by stating that this restriction on mesh-size modification applies only to the cod end of the net. This comment is consistent with the intent of the original statement.

(2) 50 CFR 611.70(g)(1) requires that on-deck estimates for a haul shall be "logged prior to the next fishing operation." Since the next operation may begin shortly after the previous haul has been dumped on deck, there could be insufficient time to carefully assess the catch. By changing the phrase to "before the next haul is on deck" this becomes a more realistic stipulation, is consistent with our request for careful estimation (to 0.01 mt for incidentally caught species), and still requires that the data be entered after each haul.

(3) 50 CFR 611.70(g)(iii) states that the daily logbook shall be submitted to the Regional Director within one week after termination of the fishery. Due to logistical problems, the request to extend this period to three weeks has been granted.

The second statement recommended that since OY is defined as MSY adjusted by economic, ecological, and social considerations, and since the domestic groundfish industry is economically depressed, OY should equal DAH. By doing so, foreign fishing (TALFF) would be eliminated and U.S. industry would expand (DAH would increase).

The FCMA provides that the amount to be allocated to the foreign fishery that portion of the OY which will not be taken by the domestic industry. As the DAH is estimated by an annual survey of domestic industry's capacity and intention, and is buffered by a reserve 20 percent OY, then domestic industry already receives highest priority with respect to fish to be taken in the FCZ. Any further increase in DAH would inhibit maximum use of the resource contrary to the FCMA.

There is no viable economic reason for lowering OY to equal DAH in 1980. The Washington, Oregon, California (WOC) domestic groundfish market is glutted and seriously depressed. There is no indication that the WOC domestic groundfish market situation could be relieved by an increased supply of whiting, for which there has been small demand. Similarly, a reduced TALFF does not assure a receptive world export market. There is no indication that a domestic whiting fishery could successfully compete on a wide scale the world market in 1980. Should the domestic industry indicate an increased demand for the whiting resource within the bounds of OY, all or part of the 35,000 m.t. reserve will be made available to the domestic harvest. The reserve is considered adequate to allow for any foreseeable increase in domestic harvest in 1980. No relevant economic, ecological or social justification was identified for equating OY and DAH.

A second recommendation urged 10 percent observer coverage of foreign fishing operations. This is not possible in 1980 because of Federal funding and hiring restrictions now in effect.

A. The Environmental Impact Statement/Preliminary Fishery Management Plan for the Trawl Fishery of the Washington, Oregon, and California region (January 1977) as amended for the 1978 and 1979 fisheries is amended as follows for the 1980 fishery:

Two appendices are added.

Appendix B.—Initial Determination Nonsignificance for the Proposed 1980 Amendment for the Foreign Trawl Fishery off Washington, Oregon, and California.

Appendix C.—Environmental Assessment of an Amendment (Amendment 3) to the Preliminary Fishery Management Plan for the Trawl Fisheries off Washington, Oregon, and California. These documents are available for public inspection at the Northwest Regional Office (address above).

The Assistant Administrator for Fisheries has determined that these regulations are not significant under

Executive Order 12044, and that no significant environmental impacts will result from this action. A copy of the environmental assessment with the statement of non-significance is available for review at the National Marine Fisheries Service, Washington, D.C., or at the Northwest Regional Office (address above).

The Assistant Administrator also finds that the 30-day implementation delay required by sec. 553(c) of the

Administrative Procedure Act is unnecessary and contrary to the public interest because these regulations relieve a no fishing restriction by permitting foreign fishing in the fishery conservation zone (FCZ) and also by permitting foreign processing vessels to receive fish harvested by U.S. fishermen. Without these regulations such activities would not be lawful under provisions of the FCMA.

Signed at Washington, D.C. this 16th day of May, 1980.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

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

Part 611 Foreign Fishing Regulations are amended as follows:

§ 611.20 [Amended]

1. Appendix 1 to 50 CFR 611.20 is revised to read as follows:

Species	Species code	Area	Optimum yield (OY) in metric tons	Domestic harvest (DAH) in metric tons	Joint venture (JVP) ¹ in metric tons	Reserve	TALFF
5. North Pacific Ocean Fisheries: Washington, Oregon, and California							
Trawl Fisheries:							
Whiting, Pacific	704		175,000	40,000	28,000	35,000	¹⁰ 100,000
Flounders	129		38,400			35	¹⁰ 100
Mackerel, jack	208		55,000			1,050	¹⁰ 3,000
Rockfishes, excluding Pacific Ocean perch	849		43,300			258	¹⁰ 738
Pacific Ocean perch	780		1,000			22	¹⁰ 62
Sablefish	703		13,400			61	¹⁰ 173
Other species	499		26,100			175	¹⁰ 500

¹ JVP is a subset of DAH.

¹⁰ Allowable incidental catch of these species is determined as a percentage of the Pacific whiting TALFF (see § 611.70(b)(1)(ii)(A)).

(2) 50 CFR 611.70 is revised to read as follows:

Subpart E—Northeast Pacific Ocean

§ 611.70 Washington, Oregon, and California trawl fishery.

(a) *Purpose.* This subpart regulates all foreign fishing conducted under a Governing International Fishery Agreement in the fishery conservation zone seaward of Washington, Oregon, and California.

(b) *Authorized fishery.*—(1) *TALFFs, reserves, and reassessment of DAH.* (i) *TALFFs.* The total allowable levels of foreign fishing (TALFFs), the amounts of fish set aside as reserves, and the initial estimated domestic annual harvest (DAH) are set forth in Appendix 1 of 50 CFR § 611.20.

(ii) *Reserves.* (A) *Apportionment of reserves.* As soon as practicable after July 1, the Northwest Regional Director of the National Marine Fisheries Service (Regional Director) shall apportion all or part of the reserves to TALFF. The Regional Director may withhold all or part of the Pacific whiting reserve based on the criteria in paragraph (b)(1)(ii)(B) of this section. Apportionment of the reserves for other species shall be based on the following maximum incidental catch rates expressed as a percentage of the Pacific whiting TALFF:

Species:	Percentage
Flounders	0.1
Jack Mackerel	3.0
Rockfishes, Excluding Pacific Ocean Perch ..	0.738
Pacific Ocean Perch	0.062
Sablefish	0.173
Other Species	0.5

(B) *Criteria.* The Regional Director may withhold all or part of the Pacific whiting reserve if, as of June 15:

(1) All or part of the Pacific whiting reserve will be harvested by vessels of the United States during the rest of the fishing year, as determined by the following factors:

(i) Report of U.S. catch and effort compared to previously projected U.S. harvesting capacity;

(ii) Projected U.S. catch and effort for the rest of the fishing year; and

(iii) Projected processing for the rest of the fishing year; or

(2) The January-March 1980 Pacific whiting larvae assessment establishes that the total allowable catch of whiting is less than 175,000 m.t.

(C) *Public comment.* (1) On or about June 15 the Regional Director shall publish in the *Federal Register* the amount of reserves, if any, that he proposes to apportion to the TALFFs.

(2) Comments may be submitted to the Regional Director concerning all matters relevant to the determinations to be made by the Regional Director under paragraph (b)(1)(ii)(B) of this section. (Address: National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109.)

(3) Comments must be submitted by June 30, or 15 days after publication, whichever is later.

(4) The Regional Director shall consider any timely comment filed in accordance with this section in making the determinations specified in paragraph (b)(1)(ii)(B) of this section.

(5) The Regional Director shall compile, in aggregate form, the most recent available reports on:

(i) Current and projected domestic catch and effort;

(ii) Projected processing capabilities and intentions; and

(iii) Results of the Pacific whiting larvae assessment.

This data shall be available, as they are compiled, for public inspection during business hours at the National Marine Fisheries Service, Northwest Regional Office, 1700 Westlake Avenue North, Seattle, Washington 98109 during the period June 15–30.

(D) *Procedure.* As soon as practicable after July 1, the Regional Director shall publish in the *Federal Register*:

(1) The amounts of reserves to be apportioned to the TALFFs;

(2) The reasons for the determinations regarding apportionment to TALFF of the Pacific whiting reserve; and

(3) Responses to comments received.

(iii) *Reassessment of DAH.* (A) *Apportionment of excess DAH.* As soon as practicable after August 1, the

Regional Director shall add to TALFF that portion of the 40,000 m.t. projected DAH of Pacific whiting that he determines will not be harvested by U.S. fishermen during the rest of the fishing year, based on the factors in paragraph (b)(1)(iii)(B) of this section. Additions to incidental catch allowances for other species shall be based upon the incidental catch rates set forth in paragraph (b)(1)(ii)(A) of this section.

(B) *Criteria.* The Regional Director shall consider the following factors in making the determination in paragraph (b)(1)(iii)(A) of this section:

- (1) The domestic catch and effort for Pacific whiting as of July 15;
- (2) Projected U.S. catch and effort for the rest of the fishing year; and
- (3) Projected processing for the rest of the fishing year.

(C) *Public comment.* (1) On or about July 15, the Regional Director shall publish in the Federal Register the amount of Pacific whiting DAH that he proposes to add to TALFF:

(2) Comments may be submitted to the Regional Director concerning all matters relevant to the determinations to be made by the Regional Director under paragraph (b)(1)(iii)(B) of this section (Address: National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109).

(3) Comments must be submitted by July 31.

(4) The Regional Director shall consider any timely comment filed in accordance with this section in making the determinations specified in paragraph (b)(1)(iii)(B) of this section.

(5) The Regional Director shall compile, in aggregate form, the most recent available reports on:

- (i) Current and projected domestic catch and effort; and
- (ii) Projected processing capabilities and intentions. This data shall be available, as they are compiled, for public inspection during business hours at the National Marine Fisheries Service, Northwest Regional Office, 1700 Westlake Avenue North, Seattle, Washington, during the period July 15-31.

(D) *Procedure.* As soon as practicable after August 1, the Regional Director shall publish in the Federal Register:

- (1) The amount of Pacific whiting DAH to be added to the TALFF;
 - (2) The reasons for the determinations regarding apportionment to TALFF of Pacific Whiting DAH; and
 - (3) Responses to comments received.
- (2) *Fishing permitted.* The catching and retention of any species for which a nation has an allocation is permitted, provided that:

(i) The vessels of that nation have not caught:

(A) The allocation of that nation for Pacific whiting; or

(B) The maximum allowable incidental catch of that nation for any species or species group (e.g., "other species"). When vessels of a foreign nation have caught a maximum allowable incidental catch, all further fishing (as defined in § 611.2(r)(1)) by vessels of that nation must cease, except as otherwise authorized by permit, even if the Pacific whiting allocation has not been reached. Therefore, it is essential that a foreign nation plan its fishing strategy to ensure that the reaching of an incidental catch limit does not close its Pacific whiting fishery;

(ii) A directed fishery is not conducted for species or species groups other than Pacific whiting; or

(iii) The fishery has not been closed for other reasons under § 611.15.

(c) *Open season.* Foreign fishing authorized under this subpart may begin at 0700 G.M.T. on June 1 and will terminate not later than 0800 G.M.T. on November 1, except as specified otherwise in a permit.

(d) *Open areas.* Except as prohibited in paragraph (c) of this section, foreign fishing under this Subpart is permitted beyond the twelve nautical miles from the baseline used to measure the U.S. territorial sea between 39°00' N. latitude and 47°30' N. latitude, and as otherwise specifically authorized by permit.

(e) *Closed areas.* Fishing by foreign vessels except as otherwise specifically authorized by permit is prohibited in the following areas:

(1) "Columbia River Recreational Fishery Sanctuary"—that area between 46°00' N. latitude and 47°00' N. latitude and east of a line connecting the following coordinates in the order listed: 46°00' N. lat., 124°55' W. long.; 46°20' N. lat., 124°40' W. long.; and 47°00' N. lat., 125°20' W. long.

(2) "Klamath River Pot Sanctuary"—that area between 41°20' N. latitude and 41°37' N. latitude and east of a line connecting the following coordinates in the order listed: 41°20' N. lat., 124°32' W. long.; and 41°37' N. lat., 124°34' W. long.

(f) *Gear restrictions.* (1) No foreign vessel may use any gear other than a pelagic trawl with a minimum mesh size of 100 mm, stretched inside measure when wet after use. No liners are permitted in the cod end of the trawl.

(2) Except as specifically authorized in writing by the Regional Director, no foreign fishing vessel may:

- (i) Attach any device to pelagic fishing gear or use any other means that would, in effect, make it possible to fish on the bottom; or

(ii) Use any device or method which would have the effect of reducing mesh size in the cod end.

(g) *Statistical reporting.*—(1) *Daily fishing log.* The basis for all reports shall be a daily fishing log. This logbook shall be supplied by NMFS prior to entry into the fishery. Daily catch data shall be recorded in duplicate. On-deck estimates of catch shall be made for each haul, and logged before the next haul is on deck. Each haul estimate may be adjusted, if necessary, with processed catch information within 24 hours, provided that such adjustments accurately reflect the relative sizes of the individual hauls landed that day and the total catch for the day. The following information must be included in the log:

- (i) Date.
- (ii) Times of commencement and completion of each set.
- (iii) Vessel's positions in degrees and minutes of latitude and longitude at the time of commencement and completion of each set.
- (iv) Bottom depth, averaged over length of tow.
- (v) Depth of gear during tow.
- (vi) Catch to the nearest tenth of a metric ton (0.1 m.t.) of Pacific whiting in each haul.
- (vii) Catch to the nearest hundredth of a metric ton (0.01 m.t.) of the following species in each haul:

- (A) Jack mackerel.
- (B) Pacific Ocean perch.
- (C) Rockfishes (excluding Pacific Ocean perch).
- (D) Sablefish.
- (E) Flounders.
- (F) Other species.

(viii) Catch, in numbers of fish, of the following prohibited species:

- (A) Pacific halibut.
- (B) Salmon.

(2) In addition to requirements of § 611.9, the owner or primary operator of each foreign fishing vessel shall be responsible for maintaining catch and effort statistics and shall submit reports as follows to the Regional Director, Northwest Region (address: National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109).

(i) *Daily report.* From the time the NMFS estimates that 90 percent of a nation's allocation of any species (directed or incidental) has been reached, and so notifies the designated representative of that nation, the information required under § 611.9(e) (Weekly Catch Report) shall be submitted on a daily basis and must reach the Regional Director no later than three days after the reported fishing day.

(ii) *Annual report.* Each nation whose fishing vessels operate in the fishery

shall report annual catch and effort statistics by May 30 of the following year in tabular form as follows:

(A) *Effort* in hours trawled, by vessel-class, by gear-type, by month, by $\frac{1}{2}^{\circ}$ latitude by 1° longitude statistical areas.

(B) *Catch* by vessel-class, by gear-type, by month, by $\frac{1}{2}^{\circ}$ latitude by 1° longitude statistical areas:

(1) To the nearest tenth of a metric ton (0.1 m.t.) for the following species or species groups: Pacific whiting, jack mackerel, Pacific Ocean perch, rockfishes (excluding Pacific Ocean perch), sablefish and flounders; and

(2) In numbers of fish for Pacific halibut and salmon.

(iii) *Daily logbook*. The logbook shall be available for inspection by the NMFS or U.S. Coast Guard personnel who at any time may remove the original copy. All original entries in the daily logbook (excluding those removed by the NMFS or U.S. Coast Guard personnel) shall be submitted to the Regional Director within three weeks after termination of a fishery. Duplicate copies shall be retained on the foreign vessel.

(iv) *Report of fish on board when entering fishery*. Before operating in this fishery, each foreign vessel with fish on board shall report to the Regional Director the species and amounts of fish on board which were harvested in any other fishery. Any fish on board not so reported will be presumed to have been harvested in this fishery. Such reports shall be submitted in accordance with the procedures specified in § 611.4(b).

§ 611.9 [Amended]

3. 50 CFR 611.9 (Appendix I, Pacific Ocean Fishes) is amended by changing the common English name for *Merluccius productus* (code 704) from Pacific hake to Pacific whiting.

[FR Doc. 80-15607 Filed 5-20-80; 8:45 am]

BILLING CODE 3510-22-M

determine compliance with the mass emission limitation if the opacity limitation contained in § 4.22 is not used. In addition, this regulation provides for indefinite waivers.

EPA believes that if waivers are allowed, then a specific source surveillance technique should be used to determine compliance with the prevailing mass emission limitation. Moreover, waivers should be granted for brief and specified time periods. An indefinite waiver constitutes an exception to the regulations and therefore cannot be granted without EPA approval. Thus, EPA proposes to disapprove § 4.26, unless Virginia takes steps to correct the above deficiencies.

Proposal of Previously Submitted Amendments

On March 11, 1977, the Commonwealth of Virginia, after adequate notice and public hearings, submitted amendments to Parts II and VII of the Virginia Regulations for the Control and Abatement of Air Pollution and requested that they be reviewed and processed as revisions of the Virginia SIP. Because it was the intent of Virginia not to have a requirement for evidential public hearings in the SIP, EPA's approval of the evidential public hearing provision in § 2.04 was in error. Thus, EPA proposes to delete § 2.04(a)(2) from the Virginia SIP.

The amendments in Part VII consist of administrative changes in § 7.03 (Standby Emission Reduction Plans) and § 7.04 (Control Requirements) designed to conform to amendments in Section 7.02 (Episode Determination). The latter amendments were approved by the Administrator as a SIP revision on March 9, 1978, 43 FR 9603. Therefore, EPA proposes to approve the amendments in §§ 7.03 and 7.04 as revisions of the Virginia SIP.

On August 14, 1975, the Commonwealth of Virginia submitted a new definition of "cold stand-by unit." EPA proposes to approve this definition as a revision of the Virginia SIP.

Request for Public Comment

The public is invited to submit to the address stated above comments on whether these proposed revisions submitted by Virginia should be approved or disapproved as revisions of the Virginia State Implementation Plan.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. I have reviewed this regulation and determined that it is a "specialized" regulation not

subject to the procedural requirements of Executive Order 12044.

(42 U.S.C. 7401-642)

Dated: May 7, 1980.

Jack J. Schramm,
Regional Administrator.

[FR Doc. 80-15520 Filed 5-20-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 81

[FRL 1497-7]

Designation of Areas for Air Quality Planning Purposes; Redesignation of Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking: extension of comment period.

SUMMARY: On March 28, 1980 (45 FR 20501) EPA published a notice of proposed rulemaking. That notice proposed to revise the attainment status designation of the City of Great Falls for carbon monoxide (CO), from attainment to nonattainment. A thirty day comment period was provided. The purpose of this notice is to extend that period for an additional 33 days.

DATES: Comments received on or before May 31, 1980 will be considered in EPA's final decision.

ADDRESSES: Comments should be directed to: Ivan W. Dodson, Director, Environmental Protection Agency, Federal Building, Drawer 10096, 301 South Park, Helena, Montana 59601.

Copies of the materials submitted by the state, comments and other materials relating to this proposal may be examined during normal business hours at:

Environmental Protection Agency,
Federal Building, Room 292, 301 South Park, Helena, Montana 59601.

Environmental Protection Agency,
Public Information Reference Unit,
Room 2922, 401 M Street, S.W.,
Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Kenneth L. Alkema, Environmental Protection Agency, Federal Building, Drawer 10096, Helena, Montana 59601, 406-449-5414.

Dated: May 2, 1980.

Roger E. Frenette,
Acting Regional Administrator.

[FR Doc. 80-15519 Filed 5-20-80; 8:45 am]

BILLING CODE 6560-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1057

[Ex Parte No. 311 (Sub-No. 4)]

Review of the Motor Carrier Fuel Surcharge Program

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule, extension of time for filing comments.

SUMMARY: On April 18, 1980, a Notice of Proposed Rulemaking was published (45 FR 26399) seeking comments on possible improvements or alternatives to the Commission's current motor fuel surcharge program. Comments are now due May 19, 1980. The National Tank Truck Carriers, Inc., seeks an extension of this filing date. A postponement until May 26, 1980, is warranted for all concerned persons. This will permit completion of a written record that is able to further develop various suggestions that were made at a series of nationwide public conferences that were held between May 2-4, 1980. The extension will not unduly delay resolution of the issues.

DATE: The due date for the filing of comments is changed to May 26, 1980.

ADDRESS: An original and 15 copies of comments should be sent to: Office of Proceedings, Room 5340, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:
Richard B. Felder, (202) 275-7693.

Dated: May 9, 1980.

By the Commission, Gary J. Edles, Director,
Office of Proceedings.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-15509 Filed 5-20-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

Alaska Salmon Fishery

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

ACTION: Approval and partial disapproval of amendments to the fishery management plan (FMP) for salmon off the coast of Alaska and proposed implementing regulations.

SUMMARY: The North Pacific Fishery Management Council has adopted, and

the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration, with one exception, has approved certain amendments to the fishery management plan (FMP) for the High Seas Salmon Fishery off the Coast of Alaska. These amendments would make several changes to conform the FMP and implementing regulations to State of Alaska regulations so there is a degree of uniformity inside the three-mile territorial sea and in the fishery conservation zone (FCZ) outside the territorial sea. Changes in the implementing regulations are proposed.

DATE: Written comments on these proposed regulations will be received until July 14, 1980.

ADDRESS: Send comments to: Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Washington, D.C. 20235. Please mark "AK Salmon" on outside of envelope.

FOR FURTHER INFORMATION CONTACT: Mr. Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Services, P.O. Box 1668, Juneau, Alaska 99802 Telephone: 907 586-7221.

SUPPLEMENTARY INFORMATION: On May 18, 1978 the National Marine Fisheries Service published interim emergency regulations implementing the approved portion of the Fishery Management Plan (FMP) for the Alaska salmon fishery. The FMP was published in its entirety in the Federal Register on June 8, 1979 (44 FR 33250). The emergency regulations were reimplemented on July 11, 1979, (44 FR 40519), were amended once on July 17, 1979 (44 FR 41467), and were published as final regulations on September 6, 1979 (44 FR 51988).

These amendments are designed to promote conservation of the ocean salmon resource while allowing utilization of those stocks for food production and to bring the regulations in the FCZ into conformity with the regulations promulgated by the State of Alaska for the conduct of the salmon troll fishery in State waters.

One provision of the FMP was not approved and will not be implemented. The disapproved portion of the FMP would have prevented fishing by hand trollers in the fishery conservation zone (FCZ). The Assistant Administrator determined that this provision was inconsistent with National Standard 4 of the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.* (Act), because it would have prohibited fishing by certain hand trollers who had historically fished in this area, while it would have allowed power trollers with a similar history to

continue to fish in the FCZ. Power trollers use power from their boats' engines to crank their reels, while hand trollers crank their reels manually. It was determined that no valid conservation purpose was served by the distinctions that were drawn between the two types of gear. These amendments will:

(1) Allow entry into the troll fishery in the FCZ by hand trollers and those holders of valid State of Alaska entry permits for the power troll fishery (as of May 15, 1979), or a valid Federal permit;

(2) Provide for transfer of State permits under State law with review and oversight by the Department of Commerce;

(3) Strengthen the inseason management philosophy expounded in the FMP: by providing for an area-wide closure for ten days beginning approximately July 10th unless inseason assessment indicates that the coho salmon run is considerably stronger than usual or has moved inshore prior to that date;

(4) Require that all troll-caught chinook or coho salmon be landed with heads on;

(5) Prohibit the possession of salmon in any area where the taking of that species is prohibited;

(6) Restrict trollers to no more than four lines in the area south of the latitude of Cape Spencer, and no more than six lines north of that line;

(7) Permit no more than six operational gurdies aboard any licensed salmon trolling vessel; and

(8) Redefine regulatory areas 154, 157, and 189.

It has been determined that controlling the catch is necessary for the future well being of the stocks in this fishery. The amendments are designed to control expansion of fishing effort in the fishery off Alaska. Reduction of fishing effort on depleted wild chinook stocks would be desirable, but until further data is available to identify those stocks on the fishing grounds this mixed stock fishery will continue to take some of them. Some reduction of effort is expected from these amendments since it will reduce effort by individual boats who in the past have fished six or more lines in the FCZ but will now be restricted to four lines south of the latitude of Cape Spencer and six lines north of that line.

The ten-day closure to trolling in State waters and in the FCZ, expected to be made by field announcement on approximately July 10th is intended to spread the catch of cohos over a longer period and allow escapement from all segments of the run rather than the latter portion of the runs as has been the

case for the last two years. The closure may also reduce the catch of chinook salmon. However, most of the chinook stocks will be available to the fishermen after the closure since they tend to remain in the same areas for extended periods, while coho tend to move rapidly toward their spawning areas. This closure will allow concentrations of coho to move inshore closer to terminal areas where the fishery for them can be more closely regulated by the State of Alaska.

Other closures by field announcement are possible if individual stocks of fish show signs of being overfished.

The amendments require that all chinook and coho salmon must be landed with the heads attached. In 1979 the regulations required that all finclipped salmon must be landed with heads on. This regulation was designed to insure recover of coded wire tags implanted in the nose of those finclipped fish. It was found during the season that many of the trollers who freeze their catch were removing the heads of all fish, including those with clipped fins, thus losing the coded wire tags and the information they contained from the data base for the management of the fishery. The requirement to land all chinook and coho with heads on will cause some further handling of those frozen fish since the heads must be removed and the fish reglazed after landing and checking for tags. In addition, it will somewhat reduce the carrying capacity of the individual vessels since fish with heads take more space than fish without heads. However, the importance of the tagging program, dependent on the recovery of those tags, makes it necessary to impose this restriction.

The amendments prohibit the possession of any species aboard a vessel while fishing in an area closed to the taking of that species. This amendment is designed to permit closure of areas to the taking of one species while allowing the fishery to continue for other species. Permitting possession of species prohibited to be taken in that area would make the closure unenforceable.

State of Alaska regulations have prohibited the use of more than four lines per vessel in State waters for many years. There has been no limit on the number of lines that could be used in the FCZ. The amendment restricts individual vessels to no more than four lines in the FCZ south of the latitude of Cape Spencer and no more than six lines north of that line. That amendment will reduce the fishing effort to some extent but still allow six lines in the offshore waters of the Fairweather

grounds north of Cape Spencer where more gear is needed to fish successfully. It will also tend to enable more accurate measurement of catch per unit of effort (CPUE).

FMP Amendments

The Fishery Management Plan for High Seas Salmon off the Coast of Alaska East of 175 Degrees East Longitude which was published on June 8, 1979 in the Federal Register (44 FR 33250) is amended as follows:

(All changes made in sequential order by section and Federal Register page number.)

Summary (Pg. 33251)—Under "Gear * * * (2) : " change to read: "Commercial fishing is allowed only by troll gear in the Fishery Conservation Zone. South of the latitude of Cape Spencer (58°12'08" N.) no more than four lines may be fished. North of the latitude of Cape Spencer, no more than six lines

may be fished. No more than six gurdies may be mounted and in operational condition in the Fishery Conservation Zone."

Summary (Pg. 33251)—Under "Size" change to read: "Chinook salmon must be at least 28 inches in length. All other salmon have no minimum size restriction. No chinook salmon may be mutilated in a manner which prevents determining that salmon's length."

Summary (Pg. 33251)—Following "Sex—no restrictions," insert new paragraph as follows: "Landing and Possession—(1) All troll caught chinook and coho salmon must have their head on until landed. (2) Vessels may not have on board any species of salmon when fishing in a area closed to the taking of that species."

Sec. 2.1 (Pg. 33252)—In the last paragraph change the year to 1981.

Table 3 (Pg. 33257)—Add the figures as follows:

Year and species	Troll gear		All gear			
	Southeastern		Southeastern		All Alaska	
	Number	Pounds	Number	Pounds	Number	Pounds
1978:						
Chinook	375	5,828	401	6,100		
Coho	1,101	6,800	1,714	11,500		
Pink	618	1,000	21,200	67,800		
1979						
Chinook	338	5,132	366	5,500		
Coho	918	6,100	1,300	8,900		
Pink	629	2,280	11,000	43,400		

Source: ADF&G Catch Statistics 1968-1977, and Preliminary Statistics for 1978 and 1979.

Sec. 3.3.2.1 (Pg. 33259)—Change the last sentence of the first paragraph to read as follows: "Beyond the 3-mile limit there was no restriction on the number of lines used through 1979."

Sec. 3.3.2.2 (Pg. 33259)—After the sentence ending "September 20" change the rest of the first paragraph to read: "Prior to 1980, the four-line limit for troll vessels was imposed only in Alaska waters. Elsewhere on the coast the line limit was six lines; in some jurisdictions there was no limit."

Sec. 8.3 (Pg. 33267)—Delete the last paragraph beginning "The Council intends * * *"

Sec. 8.3.1.1 (Pg. 33268)—Change paragraph 2 under subsection "B. Gear" to read: "Commercial fishing is allowed only by trolling gear in the FCZ east of Cape Suckling. South of the latitude of Cape Spencer no more than four lines may be fished. North of that latitude no more than six lines may be fished. No more than six gurdies may be mounted and in operational condition."

Sec. 8.3.1.2 (Pg. 33268)—Change the heading to "Size, Sex and Possession Restrictions and Landing Requirements."

Change paragraph 1 of subsection "A. Size" to read: "Chinook salmon—28 inch minimum total length." Delete sentence following which pertains to alternative measurement for beheaded chinook.

Change subsection "C. Landing Requirement" to read: "All troll caught chinook and coho salmon must be landed with the head on."

Change "D. Sport Bag Limit" to "E. Sport Bag Limit" and add a new subsection as follows: "D. Possession Prohibited: No vessel may have on board any species of salmon while fishing in an area closed to the taking of that species."

Change the "Rationale" portion of the section as follows: Delete the 6th paragraph beginning "All troll caught salmon * * *"

Change the seventh paragraph by deleting the last sentence beginning

"Tagged fish * * *" and substitute the following: "Previous regulations have required that salmon having the adipose fin removed, which indicates the fish tagged, must be landed with heads on. This approach has not resulted in satisfactory coded wire tag recovery rates. In order to improve such rates, troll caught chinook and coho salmon must have their heads on when landed." Insert a new paragraph after the paragraph just changed as follows:

"In order to facilitate compliance with enforcement of any inseason closures (see Section 8.3.1.4), the possession of any species of salmon for which a closure has been instituted, aboard a vessel engaged in fishing in the area closed, is prohibited."

Sec. 8.3.1.4 (Pg. 33269)—Add after paragraph "(f)" a new paragraph as follows: "The current State of Alaska management plan for 1980 includes an intention to institute a 10-day closure of the entire Southeast Alaska troll fishery beginning on or about July 10, unless evaluation of the coho salmon run indicates a well above average magnitude and good movement inshore. This closure is designed to assist in stabilizing or reducing coastal and offshore effort on coho, as well as assisting catch and escapement inshore unless strong runs preclude the need to such a measure. The Council intends that a similar closure, if one occurs, should be instituted for the FCZ pursuant to the procedures outlined in Section 8.3.1.5."

Sec. 8.3.3.1 (Pg. 33270)—Delete all material in section 8.3.3.1 beginning with the paragraph that starts, "An FMP adopted by the Pacific Fishery

Sec. 8.5 (Pg. 33271)—Change "72 hours" to "one week."

Procedural Explanation

The necessary amendments to the regulations required to implement these Plan amendments all fall within one of three sections of Part 674. Each of these three sections has been amended previously, but has never been codified. Therefore, for clarity and understanding the precise language of the proposed amendment is followed by a redraft of the entire section as it will appear if the proposed amendment is adopted in the final regulations.

The Assistant Administrator has determined that the regulations promulgating this amendment are significant within the meaning of both the National Environmental Policy Act, and Executive Order 12044. Consequently, an Environmental Impact Statement and a regulatory analysis are

being compared, and may be examined at the Regional Office of the National Marine Fisheries Service, Juneau, Alaska (telephone: 907 586-7221).

Signed this 15th day of May, 1980, at Washington, D.C.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

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

50 CFR 674 is proposed to be amended as follows:

1. Amend 674.4(a)(4) by changing "1980 to 1981". Section 674.4, as amended, reads as follows:

§ 674.4 Permits.

(a) General.—(1) Power troll permits.

The only persons who may engage in commercial fishing for salmon in the management area using power troll gear are operators of fishing vessels who:

(i) On May 15, 1979, held a valid State of Alaska power troll permanent entry permit;

(ii) On May 15, 1979, held a valid State of Alaska power troll interim-use permit; or

(iii) Hold a permit issued by the Regional Director under paragraph (b) of this section.

(2) No permit is required of a crewmember or other person assisting in the operation of a commercial salmon troll vessel if the permit holder is on board and engaged in fishing.

(3) The right of access to the ocean salmon fishery provided herein constitutes a use privilege which may be modified or revoked without compensation.

(4) The permission to fish under this section expires at 11:59 p.m. (local time) on April 14, 1981.

(b) Permits issued by the Regional Director.

(1) **Eligibility.** (i) Except as provided in paragraph (b)(1)(ii) of this section, any person is eligible for a permit

described in paragraph (a)(1)(iii) of this section if that person, during any one of the calendar years 1975, 1976, or 1977:

(A) Operated a fishing vessel in the management area; (B) engaged in commercial fishing for salmon in the management area; (C) caught salmon in the management area using power troll gear; and (D) landed such salmon. (ii) The following persons are not eligible:

(A) Persons described in paragraphs (a)(1)(i) or (ii) of this section; (B) persons who once held but no longer hold a State of Alaska power troll permanent entry or interim-use permit; and (C) persons holding a permit under this paragraph (b).

(2) **Application.** (i) Each applicant for a permit under this paragraph shall

submit a written application to the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective.

(ii) Each applicant shall provide the following information:

(A) The applicant's name, mailing address and telephone number;

(B) The name of the fishing vessel;

(C) The fishing vessel's United States Coast Guard documentation number or State registration number;

(D) The home port of the vessel;

(E) The length and registered tonnage of the vessel;

(F) The color of the vessel;

(G) The type of fishing gear used by the vessel; and

(H) The signature of the applicant.

(iii) The information required by paragraphs (b)(2)(ii)(B)–(G) shall be provided for each vessel which the applicant intends to use for commercial fishing under this Part. Any changes in such information occurring after a permit is issued shall be reported to the Regional Director within 30 days of that change.

(iv) Each applicant shall submit State fish tickets or other equivalent documents showing the actual landing of salmon taken in the management area by the applicant with power troll gear during any one of the years 1975–1977.

(3) **Issuance.** (i) Upon receipt of a properly completed application and any required document, the Regional Director shall promptly determine whether permit eligibility conditions have been met, and if so, shall issue a permit. If the permit is denied, the Regional Director shall notify the applicant in accordance with paragraph (e) of this section.

(ii) If an incomplete or improperly completed permit application is filed, or if any required document has not been filed, the Regional Director promptly shall notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days following the date of receipt of notification, the application shall be considered abandoned.

(4) **Alteration.** No person shall alter, erase, or mutilate any permit. Any permit that has been altered, erased, or mutilated shall be invalid.

(5) **Replacement.** Replacement permits may be issued to replace lost or unintentionally mutilated permits. An application for a replacement permit shall not be considered a new application.

(c) **Transfers.** Except for emergency transfers authorized under paragraph (d) of this section, this paragraph (c) governs transfer of authorization under

this part to engage in commercial fishing for salmon.

(1) Alaska Permanent Entry Permits.

(i) The authorization under paragraph (a)(1)(i) of this section transfers with the transfer of the Alaska power troll permanent entry permit. At the time the State permit is transferred, the authority of the transferor under paragraph (a)(1)(i) expires.

(ii) Any person to whom transfer of a State of Alaska power troll permanent entry permit is denied by the State, may apply to the Regional Director for approval of a transfer for purposes of paragraph (a)(1)(i) of this section. The Regional Director shall approve such transfer if it is determined that such person had the ability to participate actively in the fishery at the time the transfer application was filed with the State, that such individual has access to gear necessary for the fishery, that Alaska has not instituted proceedings to revoke the State permit because it was fraudulently obtained, and that the proposed transfer is not a lease.

(A) A request for transfer under this paragraph (c)(1)(ii) shall be filed with the Regional Director within 30 days of the State's denial of the transfer, and shall include (1) all documents and other evidence submitted to the State in support of the transfer and (2) a copy of the State's decision denying the transfer. The Regional Director may request additional information from the individual requesting transfer or from the State to aid in the consideration of the request.

(B) If the transfer is denied, the Regional Director shall notify the applicant in accordance with paragraph (e) of this section.

(C) The authorization to engage in commercial fishing for salmon that is granted under this paragraph (c)(1)(ii) is not transferable, except that such authorization may be transferred to the person who holds the Alaska power troll permanent entry permit from which such authorization was originally derived.

(D) If the authorization to engage in commercial fishing in the management area is transferred under this paragraph (c)(1)(ii) the person who holds the Alaska power troll permanent entry permit from which such authorization originally derived may not engage in commercial fishing for salmon in the management area under paragraph (a)(1)(i) of this section, unless such authorization is transferred to that person under paragraph (c)(1)(ii)(C) of this section and the Regional Director is so notified in writing.

(2) **Other Permits.** Authorization to engage in commercial fishing for salmon under paragraphs (a)(1) (ii) or (iii) of this

section is not transferable, except for emergency transfers under paragraph (d) of this section.

(d) *Emergency Transfer.* (1) The authorization to engage in the commercial salmon fishery under paragraph (a) of this section may be transferred on a temporary basis but not beyond the remainder of the calendar year, when sickness, injury, or other unavoidable hardship prevents the permittee from such fishing.

(2) Prior to any such emergency transfer, the permittee, or another person if the permittee is unable due to sickness or injury, shall submit to the Regional Director written request for an emergency transfer. Such request shall state the reasons why the permittee is prevented from fishing.

(3) Upon receipt of a request, the Regional Director promptly shall determine whether or not to authorize the emergency transfer, and shall notify the applicant in accordance with paragraph (e) of this section. The Regional Director may request additional information to aid in the determination. Such transfer shall not take effect until written authorization from the Regional Director is received.

(4) Paragraphs (d) (2) and (3) of this section apply to a holder of an Alaska power troll permit only if the State has denied an emergency transfer of that State permit. If the State has authorized an emergency transfer of a State permit, the transferee must notify the Regional Director in writing before the emergency transfer is effective for purposes of paragraph (a)(1) of this section. Such notification may be accomplished by mailing to the Regional Director a copy of the Alaska emergency transfer request form.

(e) *Appeals and Hearings.* (1) A decision by the Regional Director to:

(i) Deny a permit under paragraph (b)(3)(i) of this section; or

(ii) Deny a transfer under paragraph (c) or (d) of this section, shall be in writing, shall state the facts and reasons therefor, and shall advise the applicant of the rights provided in this paragraph (e).

(2) Any decision of the Regional Director shall be final 30 days from receipt by the applicant, unless an appeal is filed with the Assistant Administrator within that time. Failure to file a timely appeal shall constitute waiver of the appeal. (Address: Assistant Administrator, National Marine Fisheries Service, Room 400, Page 2 Building, 3300 Whitehaven Street, N.W., Washington, D.C. 20235).

(3) Appeals under this paragraph shall be in writing and set forth the reasons why the appellant believes the Regional Director's decision was in error, and shall include any supporting facts or documentation.

(4) The appellant may, at the time the appeal is filed with the Assistant Administrator, request a hearing with respect to any disputed issue of material fact. Failure to request a hearing at this time shall constitute a waiver of the hearing. If a request for a hearing is filed, the Assistant Administrator may order a hearing if it is determined that a hearing is necessary to resolve material issues of fact and shall so notify the appellant.

(5) If the Assistant Administrator orders a hearing, that order shall also serve to appoint a hearing examiner to conduct an informal fact finding inquiry into the matter. Following the hearing, the hearing examiner shall promptly furnish the Assistant Administrator with a report and appropriate recommendations.

(6) As soon as practicable after considering the matters raised in the appeal, and any report or recommendation of the hearing examiner in the event a hearing is held under this section, the Assistant Administrator shall notify the appellant in writing of the final decision. The notice shall summarize the findings of the Assistant Administrator and set forth the basis of the decision. The decision of the Assistant Administrator shall be final and unappealable.

(f) *Display.* Any permit described in paragraph (a) of this section shall be on board the vessel at all times while the vessel is in the FCZ, and shall be displayed for inspection upon request of any Authorized Officer.

(g) For purposes of this § 674.4, the definition of "person" excludes

corporations, partnerships, association, or other nonhuman entities.

2. Section 674.21, is revised as follow

§ 674.21 Catch Limitations.

(a) *Size Restrictions.*—(1) *Minimum size limit.* (i) *Chinook Salmon.* Only chinook salmon 28 inches or more in length may be retained.

(ii) *Other salmon.* There is no minimum size limit for sockeye, coho, pink, or chum salmon.

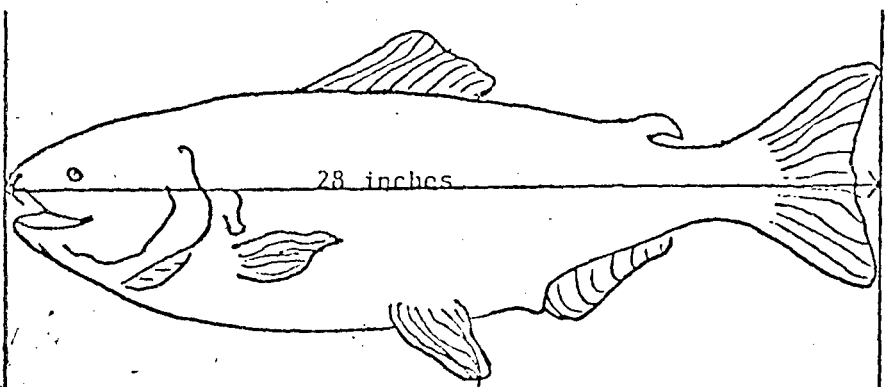
(2) *Method of Measurement.* For purposes of paragraph (1)(i) of this subsection, a chinook salmon is measured in a straight line passing over the pectoral fin, from the tip of the snout to the tip of the tail in its natural open position (see figure 1).

(3) *Mutilation.* No person on a fishing vessel in the management area shall mutilate or otherwise disfigure a salmon for which a minimum size is set by these regulations, in a manner which prevents determining that salmon's length.

(b) *Personal Use Daily Catch Limit.* No person may catch in the management area and retain more than six (6) salmon for personal use per day, or possess while in the management area more than twelve (12) salmon. No more than three of the salmon retained or possessed may be chinook.

(c) *Landing Requirements.* All chinook or coho salmon taken in the management area must have heads on until such salmon are delivered to a port of landing. Such salmon shall be made available for retrieval of the coded wire tag by an appropriate official at the port of landing.

(d) *Possession Prohibited.* The possession or retention of species of salmon in the management area or portion thereof which has been closed to the taking of such species of salmon, by vessels engaged in commercial fishing, is prohibited.



3. Re § 674.24(a) to read as follows:

§ 674.24 Gear restrictions.

(a) *Commercial fishing.*—(1) *West Area.* Commercial fishing for salmon in the West area is not permitted.

(2) *East Area.* (i) *Gear Type.*

Commercial fishing for salmon in the East area is permitted only with power troll gear or hand troll gear.

(ii) Vessels engaged in commercial fishing for salmon may not fish more than four lines south of a line beginning at the intersection of the inner boundary of the FCZ and the latitude of Cape Spencer at 58°12'08" N. lat., thence west along said latitude to 138°00' W. long., thence south along said longitude to 58°00' N. lat., thence west along said latitude to the intersection of the outer boundary of the FCZ and 58°00' N. lat. North of the line described above, such vessels may not fish more than six lines. All vessels engaged in commercial fishing for salmon must not have more than six gurdies mounted and in operational condition.

(iii) Commercial fishing with hand troll gear is permitted in the East area, subject to all other applicable provisions of this Part.

[FR Doc. 80-15006 Filed 5-20-80; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 23 and 810

Proposed Finding of Nondetriment in Response to U.S. District Court Injunction on Export of Bobcats (*Lynx Rufus*)

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of proposed finding and request for comment.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora is a 59-nation treaty regulating import and export of species included in three appendices. Export of species included in Appendix II requires, prior to grant of an export permit, a finding by a Scientific Authority of the country of origin that such export will not be detrimental to the survival of the species. The bobcat (*Lynx Rufus*) is included in Appendix II with most other members of the cat family (Felidae). Since 1977, the

Endangered Species Scientific Authority (ESSA), as Scientific Authority for the United States, annually reviewed the status and management of this and certain other species on a State-by-State basis in order to make determinations on whether export would not be detrimental. On September 26, 1979, the ESSA published findings favorable to export of bobcat pelts taken in the 1979-80 season in 35 States and the Navajo Nation. On December 12, 1979, as a result of a suit filed by Defenders of Wildlife, Inc., the U.S. District Court for the District of Columbia filed a Memorandum Opinion and Order which reversed the ESSA's previous findings for five of those States and parts of two others, thus enjoining export of bobcat pelts legally taken in those States or areas. Since the time judgment was entered, the scientific Authority function was reassigned to the Fish and Wildlife Service by the 1979 Amendments to the Endangered Species Act of 1973. Three of the States affected by the ruling, Florida, Massachusetts, and New Mexico, have submitted additional biological and management information to the Service. They have asked the Service to petition the District Court to lift its injunction based on this additional material. The Service, as Scientific Authority for the Convention, gives notice of its preliminary finding that this material provides extensive new evidence that export of bobcats taken in those States in 1979-80 will not be detrimental to the survival of the species. Final approval of such exports will depend on a favorable ruling by the courts.

DATE: All information received by June 5, 1980, will be considered.

ADDRESS: Please address correspondence to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240. Materials concerning this preliminary finding will be available for public inspection from 7:45 am to 4:15 pm, Monday through Friday, in room 536, 1717 H Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Jachowski, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone (202) 653-5948.

SUPPLEMENTARY INFORMATION: The ESSA's final findings for the 1979-80 harvest season of bobcat, lynx, and river otter were published on September 26, 1979 (44 FR 55539). Complete references to preliminary findings, standards, and

summaries of information previously received for that and previous seasons may be found in that notice and in the preliminary notice of those findings (44 FR 40841, July 12, 1979). In those findings, the ESSA found in favor of export of bobcat pelts taken in the 1979-80 season in 35 States and the Navajo Nation.

In the suit, Defenders of Wildlife, Inc. v. Endangered Species Scientific Authority, et al, No. 79-3060 (D.D.C. December 12, 1979), Defenders of Wildlife asked the Court to prohibit export from all jurisdictions approved by the ESSA and to declare inadequate the standards used by the ESSA in reaching those determinations. The Court found the information upon which the Scientific Authority made its determinations sufficient in all but seven States. The Court enjoined export of bobcats taken in 1979-80 in Florida, Massachusetts, New Mexico, North Dakota, Wisconsin, Oregon east of the Cascades, and the high plains ecological area of Texas. Implicit in the Court's opinion is a determination that the standards applied by the Scientific Authority in making its determinations were adequate. Thus the Court prohibited export from the seven States on the basis that it considered the available information inadequate to support the ESSA findings for those States.

Each of the three States discussed in this notice provided the Service with considerable additional documentation relevant to the problems addressed by the Court. The Court's decision prohibits only export of pelts taken in the affected States and does not prohibit hunting, trapping or commerce in the species within the United States.

The Service proposes that export of bobcats legally taken in Florida, Massachusetts and New Mexico in the 1979-80 season will not be detrimental to the survival of the species, based on information summarized in the Federal Register notices cited above and on the following new information. In each case, this finding would have as a condition that pelts are clearly identified as to State of origin and season of taking, including tagging according to standards and conditions previously established by the Service.

Florida. New materials provided by the State of Florida include results of scent station surveys, a more detailed analysis of available and protected habitat, details on distribution of harvest, an estimate of a minimum statewide population, and additional

CONFIDENTIAL

DATE		REF
ACC	121146	
FILE	25-5-7-2-SALMON-1	
B H 87		PAR PORTEUR

THE CANADA/UNITED STATES SALMON INTERCEPTION PROBLEM, 1879-1979

by

Michael P. Shepard

May 27, 1980

THE CANADA/UNITED STATES SALMON INTERCEPTION PROBLEM, 1879-1979.

A CENTURY-OLD
PROBLEM

1. Almost since commercial fishing on Pacific Salmon began in earnest in the late 1800's, capture of salmon bound for rivers of one country by fishermen of the other has created controversy between the United States and Canada. The earliest disputes arose over United States catches of sockeye salmon bound for Canada's Fraser River. Since then, the scope of the controversy has gradually widened and now includes problems of interceptions by Canadian fishermen (mainly operating off the West Coast of Vancouver Island) of coho and chinook salmon bound for the rivers of Washington and Oregon, by Alaskan fishermen of salmon bound for rivers of British Columbia, the Northwest Territories and the Yukon, and by northern British Columbia fishermen taking Alaska-bound salmon. From time to time, intergovernmental discussions have led to arrangements which have solved parts of the problem, at least on a temporary basis (e.g. in 1937 and 1957, agreements were concluded for international management of sockeye and pinks bound for the Fraser River). Many problems remain unresolved, however, and even in situations where agreements were reached in earlier years, the terms of the older accords no longer fit the rapidly changing circumstances of today's fisheries. Since the early 1970's, representatives of the Governments of Canada and the United States have been holding periodic discussions aimed at concluding an agreement to handle the interception problems on a comprehensive coast-wide basis.

PURPOSE OF THE
PAPER

2. The present paper, prepared as background for the latest round of negotiations which began in May, 1980, summarizes available information on interceptions, briefly reviews the history of negotiations and attempts to define the issues under discussion, in a quantitative manner.

Ocean migrations of salmon in the Gulf of Alaska.

THE WANDERING
SALMON

3. The "interception problem" stems from the fact that salmon are no respecters of international boundaries. In their extensive ocean migrations, salmon bound for the rivers of the United States and Canada intermingle extensively and, on their movements to the open ocean as young or on their return journeys to the spawning grounds, pass through the coastal waters and inside passages of both countries. Intermingling and interception problems are not limited to the United States and Canada; fish bound for North American and Asian rivers intermingle on the high seas where they are vulnerable to fishing by the distant-water fleets of Japan. Concern about interceptions on an international basis, has generated major research efforts at both the national and international levels. As a result, a great deal is known about the complex movements of the salmon throughout the vast reaches of the North Pacific Ocean and adjacent seas (from 40°N to the southern fringes of the Arctic Ocean). It is beyond the scope of the present paper to summarize all of the information on ocean movements of salmon. However, it may be useful to review available information on the migrations of salmon originating in the rivers of Southeast Alaska, British Columbia and the Northwest States of the United States as background for consideration of the issues under discussion in the negotiations.

RESEARCH EFFORT
ON SALMON MIGRATIONS
HAS BEEN EXTENSIVE

CURRENTS AND
SALMON MIGRATIONS

4. The movements of salmon are to a considerable extent associated with the broad patterns of ocean currents in the North Pacific area. The Subarctic Current in the northeastern Pacific sweeps in from the far west and approaches the coast of North America in the vicinity of Washington State and southern British Columbia. One branch of the current swings northwest along the coast of British Columbia and Southeastern Alaska and then turns westward past the Alaskan Peninsula and the Aleutian Islands on its return to the Asian side. This branch forms a giant loop with its focus in the center of the Gulf of Alaska and with its eastward and westward components sliding past each other in close proximity in the central Aleutians (Figure 1). The other branch moves southeastward along the coast of Oregon and California where it meets the generally northward moving California current system. Virtually all the salmon originating in the rivers and streams of North America south of the Bering Sea spend their entire ocean lives within the loop of the Subarctic Current and its eddies to the south off Oregon and California. In the winter, in the offshore waters of the Gulf of Alaska, fish from the eastern Pacific spawning grounds are joined by salmon of Asian and northern Alaskan origin, driven to the relatively temperate waters of the Gulf of Alaska by frigid arctic conditions which cool the surface waters of the Sea of Okhotsk, the northwestern Pacific and Bering Sea to the freezing point or below. Thus, the Gulf of Alaska is a vital nursery area for a substantial portion of all Pacific salmon.

GULF OF ALASKA
MAJOR FEEDING AREA
FOR PACIFIC SALMON

MOVEMENTS OF YOUNG

5. In the Spring of each year, young of all five species of salmon leave the lakes and rivers of their origin to begin actively feeding in the estuaries and bays. Most move rapidly from the protected inshore waters to the open sea. For those reared in the rivers along the outer coast, the open sea lies at their doorstep. Others, however, must traverse long inside passages and inland seas before reaching open waters. Not all salmon seek the open sea; a number of them spend their entire ocean lives in inshore waters. This is especially true of coho and chinook salmon, some of which may be found at all stages of their life history in the protected waters of the Strait of Georgia, Puget Sound and in the tortuous inside passages of Southeastern Alaska. However, the vast majority of salmon born in rivers tributary to the Gulf of Alaska, move quickly to sea and swim northward (e.g. Figure 2) following the set of the current sweeping along the coast of British Columbia and Alaska (compare Figures 1 and 2). This northward migration resembles an army on the march; as the main phalanx moves northward, it is joined by successive cohorts swelling the ranks as new populations join the stream. Thus, northward moving elements from the outside coasts of Washington and Oregon are joined at the mouth of Juan de Fuca Strait by fish from rivers and streams tributary to the inland sea comprising Puget Sound, Juan de Fuca Strait and the Strait of Georgia, including large populations of all 5 species originating in the Fraser River. As they move further north, they are joined by salmon from central and northern British Columbia and Southeast Alaska.

THE NORTHWARD
MARCH

SOCKEYE AND CHUM
MIGRATE FAR

6. Sockeye salmon conduct very long migrations within the Gulf of Alaska. After travelling in a circular route around the rim of the Gulf, they return south and spend their first winter in offshore waters south of Kodiak Island (Figure 3). Chum salmon also make

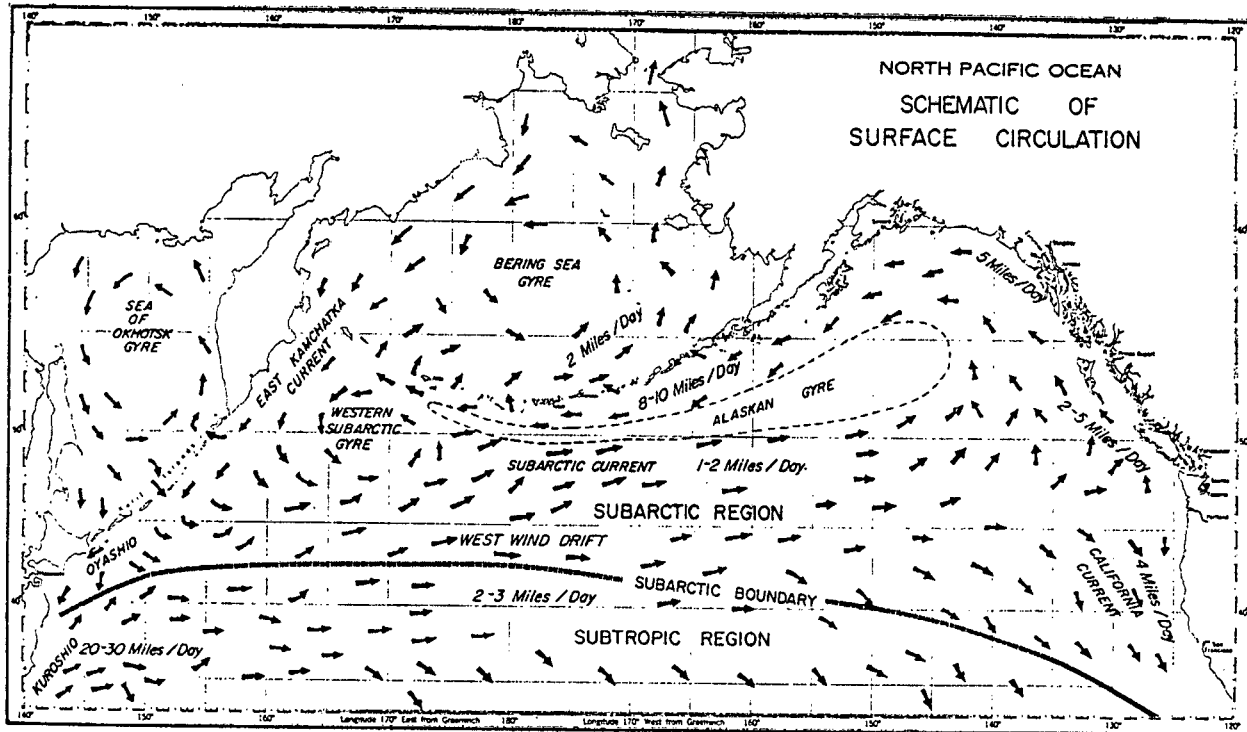


Figure 1. Schematic diagram of surface circulation in the North Pacific area
(Prepared by A.J. Dodimead, from Neave et al, 1976).

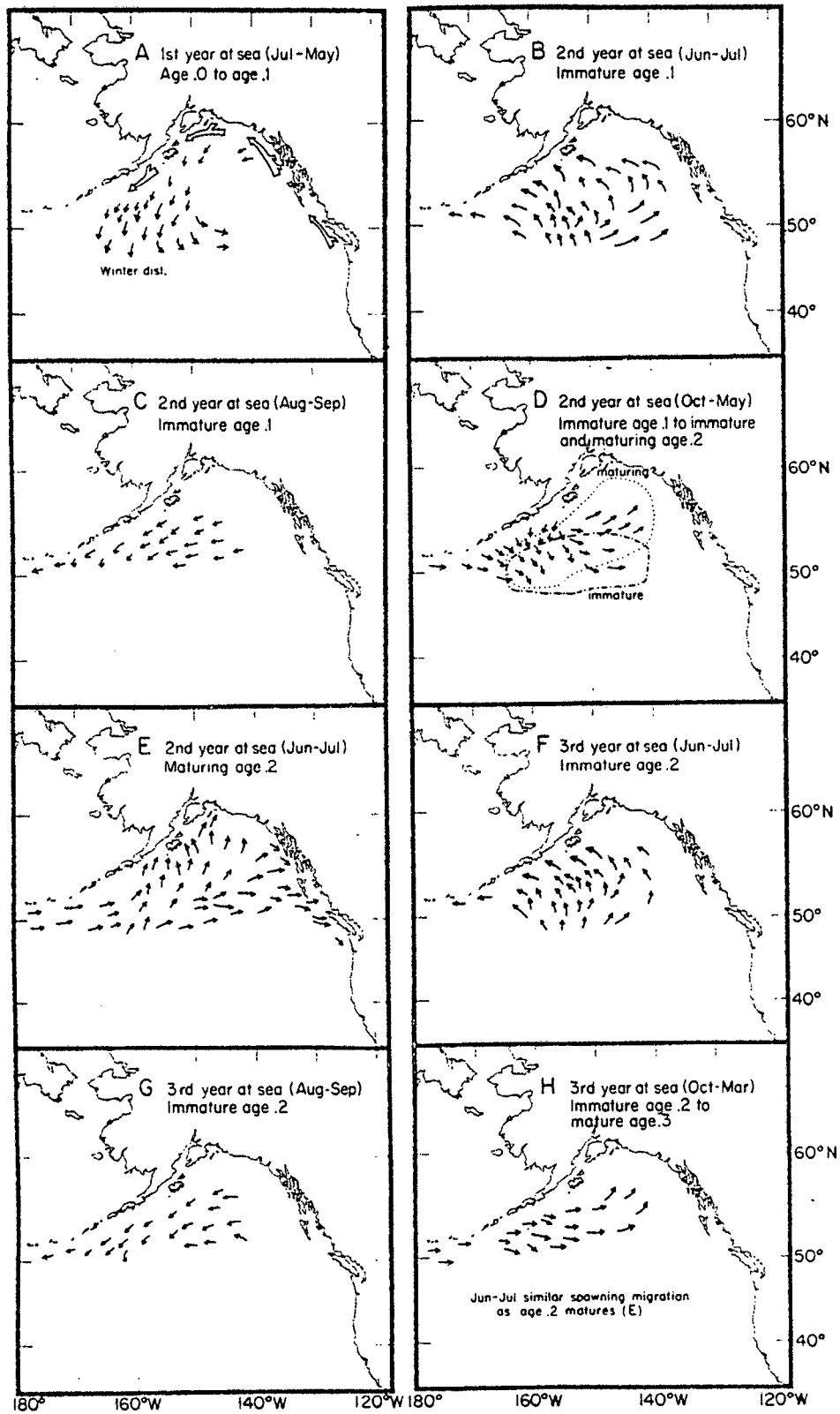
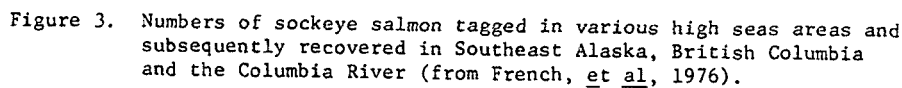


Figure 2. Hypothetical migrations of northeastern Pacific sockeye salmon (from French, et al, 1976).



SHORT-LIVED PINK
SALMON STAY CLOSER

relatively long migrations to the north and west, but those originating in streams tributary to the Gulf of Alaska and southward do not appear to concentrate as far offshore as do sockeye (compare Figures 3 and 4). Pink salmon, spending only about 15 months at sea, do not migrate as far as either sockeye or chum (Figure 5).

COHO LEAST MIGRATORY

7. Although some coho may conduct long ocean migrations, many others remain close to their home streams throughout their lives. In this respect, coho are the least adventurous of all the salmon species originating in eastern Pacific rivers. Undoubtedly, some juveniles join the stream of the 5 species of salmon which moves northward along the coasts of British Columbia and Alaska each Spring (see Figure 6 which summarizes data from taggings of juvenile coho close to shore off northern British Columbia and Southeast Alaska). However, particularly at the southern extremity of coho distribution (south of the influence of the northward moving branch of the Subarctic Current off southern British Columbia, Washington and Oregon), migration is much more of a "shot-gun" type of dispersal than a definite northward set. Thus, coho from the Columbia River are rarely found north of the rich feeding grounds off Vancouver Island and coho from southern British Columbia rivers (such as the Fraser) are only occasionally found as far north as Alaska. Coho may be caught throughout the year in coastal waters of British Columbia which include inside passages such as the Strait of Georgia and Juan de Fuca Strait.

CHINOOK STAY INSHORE
BUT CARRY OUT LONG
SOUTH-NORTH
MIGRATIONS

8. In the eastern North Pacific, many chinook salmon from the rivers of California, Oregon, Washington and British Columbia make long south-north migrations in coastal waters but do not tend to stray very far offshore. Very few have been caught in waters of the Gulf of Alaska beyond 50 miles from the coast. Throughout the year, substantial numbers of chinook can be found, along with coho, in the inside passages of Southeastern Alaska, Dixon Entrance, Hecate Strait, the Strait of Georgia and Puget Sound. From the mouth of Juan de Fuca Strait to Southeastern Alaska, the stocks of chinook from different river systems mingle extensively. For example, from tagging of chinook in the inside passages of Southeastern Alaska, recoveries have been made in virtually every important spawning stream between Oregon and Southeastern Alaska (Figure 7). The extent of intermingling is greater than for coho. The movements of young chinook at sea appear to be much more gradual than those of young sockeye, chum and pink. For example, whereas young sockeye from southern British Columbia are found in waters of the western Gulf of Alaska within 6 months of leaving their natal rivers, it takes many chinook from the same rivers over a year to reach Southeast Alaska.

RETURN SPAWNING
MIGRATIONS GENERALLY
SOUTHWARD OR
EASTWARD

9. In late Spring and Summer of their final year at sea, the salmon begin rapid migrations toward their home streams. These migrations are probably more direct than the circuitous movements of the juveniles. With feeding grounds predominantly to the north and west of their natal rivers, the homeward migrations of most salmon born in rivers along the eastern shore of the North Pacific Ocean are mainly in a southeastward or eastward direction. In general, the returning salmon do not move directly from the sea to their stream mouths, but instead tend to "hit" the coast some distance to the north and west of their eventual destinations. Thus, sockeye, pink

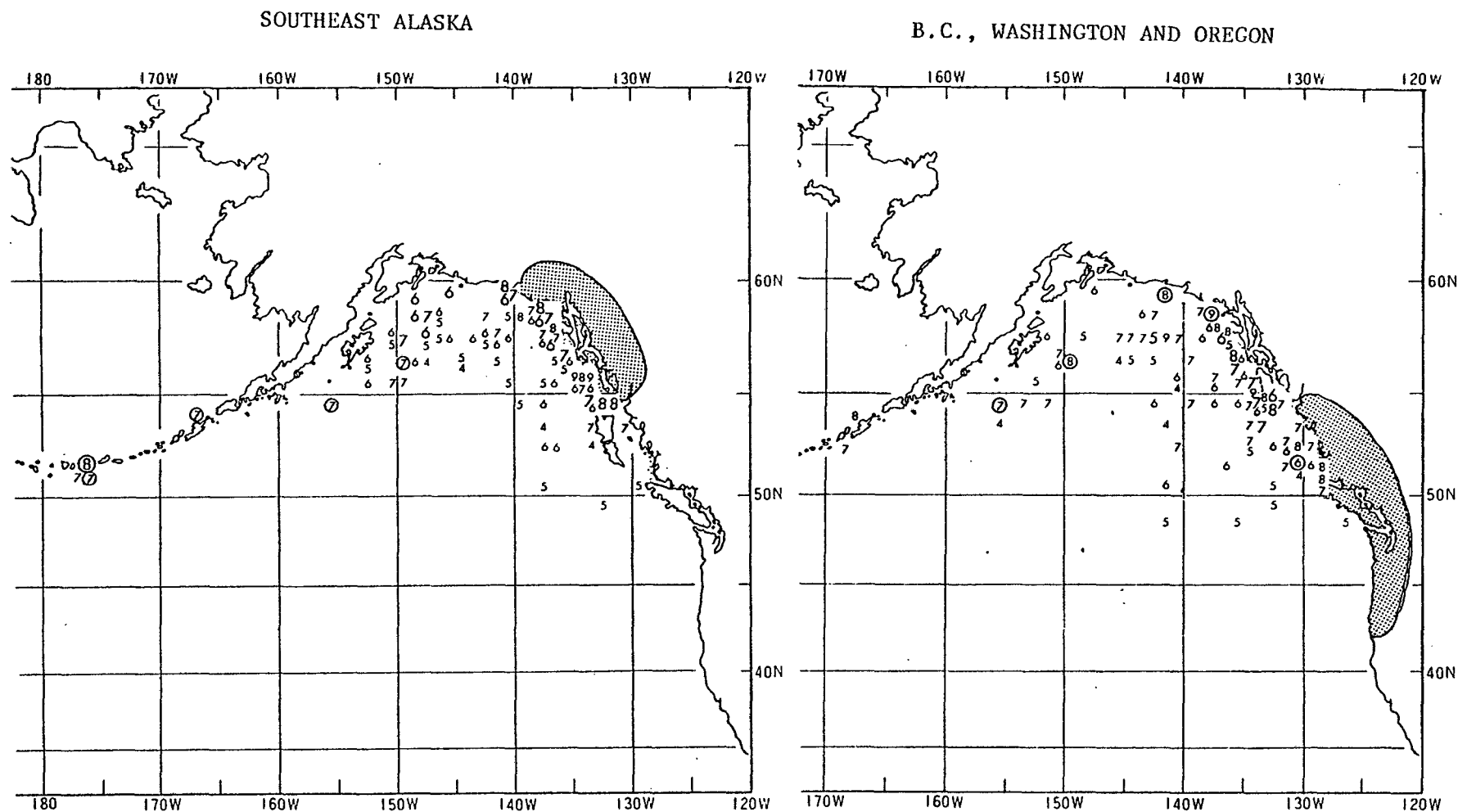


Figure 4. Location of tagging of chum salmon later recovered in Southeast Alaska and in British Columbia, Washington and Oregon. The numerals (circled for immature and non-circled for maturing fish) show the month and location of tagging (from Neave, et al, 1976).

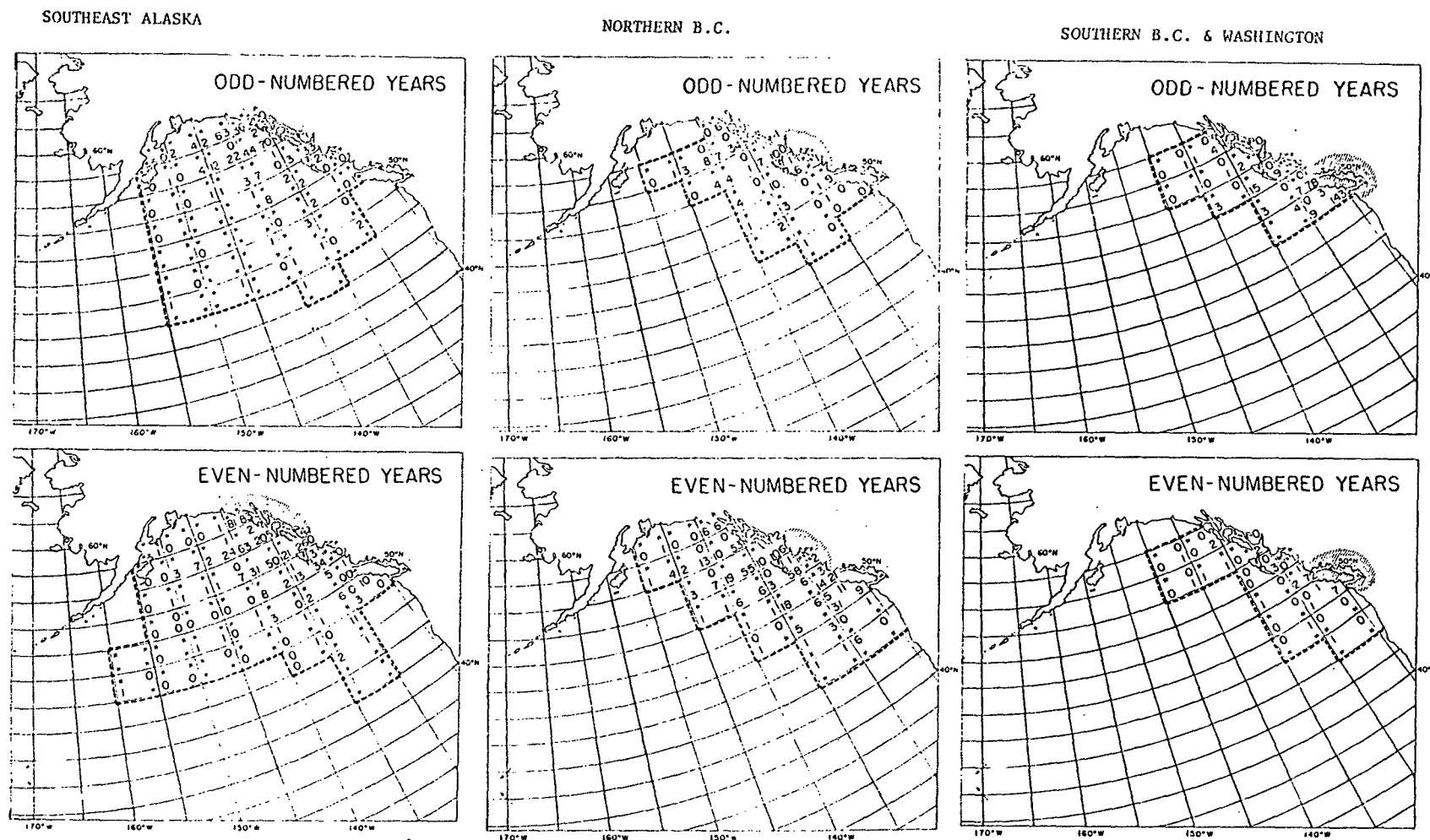


Figure 5. Numbers of pink salmon tagged in various high seas areas and subsequently recovered in Southeast Alaska, British Columbia and Washington. Within each 20° x 50° square, moving counter clockwise from the left quadrant, figures represent numbers of recoveries from taggings in April, May, June and July-August respectively.

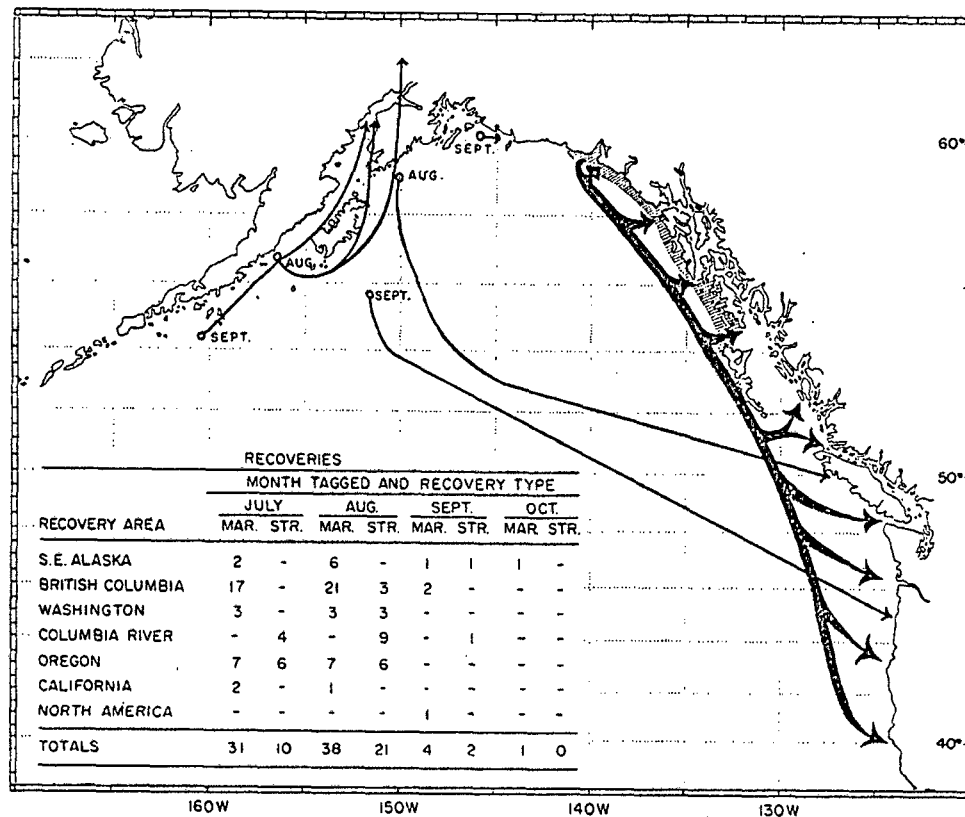


Figure 6. Recoveries in year after tagging of juvenile, age .0 coho salmon tagged during 1958-70 within 25 miles offshore of the northern Queen Charlotte Islands and Southeastern Alaska (shaded areas) and at locations in the Gulf of Alaska (open circles). Single and multiple recoveries are indicated by the narrow and broad arrows respectively. Migration routes are not implied. (from Godfrey, et al, 1975).

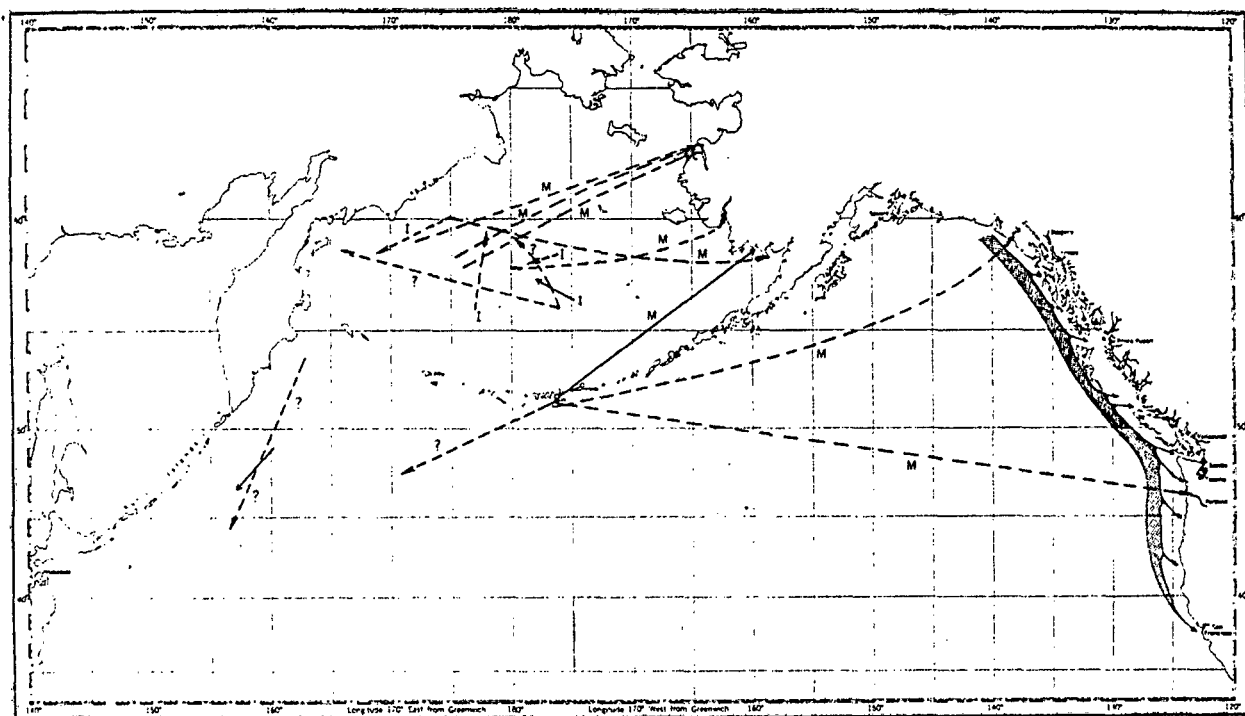


Figure 7. Release and recovery locations of tagged chinook salmon released on the high seas by the U.S., Canada, and Japan, 1956-70. Solid lines indicate that the recovery was made in the year of tagging, broken lines indicate that the recovery was made in years subsequent to tagging. Maturing individuals are designated (M); immatures (I); and those with unknown maturity (?). The stippled band along the west coast of North America indicates the general homeward migration route of chinook salmon to streams from southeastern Alaska to northern California as indicated by tagging studies in that area. (from Major, et al, 1978).

and chum bound for the Skeena and Nass Rivers of northern British Columbia frequently reach inshore waters off the coast of Southeast Alaska, migrating down the Alaskan shoreline and to some extent through the inside passages of the Alexander archipelago to enter Dixon Entrance on their way to their spawning rivers. In a similar manner, sockeye and pink bound for the Fraser River reach inshore waters off Vancouver Island, moving southward relatively close to the outer coast of the Island to enter Juan de Fuca Strait on their way to their home streams. Variable (but often substantial) numbers reach the coast even further north, passing through Johnstone Strait at the northern end of Vancouver Island rather than migrating down the west coast of the Island.

MIGRATION ROUTES
PROVIDE
OPPORTUNITIES FOR
INTERCEPTION

10. The southerly direction of approach of maturing salmon and the fact that substantial numbers of chinook and coho salmon sojourning in coastal waters (generally to the north of their rivers of origin) are vulnerable to fishing throughout their ocean lives, provide opportunities for Alaskan fishermen to intercept salmon bound for Canadian rivers and British Columbia fishermen to intercept salmon bound for rivers in Washington and Oregon to the south. Other opportunities for interception occur as salmon bound for rivers along both sides of the northern and southern boundaries of British Columbia approach their home streams through the Dixon Entrance and Juan de Fuca passages. In migrating through these passages, the fish, as they meander along the shoreline of first one country and then the other, are no respecters of international boundaries. For example, many coho on their inshore migration to Puget Sound pass close to Bonilla Point on Vancouver Island at the entrance to Juan de Fuca Strait, while at the eastern end of Juan de Fuca Strait, sockeye bound for the Fraser River pass mainly through United States waters in the San Juan Islands area.

11. It is the capture of these wandering fish bound for rivers of one country, taken in the waters of the other country, that has led to the "interception problem" and to the present round of negotiations. Before examining the technical aspects of the problem it would seem appropriate to review the nature of the controversy and of attempts to resolve it.

Canada/United States negotiations, 1900-1979.

INTERCEPTIONS HAVE
CAUSED JEALOUSIES
AND FRUSTRATED
EFFECTIVE
CONSERVATION AND
DEVELOPMENT

12. At the beginning, the controversy between Canada and the United States stemmed from the resentment of Canadian fishermen toward United States fishermen competing with them on the approaches to the Fraser River. Over the years, the problem has become more complex. As fishing pressures increased, both sides were forced to restrict their fisheries in order to preserve the runs. Efforts on both sides to conserve the stocks were constantly being frustrated by lack of mechanisms for coordinating regulations of fisheries exploiting the same stocks. Very recently, both countries have launched vigorous programs to increase salmon production by artificial means (e.g. hatcheries, artificial spawning channels and lake fertilization). Many promising enhancement projects have been postponed because too great a part of benefits from such projects would accrue to intercepting fisheries of the other country. Failure to reach understandings regarding the control of intercepting fisheries has therefore had adverse effects on the management and

development of fisheries on both sides.

FIRST ACCOMODATIONS
INVOLVED FRASER
RIVER SOCKEYE

13. Whereas a comprehensive solution has not yet been reached, progress has been made over the years regarding at least some of the interception problems. The first accomodations occurred with respect to the management of the fisheries for sockeye salmon bound for the Fraser River. In the late 1800's, United States and Canadian fishermen began fishing vigorously for sockeye salmon bound for the Fraser River. The United States fishery took place on the approaches to the Fraser in the extensive chain of islands at the northern entrance to Puget Sound whereas the Canadian fishery was concentrated in the estuary and in the river itself. At that time, the Fraser run had a marked 4-year periodicity with runs in the 1893-1897-1901 cycle being much more abundant than in intervening three year periods. In the relatively lean years, Canadian fishermen viewed themselves as being at the mercy of their United States counterparts who had "first crack" at the fish. There were also concerns on the part of Canadian and United States authorities regarding possible overfishing. In 1908, Canada (represented by Great Britain) and the United States formed an International Fisheries Commission to prepare a "system of uniform and common international regulations for protection and preservation of the food fishes of each nation". For Fraser River sockeye, the Commission agreed to apply a 3-week mid-season closure and to institute a 48-hour weekly closed period for the remainder of the season to both the Canadian and United States fisheries. The regulations were not enforced and the Commission soon became defunct.

HELL'S GATE SLIDE
FORCED ACTION

14. A major disaster, the Hell's Gate rockslide (which all but destroyed the major upriver sockeye run in 1913), forced the governments to renew their joint consideration of the Fraser River problems. Canada took immediate action to clear the slide but when the runs of all cycles began to decline following 1917, it became apparent that other measures, including limitation of fishing by both sides on the depressed runs, would be necessary to maintain the stocks. Negotiations toward a new agreement were initiated but went very slowly. It was 16 years after the slide before an agreement was signed (1929), 24 years (1937) before the agreement came into force and 33 years (1946) before the Commission established under the agreement could exercise regulatory powers over the fisheries. In the 1950's, increasing fishing pressure on Fraser River pink salmon became a matter of grave concern to the Governments and as a result, in 1957, a Protocol to the Fraser River Sockeye treaty was negotiated which placed pink salmon on the southern approaches to the Fraser under an international regulatory regime similar to that for sockeye. At about the same time, the net fisheries of both countries began to extend seaward from the traditional inshore fishing areas. Such seaward extensions increased the incidence of interceptions and posed severe problems of competitive overfishing. As a result, in 1957, the two Governments reached an informal understanding wherein each country, on a voluntary basis, established administrative lines (the so-called "surf lines") seaward of which fishing by nets was prohibited. It is of interest that in the three instances mentioned, understandings were reached only after Canadian fishing effort in the fisheries concerned had increased substantially to the disadvantage of the United States (Figure 8).

NEGOTIATIONS
VERY SLOW

JOINT REGULATION
33 YEARS AFTER
HELL'S GATE

FRASER PINK SALMON
PROTOCOL IN 1957

INFORMAL "SURF-LINE"
AGREEMENT IN 1957

-13-

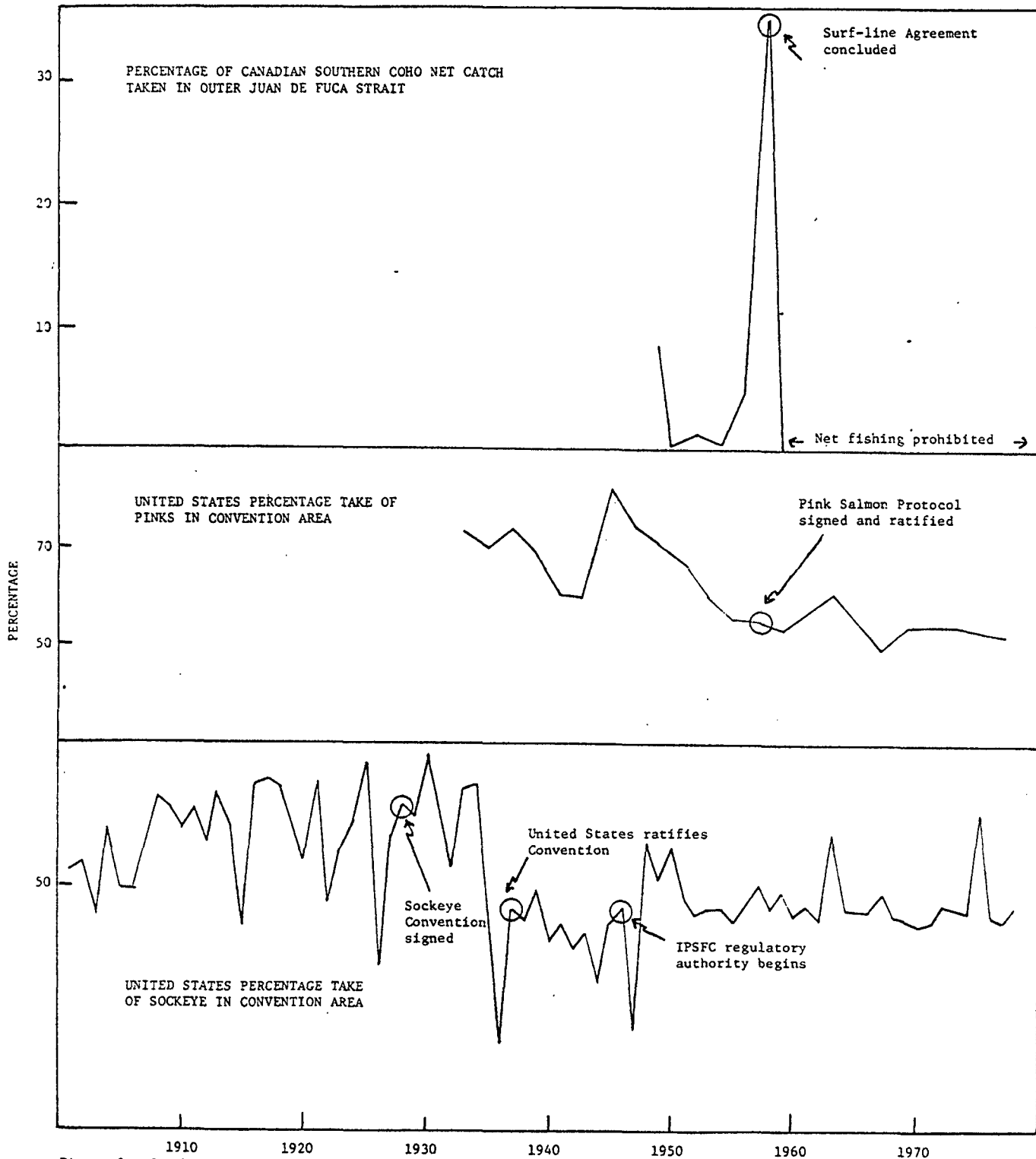


Figure 8. Catches by United States and Canadian fisheries in approaches to the Fraser River, drawn to illustrate relationship between catch patterns and conclusion of international agreements.

UNITED STATES
CONCERNS ABOUT
CANADIAN TROLLING

CANADIAN RESENTMENT
OVER ALASKAN
FISHERIES

CANADIAN
DISSATISFACTION
OVER FRASER SHARING

INCREASED FISHING
BY CANADA OUTSIDE
IPSFC AREA

EXTENSION OF
FISHERIES
JURISDICTION

RECIPROCAL FISHING
AGREEMENTS

15. Although the negotiations that took place between the early 1900's and 1957 overcame some of the difficulties, new problems continued to emerge. In the 1960's, the United States became increasingly concerned about the growth of the Canadian troll fishery (which was not covered by the surf-line understanding). This fishery, which operated not only off the coast of British Columbia but also off the coasts of Alaska, Washington and Oregon, was taking increasing quantities of coho and chinook salmon bound for United States rivers. Many of these fish originated in hatcheries which had been build and operated at considerable cost to the United States taxpayer. On the Canadian side, northern British Columbia fishermen were deeply concerned that location of the surf-line off Alaska had left some major intercepting United States fisheries (particularly at Noyes Island) untouched, whereas Canadians had been denied the opportunity of expanding their fisheries beyond their limited inshore areas. Canadians became increasingly dissatisfied with the 50:50 sharing terms of the Fraser Convention. At the time, Canada was facing increasing domestic costs to prevent pollution and other environmental degradation of the Fraser River. Keeping the Fraser free from hydro development resulted in rising electricity costs to consumers (development of alternative hydro sites was more expensive than the development proposed for the Fraser). In view of these increased unilateral costs (both direct expenditures and opportunity costs), it was the Canadian perception that the 50:50 sharing Fraser River formula was unfair; the United States did not share in the increased costs nor the increased sacrifices required to maintain the Fraser and yet United States fishermen received a guaranteed 50% of the catch in Convention waters. Canadians were also concerned about United States catches of Fraser River-bound chum, coho and chinook salmon which were not under regulatory control of the Fraser River Salmon Commission. On the other hand, the United States was concerned by Canada's increasing catches of Fraser-bound sockeye and pinks in areas outside the Fraser Convention Area (not included in the 50:50 sharing arrangement) which resulted in Canada taking an increasing proportion of the total catch of Fraser-bound fish. During the 1960's, these concerns on both sides led to a vigorous and often acrimonious series of discussions that failed to reach any conclusions.

16. In 1964 and 1970, mainly to counter the threat of fishing by overseas nations for species other than salmon, Canada and the United States extended their respective jurisdictions over fisheries to 12 miles from shore, or from appropriate baselines. Because fishermen of both Canada and the United States had habitually fished in waters of the other country within 12 miles of land, a reciprocal fishing agreement was negotiated in 1970 (the agreement was subsequently re-negotiated in 1973 and extended on an annual basis in 1975 and 1976) to permit traditional North American fisheries to continue. The agreements contained provisions limiting the access of troll fishermen of both countries within the 3-12 mile zones of the other country; Canadian troll fishing was eliminated off the coasts of Alaska, Oregon and California while United States troll fishing was eliminated in the Canadian 3-12 mile zones from mid-Vancouver Island northward. Because Canada conducted more trolling in the United States zone than vice versa, the agreements had a more severe effect on Canadian salmon fishing activities than they did on United States activities. On the other hand, in response to Canadian concerns, the agreements also contained provisions for consultations and informal

coordination of regulations on United States net fisheries for salmon other than sockeye and pinks in United States fishing areas near the mouth of the Fraser River.

200-MILE LIMIT:
END OF RECIPROCAL
ACCESS FOR TROLLERS

17. In 1977, both countries extended the limits of their fisheries jurisdictions to 200 miles (again primarily because of problems with overseas fishing nations and not because of bilateral fisheries problems). Attempts to develop satisfactory arrangements for access of salmon fishermen to the zones of the other country failed; at the present time, trolling is therefore limited to the national waters of each country.

SALMON ENHANCEMENT

18. In the early 1970's, both countries began contemplating large-scale development programs to increase salmon production by artificial means (hatcheries, artificial spawning channels, etc.). Promising new hatchery techniques for propagating chinook and coho salmon had been developed in the United States and Canadian efforts to increase sockeye production using artificial spawning channels, had met with apparent success. The Fraser River Salmon Commission prepared ambitious proposals for major increases in production of Fraser River sockeye and pinks by a variety of techniques. These potential developments placed new emphasis on the search for solutions to the interception problem; funding agencies on both sides were reluctant to make expenditures of public monies for projects to increase stocks which would provide large and uncontrollable catches in fisheries of the other country. Canada was not prepared to proceed with large-scale international development of the Fraser with the United States reaping a guaranteed 50:50 Convention Area share in perpetuity. In 1971, the proliferation of new problems and the worsening of old ones, led the two sides to explore the possibility of reaching a comprehensive solution to the interception problem rather than to continue attacking individual issues in a piecemeal manner. Since 1971, therefore, the two Governments have been engaged in a more or less continuous series of meetings to negotiate an agreement which would replace existing agreements on salmon and which would provide a comprehensive basis for cooperative management and for orderly development of salmon fisheries of both countries in the future.

FIRST ATTEMPTS AT
A COMPREHENSIVE
AGREEMENT

THE JUNE 1971
"PRINCIPLES"

19. In June 1971, negotiators for the two countries tentatively agreed upon a set of general principles which they hoped would provide a framework for future relationships regarding salmon interceptions. These basic principles were:

EACH COUNTRY SHOULD
FISH ITS OWN SALMON

"a) Recognizing that regulation of the salmon fisheries to maintain the stocks is most effective if runs are fished separately and that, for equity and to justify the large expenditures involved, each country should reap the benefits of its efforts to maintain or increase the stocks, it is agreed that, subject to the considerations outlined below, 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.

FOR UNAVOIDABLE
INTERCEPTIONS THERE
SHOULD BE AN
EQUITABLE BALANCE

b) 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, it is agreed that there shall be an equitable balance between the interceptions by the two countries. By "equitable balance" is meant that the total value of salmon bound for Canadian rivers caught by the United States shall as nearly as possible equal the total value of salmon bound of U.S. rivers caught by Canada. It is further agreed that this equitable balance should be achieved, where possible, by reducing rather than increasing interceptions, and that each country shall seek to make adjustments in the techniques and economics of its fisheries which will make reduction of interceptions possible. These adjustments must take into consideration the overriding requirements of conservation."

NUMEROUS
NEGOTIATING
SESSIONS FAILED

20. Between 1971 and 1977, 6 negotiating sessions (and numerous informal meetings between officials) were held in attempts to elaborate these principles into a detailed agreement. However, the principles were highly equivocal; minimization of interception was directly antagonistic to maintenance of traditional fisheries; maintaining a balance in the value of interceptions also was inconsistent with the principle of minimizing interceptions. The negotiators recognized this fact when they elaborated the principles in 1971, but their hope then was that the principles would provide a starting point from which compromises could be worked out to meet the interests of the two countries.

BASIC AGREEMENT
REACHED TO
FREEZE
INTERCEPTIONS

21. Between 1971 and 1976, the two sides reached tentative agreement on a general formula to freeze levels of intercepting fisheries to prevent escalation of the problem. Both sides, however, insisted on modifications to the basic scheme to take into account their special concerns. Because compromise could not be reached on these questions of special concern, the negotiations foundered. The basic problem areas were:

Fisheries to be included in the freeze

CONTROL OF ALASKAN
FISHERIES A POINT
OF CONTENTION

22. There was little difficulty in reaching agreement that major intercepting fisheries such as the United States fishery on salmon bound for the Fraser and the Canadian troll fishery (which took large percentages of chinook and coho salmon bound for Washington and Oregon rivers) should be subject to immediate limitation. However, a marked difference of opinion arose with respect to limitation of Alaskan fisheries. The United States emphasized inadequacies in data on interceptions in the Southeast Alaska area and the extreme practical difficulties Alaskan authorities would be faced with in placing limits on certain fisheries which admittedly took some fish bound for British Columbia coastal rivers, but which took even larger numbers of salmon bound for local Alaskan rivers. Canada was insistent that recognition be given to the fact that interceptions in Alaska were substantial (particularly in net fisheries at Noyes Island and at Cape Fox and in the troll fishery throughout Southeast Alaska), and that limitation of such fisheries was necessary to ensure northern British Columbia fishermen a fair share of their own resources; Canada required certainty that Canadians would benefit from full development of salmon production from their northern rivers.

BOTH SIDES PREPARED
TO MAKE ACCOMODATIONS
IN THE SOUTH

23. These attitudes were understandable. Canada was prepared to place limits on its troll fishery (which it acknowledged took a large proportion of chinook and coho bound for the United States) in order to achieve one of its prime objectives in the negotiations - the return of the Fraser River to Canadian management control and the right of Canadians to reap any future benefits from increased production there. The cost Canada was willing to pay was to forego opportunities of Canadian troll fishermen and of fishermen participating in some net fisheries to harvest future increases in production from Washington State rivers. The United States, on the other hand, was prepared to forego its protected position on the Fraser in return for assurance that, in future, Washington and Oregon fishermen would be guaranteed benefits from increased production from rivers in those states. For the United States, the compromise over this issue essentially involved internal adjustments in the fishing community of a single state - Washington. To implement the agreement would require limiting one group of fishermen within the State (i.e. those net fishermen dependent on Fraser sockeye and pinks) to provide expanded opportunities for all other groups. With good prospects for increasing chinook and coho production in the future, it seemed that, on the balance, the Washington State fishing community as a whole (including both commercial and recreational fishermen) would benefit from the compromise even though some individuals would not be in a position to share in future improvements.

INTERCEPTION
AGREEMENT WOULD
OSTENSIBLY NOT
BENEFIT ALASKA

24. Whereas the proposal for an overall limitation scheme was grudgingly acceptable to both sides in southern British Columbia and Washington, such was not the case in the north. On the basis of evidence existing at the time, northern British Columbia fishermen intercepted far fewer Alaska-bound fish than vice versa. Thus, in view of the Alaskans, an overall agreement which would place limits on all intercepting fisheries would gain Alaska nothing at all; indeed, Alaskans would be losers. There was no internal compromise between elements within the Alaskan fishing community that would provide Alaska with more fish. Alaskan members of the United States delegation were understandably reluctant, therefore, to support an agreement providing for a general limitation scheme. Members of the Canadian delegation who feared the effects of intercepting Alaska fisheries on the hard-pressed northern British Columbia stocks were just as understandably insistent that Alaskan fisheries be brought fully within the framework of an interception limitation scheme. At the close of the 1977 session, some progress had been made on the list of fisheries to be included under the limitation scheme but the issue was still far from being resolved.

ALASKAN ISSUE
DEADLOCKED

"EQUITY"

"Equity" in value of interceptions.

25. It had long been the Canadian perception that United States fishermen had the upper hand in the interception game. For the first 5 decades of the century, United States catches of Fraser-bound fish had far exceeded all Canadian interceptions of salmon bound for United States rivers. In the 1950's and 1960's, the vigorous growth of the Canadian troll fishery from Alaska to California (which caught many coho and chinook salmon

DIFFICULTIES IN
DEFINING "EQUITABLE
BALANCE" IN
INTERCEPTIONS

bound for the Columbia and other rivers in the northwest part of the United States) began to restore the balance. From the Canadian point of view, however, based on analyses of data for the 1971-1974 period (see paragraphs 34-51) the balance was still substantially in favour of the United States. In the negotiations, therefore, Canada insisted that any agreement must provide for adjustment in the interception scheme to ensure that eventually, there would be equality in the value of interceptions by the two countries. Adoption of this principle would, in the Canadian view, require more stringent limitations on United States fisheries than on Canadian fisheries (in order to allow Canada to catch up). Throughout the negotiations, the United States was uncertain about the principle of establishing equality in the value of interceptions. It was the United States view that the values of interceptions by the two sides (ignoring interceptions of salmon bound for Canadian sections of trans-boundary rivers) were roughly in balance. Indeed, if one used a "reverse pricing" system proposed by the United States, the balance was in Canada's favour. Furthermore, in view of the traditional participation of the United States in management and development of Fraser River sockeye and pink salmon stocks, the United States could not consider Fraser-bound sockeye and pinks in the same light as salmon bound for other Canadian rivers. The United States therefore favoured an agreement that would simply limit interceptions in the most important fisheries to agreed levels (perhaps to levels existing in 1971-1974) without any adjustments to account for the principle of equitable balance. This approach was not acceptable to Canada and the equity question became another area of deadlock in the negotiations.

The special status of the Fraser.

LACK OF AGREEMENT
ON WHO SHOULD MANAGE
FRASER RIVER SOCKEYE
AND PINKS

26. The United States, while recognizing that its fishermen's interceptions of Fraser-bound salmon would have to be limited, pressed hard for a continuation of the Salmon Commission system for managing the fisheries for Fraser sockeye and pinks wherein the two countries shared in decisions regarding harvesting and development. Canada, on the other hand, was adamant that, in the context of an overall agreement, management control over Fraser sockeye and pinks should pass into Canadian hands and that decisions on harvesting and escapement levels should be Canada's alone, subject only to guarantees that the United States would not capriciously be deprived of its agreed share. As of September 1977, the issue of management authority for the Fraser River had not been resolved.

UNITED STATES DESIRE
TO SHARE IN FRASER
RIVER ENHANCEMENT

27. With respect to permitted levels of interceptions, the United States put forward the view that the United States Government, by participating in the Fraser River Salmon Commission's work (involving annual contributions of 50% of the Commission's budget) had made investments in the management and development of the Fraser sockeye and pink salmon stocks. An immediate freeze of United States fisheries on Fraser stocks would result in the United States being denied participation in harvesting future increases that had been paid for in part by past United States financial and technical contributions to the Salmon Commission's program. The United States proposed that interception limits on

POSSIBLE COMPENSATION
FOR PAST UNITED STATES
CONTRIBUTION TO IPSFC

United States fisheries for Fraser sockeye and pinks be adjusted by an amount equivalent to 50% of the increased production in future years attributable to past management and development work carried out by the Fraser River Salmon Commission. In outlining what increments might be appropriate, mention was made of production from artificial spawning ground facilities such as those constructed at Weaver and Gates Creek and on the Nadina system that had not, as yet, realized their full potential. In addition to production from these specific projects, however, the United States indicated its view that United States fishermen should also share in future increases in all other Fraser sockeye and pink runs that had been brought about by improved regulation of the fishery under the Salmon Commission's program. It was Canada's view that considering the relatively small contribution the United States had made to the Salmon Commission compared to the very large total cost of maintaining the Fraser runs (including habitat protection, forbearance with respect to hydro development, etc.), the United States had already received more than a fair return on its investment. After much discussion, however, the Canadian side reluctantly agreed to explore the possibility of adjusting the United States interception limits on Fraser sockeye and pinks. Canada felt that the basis for such an adjustment (which would apply for a limited time only) might be equivalent to a percentage of the increased production (beyond that in a base period) from specified development projects which had not yet achieved their full potential. In recent negotiating sessions, this subject has continuously been set aside pending hoped-for resolution of other issues.

Stocks of transboundary rivers.

DISPUTE OVER STATUS
OF TRANSBOUNDARY
RIVER STOCKS

28. Canada made the case that even though Canadian fishermen gained little from salmon spawning in Canadian sections of rivers which drained to the sea through the United States, it had been conscientious in maintaining these rivers for salmon production. Such efforts essentially benefitted only the United States. For example, Canada had made a substantial expenditure to clear a slide on the Tahltan River on the Stikine system in 1965 and had not permitted hydro development on any transboundary river despite the fact that there were some attractive sites for such development. It was Canada's view that any agreement would have to take into account the Canadian interest in the stocks of these rivers, for there would be little point in Canada continuing to make sacrifices and expenditures purely for the benefit of United States fishermen. Canada's view was that these intercepted salmon, (taken by United States fishermen), should be included in any formula equating the value of salmon intercepted by the two sides. The United States acknowledged that if Canada developed more extensive fisheries, the United States would have to make adjustments in its intercepting fisheries to provide greater escapements. The United States indicated that it would be prepared to adjust its fisheries on a cooperative basis. However, it viewed the stocks of these rivers as stocks in which both countries had an interest and could not accept that fish bound for Canadian sections of the rivers would count as interceptions on the same basis as

interceptions of salmon bound for coastal rivers of British Columbia. By the September 1977 meeting, discussions had not proceeded beyond general statements of position.

AGREEMENT ON
INSTITUTIONAL
ARRANGEMENTS AND
MANAGEMENT
CONSULTATION CLOSE

29. Despite the deadlock on major substantive issues in the negotiations described above, some progress was made in developing procedures for consultation on management of stocks subject to interception (i.e. pre-season consultations on spawning escapement requirements, exchange of information on regulatory plans, etc.) and for institutional arrangements to implement the eventual interception limitation agreement. A single Commission for all Canadian and United States salmon subject to interception was envisaged to replace the Fraser River Commission and a number of informal consultative committees that had been established over the years. To carry out the detailed work of the new Commission, three panels would be formed (one for the northern British Columbia-Southeast Alaska fisheries, one for Fraser sockeye and pinks and one for all other fisheries associated with salmon runs in southern British Columbia, Washington and Oregon). The Commission would provide the focus for annual consultations on regulation of fisheries on stocks subject to interception and would monitor fishing operations in both countries to ensure compliance with interception limitation provisions of the agreement. A framework Convention was drawn up (without agreed language on most of the still unresolved substantive matters).

New approaches in the 1977-1979 round.

1977-1979 NEW
APPROACH BASED
ON COOPERATION
IN ENHANCEMENT

30. In 1977, interest on both sides in proceeding with major programs of salmon development increased. In light of this interest, at the September 1977 meeting, the Canadian delegation proposed broadening and changing the focus of the negotiations to emphasize cooperation in development rather than concentrating on the essentially negative goal of controlling interceptions. Canada suggested that the two countries should cooperate within a bilateral Commission to maximize production of salmon from their respective rivers. It seemed to Canada that if positive steps could be taken to increase salmon production everywhere, control of interceptions could be achieved with relatively little disruption; adjustments would not necessarily require cutbacks in catches, although obviously some groups of fishermen (not heavily involved in intercepting fisheries) would benefit more than others. In the Canadian view, coordination of development activities was essential because when natural runs and artificially enhanced runs were fished together, the natural runs tended to suffer and in some cases, underwent drastic reductions; strategies for development and harvesting of salmon runs subject to interception should therefore be carried out very carefully, taking into account the presence of local stocks which would not be subject to interception. An important case in point was that of runs to Canadian sections of transboundary rivers. If Alaska substantially increased its own runs and fished harder to ensure an adequate harvest of the enhanced populations, undeveloped natural runs from Canadian sections of the rivers would be severely overfished and would undoubtedly decline. Canada indicated an interest in cooperating with the United States to develop the transboundary rivers as long as Canada would get credit for the fish it contributed to United States fisheries in a balanced agreement.

ELEMENTS OF THE
CANADIAN PROPOSAL

COOPERATIVE
ENHANCEMENT TO
MAXIMIZE PRODUCTION

FISHERIES
ADJUSTMENTS TO
PROVIDE EQUITY

INITIAL FREEZE
ON INTERCEPTIONS

CANADIAN FRASER
MANAGEMENT

UNITED STATES
RESPONSE GENERALLY
FAVOURABLE BUT
WITH SOME
IMPORTANT
RESERVATIONS

31. The key elements of the Canadian proposal were:

a) An obligation on the part of each country to cooperate in the development of intermingled salmon runs, including coordination of development plans (with respect to decisions on which stocks to develop, timing of projects, etc.) to ensure maximization of production;

b) Adjustments in intercepting fisheries to ensure that by a specified time, each country received benefits commensurate with the production of salmon from its own rivers. In the Canadian view, the balance should be in total production and not just incremental production as the result of the development program. Such adjustments could include increases in interceptions as well as decreases or limitations to present levels;

c) Pending implementation of the scheme, each country would assume a general binding obligation not to permit increases in interceptions beyond those occurring during an agreed base period;

d) Canadian management control over the Fraser River would be phased in over a three year period.

32. The United States response to this proposal was generally positive. In the context of an otherwise satisfactory agreement, the United States indicated that it was prepared to accept Canadian management control over Fraser sockeye and pinks. However, the United States negotiator also expressed a number of serious reservations about other aspects of the agreement. Due mainly to reluctance on the part of Alaska to undertake binding obligations, the United States felt that it could not accept an overall commitment to limit interceptions. Instead, the United States negotiator returned to the original approach of developing lists of fisheries that would be subject to specified interception limitation schemes. In his view, these lists could be supplemented by a second set of lists specifying fisheries which would be subject to study pending a later decision on whether or not they should be placed under interception limits. The United States was also opposed to making (in its view) a very great concession in transferring management control of Fraser River sockeye and pinks to Canada without a firm commitment from Canada to place clearly defined interception limits and other regulatory measures on its ocean troll fisheries.

33. The foregoing account has reviewed past Canada/United States discussions which have led to the current round of negotiations toward a comprehensive agreement regarding management of salmon. In the following section, available information on past interceptions of salmon is summarized as background for consideration of the issues that will be discussed at the 1980 negotiating meetings.

Measurements of interception.

34. In reviewing past information bearing on the interception problem, the important technical questions are:

- a) Where are salmon intercepted?
- b) How many salmon are intercepted?
- c) How much are intercepted salmon worth?

35. There are no unequivocal answers to these questions. Estimates of the numbers of fish intercepted and of their origins, are derived from the results of scientific studies. Some of these estimates are very firmly based but others are much more tenuous, leaving room for argument. There are also marked annual variations in the strength of individual runs and in migration paths, making it risky to develop broad general conclusions based on observations made in one year.

ASSIGNING
VALUES TO
INTERCEPTIONS
VERY COMPLICATED

36. The question of what a salmon is worth is even more complicated. Is a salmon's value measured by the price paid to the fisherman, by the wholesale value of the product (to take into account the value added through processing), or by the price that would have been paid to the fisherman of the second country had he been the one to catch it rather than his counterpart in the intercepting country? Prices vary between the two countries and both absolute and relative prices between species vary greatly from year to year. Thus, it is extremely difficult to develop a standard yardstick for making comparisons and for establishing arrangements between the two countries based on the economic value of the fish intercepted by fishermen of the two sides. Nevertheless, the question of valuation is at the heart of the negotiations; each side, in making its equations, obviously places great importance on the worth of salmon being intercepted.

Estimates of numbers of salmon intercepted.

TAGGING THE MAIN
SOURCE OF
INFORMATION

37. Information on where salmon are intercepted is relatively complete. Over the past 50 years, tagging has been conducted at some time or other in virtually every important fishery from California to the northern part of Southeast Alaska. Subsequent recoveries of these tagged fish in other fisheries and on spawning grounds provide the backbone of our present knowledge of the migratory patterns of salmon during the latter phases of their ocean life. In recent years, increasing numbers of young fish emerging from hatcheries in both the United States and Canada have been tagged. Subsequent recoveries of these fish in later stages of their life have added to knowledge provided from ocean tagging of larger fish. The quality of information on which estimates are based is variable. In some important intercepting fisheries, evidence on the extent of interception is virtually incontrovertible. For example, of rivers tributary to the inside passages of southern British Columbia and Washington State (between Vancouver Island and the mainland) with the exception of a few small runs, sockeye are found only in the Fraser River. The sockeye of the Fraser River, numbering in the millions every year, obviously dominate in the fisheries in the area and there is no dispute between the scientists of the two countries that Fraser-bound fish annually account for over 99% of all sockeye taken in fisheries in the Juan de Fuca-Georgia Straits area. On the other hand, for a number of other fisheries, information is very incomplete, sometimes being based on one or two tag recoveries made decades ago when the pattern of fisheries and probabilities of making tag recoveries were very different from those existing today. In these cases, the scanty evidence indicates that some fish are probably subject to interception but one can only guess at the order of magnitude of the interceptions. A case in point would be coho in the inside passages of Southeast Alaska. Evidence of interception comes from tagging of a few hundred fish 25 to 50 years ago, from which

ESTIMATES OF
INTERCEPTIONS OF
FRASER SOCKEYE AND
PINKS RELATIVELY
ACCURATE

ESTIMATES FOR SOME
OTHER STOCKS VERY
WEAK

a handful of recoveries were made, some of them from rivers in British Columbia; very slim information indeed, on which to base precise quantitative estimates of what interceptions are occurring today.

CANADIAN AND
UNITED STATES
ESTIMATES

38. In the early 1970's, as part of cooperative work related to the negotiations, Canadian and United States scientists prepared estimates of the average number of salmon intercepted in all fisheries from California northward through Southeast Alaska. For many fisheries, estimates made by scientists of the two countries of the extent of interceptions were identical while minor differences in estimates occurred in others and in a few, the differences were much greater.

39. Table 1 (see also Appendix 1) summarizes the estimates derived by the scientists. The table shows the average numbers and values of intercepted salmon during 1971-1974 destined for rivers in northern and southern British Columbia, Canadian sections of transboundary rivers, and in Alaska, Washington, Oregon and California (the latter three treated as a block). Estimates derived by the specialists of the two countries are shown separately. Table 2 provides a further summarization of the data and compares the numbers and values of interceptions with total catches of all salmon (both intercepted and non-intercepted) made in Southeast Alaska, British Columbia and the three southern States.

INTERCEPTIONS
ACCOUNT FOR ABOUT
17% OF CANADA/U.S.
CATCH (8 MILLION
PER ANNUM)

40. Considering only fish bound for coastal rivers (i.e. omitting runs to transboundary rivers), the total number of salmon intercepted by commercial fisheries of both countries averaged approximately 8 million per annum, 17% of the total number of salmon caught in all commercial fisheries from California northward through Southeast Alaska (Table 2).

41. Based on approximate prices paid to fishermen in the years in question, Canada intercepted an annual average of about \$12 to \$13 million¹ worth of salmon bound for United States rivers during the base period. This amounted to approximately 18 to 20% of the total landed value of all salmon landed in British Columbia during that period. On the other hand, United States fishermen caught about \$13 to \$14 million worth of salmon bound for coastal rivers of British Columbia, representing approximately 21 to 23 % of the total landed value of all salmon caught in Washington State and Southeast Alaska.

CANADIAN TROLL
FISHERY MAJOR
INTERCEPTER

42. As illustrated in Figure 9, the most important Canadian intercepting fishery (with respect to value of intercepted fish) was the troll fishery operating off the west coast of Vancouver Island (extending southward to banks off Washington State). Catches of United States-bound chinook and coho accounted for approximately 66 to 69% of the landed value of all interceptions by Canadian fishermen (Table 3). Troll fisheries operating in the open sea to the north of Vancouver Island (Queen Charlotte Sound, Dixon Entrance and off the Queen Charlotte Islands) added another 14 to 17%. These intercepted

1. The range brackets United States and Canadian estimates.

Table 1. Average annual numbers and values of salmon bound for the rivers of one country intercepted by commercial fishermen of the other during 1971-1974 as estimated by Canadian and United States scientists.¹

Fishery	Total Catch	Interceptions			
		Numbers(1000's)		Value (\$1000)	
		Can est.	U.S. est	Can est.	U.S. est
<u>UNITED STATES FISHERIES</u>					
<u>Alaska (on salmon bound for coastal rivers of B.C.)</u>					
Outside net	1,241.5	404.4	339.8	506.5	408.2
Cape Fox gillnet	415.6	140.4	66.1	414.4	176.5
Portland Canal gillnet	1.8	0.3	0.2	0.9	0.8
All other Alaska net	2,214.9	64.4	49.3	169.8	147.8
Outside troll	519.5	163.7	109.8	1,199.4	939.3
Inside troll	324.6	90.2	73.7	751.6	682.7
Total	4,717.9	863.4	638.9	3,042.6	2,355.3
<u>Alaska (on salmon bound for Canadian sections of transboundary rivers)</u>					
Outside net	1.7	-	249.8	0.1	773.2
Inside net	595.7	339.8		1,043.6	
Outside troll	292.8	16.4	12.0	147.3	
Inside troll	304.9	66.2		519.3	111.0
Subtotal	1,195.1	422.4	261.8	1,710.3	884.2
Yukon River	805.7	280.6		1,115.4	
Total	2,000.8	703.0		2,825.7	
<u>Washington, Oregon and California (on salmon bound for coastal rivers of B.C.)</u>					
Georgia and Juan de Fuca Strait & Puget Sound net	908.2	489.1	481.5	2,123.0	2,070.0
Convention Area net	3,405.1	3,341.5	3,342.5	8,130.6	8,130.3
Troll	2,041.0	207.4	187.3	810.5	702.5
Total	6,354.3	4,038.0	4,011.3	11,064.1	10,902.8
<u>Washington, Oregon and California (on salmon bound for Canadian section of the Columbia)</u>					
Columbia River net	40.5	29.2		45.6	
<u>CANADIAN FISHERIES</u>					
<u>On salmon bound for Alaskan Rivers</u>					
Area 3Z net	349.1	51.1	55.9	150.2	156.1
Areas 3X & 3Y net	488.7	72.8	88.6	120.8	131.3
Queen Charlotte Is. net	195.4	16.1	17.0	19.6	23.1
All other net	708.0	54.9	28.0	35.4	25.1
Troll	878.6	108.0	109.0	287.8	309.7
Total	2,619.8	302.9	298.5	613.8	645.3
<u>On salmon bound for rivers in Washington, Oregon and California</u>					
Georgia & John. St. net	2,534.9	61.1	63.0	155.9	161.5
Juan de Fuca St. net	2,389.4	410.7	460.8	1,248.7	1,374.2
Northern troll	1,203.0	165.3	239.8	1,417.5	1,901.7
Southern troll-inside	495.5	58.6	89.8	253.8	390.2
Southern troll-outside	2,860.2	1,580.5	1,708.2	8,099.9	8,670.1
Total	9,483.0	2,276.2	2,561.6	11,175.7	12,497.7

1. From Reports of the Technical Committee on Salmon Interceptions for 1971-1974.
U.S.-Canada Consultations on Salmon Problems of Mutual Concern.

Table 2. Average annual numbers and values of salmon bound for rivers of one country intercepted by commercial fishermen of the other during 1971-1974, summarized by major geographic fishing areas.

Fishing area	Total Catch		Interceptions			
	Number (1000's)	Value (\$1000)	Numbers (1000's)		Value (\$1000)	
			Can est.	U.S. est.	Can est.	U.S. est.
<u>UNITED STATES FISHERIES</u>						
<u>Southeast Alaska</u>						
On B.C. stocks	-	-	863.4	638.9	3,042.6	2,355.3
On transboundary stocks						
1. Southeast Alaska	-	-	422.4	261.8	1,710.3	884.2
2. Yukon	609	2,954	280.6	-	1,115.4	-
3. Subtotal	-	-	703.0	-	1,825.7	-
Total	13,254	25,267	1,566.4	-	5,868.3	-
<u>Washington, Oregon and California</u>						
On B.C. stocks	-	-	4,038.0	4,011.3	11,064.1	10,902.8
On transboundary stocks	-	-	29.2	-	45.6	-
Total	8,995	37,187	4,067.2	-	11,109.7	-
<u>All United States</u>						
On B.C. stocks	-	-	4,901.4	4,650.2	14,106.7	13,258.1
On transboundary stocks (except Yukon & Columbia)	-	-	422.4	261.8	1,710.3	884.2
Subtotal	-	-	5,323.8	4,912.0	15,817.0	14,142.3
On all transboundary stocks -	-	-	732.2	-	2,871.3	-
Total	22,249	62,454	5,633.6	-	16,978.0	-
<u>CANADIAN FISHERIES</u>						
On Alaskan stocks	-	-	302.9	298.5	613.8	645.3
On Washington, Oregon & California stocks	-	-	2,276.2	2,561.6	11,175.7	12,497.7
Total	24,624	67,146	2,579.1	2,860.1	11,789.5	13,143.0
<u>ALL INTERCEPTIONS</u>						
On coastal stocks	-	-	7,480.5	7,510.3	25,896.2	26,401.1
On transboundary stocks (excluding Yukon & Columbia) -	-	-	422.4	261.8	1,710.3	884.2
Subtotal	-	-	7,902.9	7,772.1	27,606.5	27,285.3
On all transboundary stocks -	-	-	732.2	-	2,871.3	-
Total	46,873	129,600	8,212.7	-	28,767.5	-

Table 3. Percentage (in terms of landed value) of average total estimated interceptions taken in specified fisheries of each country during 1971-1974.

Fishery	Interceptions							
	Coastal rivers only				All (inc. transboundary rivers)			
	Can. est. (\$1000)	%	U.S. est. (\$1000)	%	Can. est. (\$1000)	%	U.S. est. (\$1000)	%

UNITED STATES FISHERIES

Alaska

Outside net	506.5	3.6	408.2	3.1	506.6	3.0		
Cape Fox net	414.4	2.9	176.5	1.3	414.4	2.4		
Port. Canal net	0.9	*1/	0.8	*	0.9	*	1,506.5	10.6
All other net	169.8	1.2	147.8	1.1	1,213.4	7.2		
Outside troll	1,199.4	8.5	939.3	7.1	1,346.7	7.9		
Inside troll	751.6	5.3	682.7	5.2	1,270.9	7.5	1,733.0	12.3
Subtotal	3,042.6	21.5	2,355.3	17.8	4,752.9	28.0	3,239.5	22.9
Yukon River	-	-	-	-	1,115.4	6.6	-	-
Subtotal	3,042.6	21.5	2,355.3	17.8	5,868.3	34.6	-	-

Washington, Oregon and California

Georgia-Juan de								
Fuca St. & Pug. Sound	2,123.0	15.1	2,070.0	15.6	2,123.0	12.5	2,070.0	14.6
Convention								
Area net	8,130.6	57.6	8,130.3	61.3	8,130.6	47.9	8,130.3	57.5
Troll	810.5	5.8	702.5	5.3	810.5	4.8	702.5	5.0
Subtotal	11,064.1	78.5	10,902.8	82.2	11,064.1	65.2	10,902.8	77.1
Columbia River	-	-	-	-	45.6	0.2	-	-
Subtotal	11,064.1	78.5	10,902.8	82.2	11,109.7	65.4	-	-
<u>Total</u>	14,106.7	100	13,258.1	100	16,978.0	100	14,142.3	100

CANADIAN FISHERIES

Area 3Z net	150.2	1.3	156.1	1.2
Area 3X&3Y net	120.8	1.0	131.1	1.0
Queen C. Is. net	19.6	0.2	23.1	0.2
Other north. net	35.4	0.3	25.1	0.2
Geor. & John. S. net	155.9	1.3	161.5	1.2
Juan de F. net	1,248.7	10.6	1,374.2	10.4
Northern troll	1,705.3	14.5	2,211.4	16.8
S. troll inside	253.8	2.1	390.2	3.0
S. troll outside	8,099.8	68.7	8,670.1	66.0
<u>Total</u>	11,789.5	100	13,143.0	100

1. Less than 0.05

Table 9 (Prepared in Ottawa)

fish were mainly United States-bound chinook salmon. Because of the tendency of young fish to move north and adult fish to return in a southerly direction, virtually all the intercepted chinook and coho taken in both the northern and southern Canadian troll fishery were bound for rivers in Washington and Oregon and not for rivers in Alaska. Of the remaining interceptions (17% by value), most were caught in the Juan de Fuca and Georgia Strait area (11 to 12%).¹ Consistent with the general tendency of returning fish to approach their home streams from a northerly or easterly direction, only a small percentage (approximately 3%) of the total value of all Canadian interceptions involved salmon bound for Alaskan rivers.

CANADIAN
INTERCEPTIONS OF
ALASKAN FISH
SMALL

U.S. FISHERY ON
FRASER RIVER STOCKS
MOST IMPORTANT
INTERCEPTER

43. On the United States side (see Table 3), Fraser River-bound salmon contributed approximately 77 to 83% of the landed value of all United States interceptions of salmon bound for coastal rivers of British Columbia; over two-thirds of these were sockeye and pinks fished in the Fraser River Convention Area. Interceptions in Alaska of salmon bound for coastal rivers of British Columbia accounted for 18 to 22% of the total estimated landed value of United States interceptions. Of this component, almost two thirds were accounted for by troll fisheries for chinook and coho, both in the inside passages and in open waters off the west coast of the Southeastern Alaska archipelago. Net catches (mainly of sockeye) at Noyes Island and Cape Fox accounted for most of the remaining interceptions in Alaskan waters.

SPORT FISHERIES
ON BOTH SIDES ARE
ALSO INTERCEPTERS

44. The foregoing summary covered only commercial fisheries. Sport fisheries in both countries, primarily taking coho and chinook salmon, also intercept salmon bound for rivers of the other country. On the Canadian side, most sport fishery interceptions involve chinook and coho bound for Puget Sound rivers. These fisheries, involving small vessels, operate throughout the southern part of the Gulf of Georgia and in Juan de Fuca Strait off Victoria. Intercepting United States sports fisheries (including charter boat operations) take place along the outer coast of Washington and the United States shore of Juan de Fuca Strait, among the San Juan Islands and at Point Roberts. Because salmon caught by recreational fisheries are not sold commercially and because many fish taken by sport fisheries are smaller than those taken in commercial fisheries, it is difficult to combine information on such catches with that from commercial catches when making appraisals of the relative magnitude of interceptions made by fishermen of the two countries. Perhaps the most appropriate comparison can be made on the basis of weights. During 1971-1974, Canadian recreational fisheries took an estimated 142,000 lbs. of coho and 139,000 lbs. of chinook bound for United States rivers. These amounts were equivalent to only 1.8 to 1.9% of the total weights of intercepted coho and chinook taken by Canadian commercial fisheries (see Appendix 1). On the United States side, intercepted coho and chinook in sports fisheries amounted to 499,000 lbs. and 789,000 lbs. respectively, equivalent to approximately 18 and 72% of the United States commercial catches of these species bound for southern Canadian rivers. Thus, during 1971-1974, the United States recreational fishery was a relatively more important component in the interception picture than was the Canadian recreational fishery.

UNITED STATES SPORT
INTERCEPTIONS MORE
IMPORTANT THAN
CANADA'S

1. Mainly coho bound for rivers in Puget Sound.

U.S. INTERCEPTIONS
OF CANADIAN
TRANSBOUNDARY
STOCKS

45. In addition to the interceptions described above, United States fishermen take substantial numbers of salmon destined for Canadian sections of rivers which drain to the sea through United States territory. There are five such river systems: The Yukon draining into the Bering Sea, the Alsek, Taku and Stikine Rivers tributary to the inside passage of Southeastern Alaska, and the upper branches of the Columbia River (the mouth of the Columbia flows into the open Pacific at the Washington-Oregon boundary). Canadian scientists have estimated that from 1971 through 1974, an average of approximately 52,000 chinook and 228,000 chum bound for Canadian portions of the Yukon were intercepted by United States fishermen in the lower reaches of the river (see Appendix 1). At 1971-1974 landed prices, these would have been worth in the order of \$1.1 million annually (Table 1). Scientists of the two countries estimated that from 262,000 to 422,000 salmon originating in Canadian sections of the three Alaska Panhandle rivers were intercepted by United States fishermen operating in the estuaries of the rivers and in fishing areas throughout the inside passages of Southeastern Alaska where Panhandle fish are intimately mixed with stocks bound for totally Alaskan rivers. On the basis of 1971-1974 prices, the average annual landed value of United States interceptions of these salmon was estimated to have been in the order of \$0.9 to \$1.7 million. Canadian scientists estimated that Canadian sections of the Columbia River system produced only a few thousand sockeye which were subject to interception by United States net fisheries in the lower reaches of the river. The landed value of such interceptions during 1971-1974 was probably less than \$50,000. With the exception of a very small commercial chinook fishery on the Yukon and minor native Indian subsistence fisheries on the Yukon, Alsek, Taku and Stikine Rivers, Canadian fishermen have until recently made little use of the stocks of the 5 transboundary rivers.

46. In the foregoing analysis, ranges of values have been used reflecting differences in estimates of percentage interception derived by scientists of the two countries. Because the scientist's estimates did not vary greatly in most instances, such ranges are adequate to indicate where major interceptions occur and to assess their approximate magnitude. However, when one tackles the contentious question of which country reaps the greatest benefit from interceptions, differences in estimates can have an important bearing on the perceptions of the two sides. To assess the significance of differences in estimates for other fisheries, Table 4 shows differences in dollar value resulting from applying United States and Canadian estimates of percentage rates of interception to catch data for 1971-1974. The table shows that, for commercial catches on stocks bound for coastal rivers of the two countries, the average difference between estimates of interceptions was in the order of 8%. As might be expected, United States estimates of interceptions by Canadian fishermen were higher than Canadian estimates for the same fisheries and vice versa. In dollar value, over half of the overall difference between the two sides was accounted for by differences in estimates of Canadian interceptions of salmon bound for Washington and Oregon. For this category, the differences between the two sides in estimated percentages of fish bound for the other country were actually not great (only about 12%). However, the high contribution of this category to the total difference stemmed from the

EXTENT OF
DIFFERENCE IN
CANADIAN AND U.S.
ESTIMATES

AVERAGE DIFFERENCE
ABOUT 8%

Table 4. Comparison of Canadian and United States estimates of the average annual landed value of intercepted salmon during 1971-1974.

Origin of salmon	Intercept. by	Can est. (\$1000)	U.S. est. (\$1000)	Difference (\$1000)	Difference % ¹
Southeast Alaska	Canada	613.8	645.3	31.5	5.1
British Columbia	U.S. (Alaska)	3,042.6	2,355.3	687.3	29.1
	U.S. (Wash. Ore. & Cal.)	11,064.1	10,902.8	161.3	1.5
Washington, Oregon and California	Canada	11,175.7	12,497.7	1,322.0	11.8
Total		25,896.2	26,401.1	-	-
Average		26,148.7		2,202.1	8.4
Transboundary rivers excluding Yukon and Columbia	U.S.	1,710.3	884.2	826.1	93.4

1. Percent of average

relatively large numbers and high value of intercepted fish (mainly chinook and coho) involved. Most of the remaining differences were accounted for by discrepancies in estimates of United States interception in Alaska of salmon bound for coastal streams of British Columbia. In this case, although the total numbers and value of fish involved were not nearly as great as for Canadian interceptions of Washington and Oregon salmon, differences in estimates of percentage interception by the two sides were much greater (in the order of 29%). Estimates for United States interceptions in Washington and Oregon of salmon bound for British Columbia and for Canadian interceptions of salmon bound for Alaska were very close (differing by only about 1.5% and 5% respectively).

DIFFERENCES IN
ESTIMATES FOR
TRANSBOUNDARY
STOCK FISHERIES

47. With respect to interceptions by the United States of salmon bound for transboundary rivers in Southeastern Alaska, a wide disparity existed between estimates made by scientists of the two countries. For the transboundary rivers of Southeastern Alaska, the difference amounted to 93%. In the original meeting documents, neither side presented estimates for the number of salmon bound for Canadian sections of the Yukon River and the Upper Columbia, taken by United States fishermen.

ANALYSES OF RECENT
DATA COULD NARROW
DIFFERENCES

48. Data regarding Canadian interceptions of salmon bound for Washington and Oregon are considerably more extensive and more recent than data for Alaskan interceptions of salmon bound for British Columbia. With respect to chinook and coho in the south, both countries are currently marking large numbers of juvenile fish from hatcheries (and in Canada's case, from natural stocks as well). When information on programs still in progress and existing data are analysed, further refinements in estimates may be possible which could narrow the gap between the figures presented by the two sides.

INTERCEPTIONS
IN ALASKA

49. For Alaskan fisheries, a considerable proportion of the data is very old, being based on tagging carried out in the 1950's or earlier. The difference of opinion between the two sides arose not so much from a difference in conclusions drawn from the available, admittedly old, data, as from a difference in views on the "admissibility" of old evidence into the debate. For a number of fisheries, because of changes in fishing patterns, in strength of stocks, and in technical capability to recover tags, the United States took the view that results of the old programs were not representative of the present day situation. United States specialists contended that if the tagging programs were repeated now, they would probably produce very different results, mainly in the direction of decreasing estimates of the percentage of Canadian fish present in Alaskan fisheries. On the other hand, Canadian scientists reanalysed the old data and were convinced that the original estimates of the percentage of Canadian fish in Alaskan fisheries were too low. At present, there are no large-scale marking or tagging programs underway that would be expected to lead to a greatly improved understanding of the composition of the runs in these fisheries.

SHARP DIFFERENCES
OF OPINION ON
APPROPRIATENESS
OF OLD DATA

OVERALL IMPACT
OF DIFFERENCES
IN ESTIMATES
NOT GREAT

50. In any event, even if further progress were made in resolving the differences, because they are not, in reality, very great, new information would do little to change the broad picture.

SUMMARY OF EXTENT
OF INTERCEPTIONS

51. In summary, during 1971-1974 (the base period studied by Canada and United States scientists), Canadian fishermen intercepted quantities of salmon bound for United States rivers equivalent to

18 to 20% of the total landed value of salmon in British Columbia.¹ On the other hand, fishermen in Washington, Oregon and California, intercepted quantities of salmon bound for coastal rivers of British Columbia equivalent to 29 to 35% of the landed value of all salmon in those States. In Southeastern Alaska, interceptions of salmon bound for coastal rivers of British Columbia formed approximately 11 to 14% of the landed values of salmon in that part of Alaska. In addition, Southeast Alaskan fishermen caught salmon bound for Canadian sections of transboundary rivers flowing to the sea through Alaska, equivalent to approximately 4 to 8% of the landed value of the Southeastern Alaska catch. Canadian and United States sport fishermen in southern British Columbia and Washington State also intercept salmon bound for rivers of the other country. Although the extent of such interceptions is relatively small, particularly on the Canadian side, in some areas, intercepted fish provide the backbone of important recreational fisheries. Using landed values as a means of creating a common denominator between species, for the 1971-1974 period, United States commercial fishermen intercepted proportionately more salmon bound for British Columbia coastal rivers than Canadian fishermen did of salmon bound for United States rivers. Depending on whether Canadian or United States estimates of percentage interceptions were used, the excess of United States interceptions over Canadian amounted to between \$0.1 to \$2.3 million (the latter figure being equivalent to 3.5% of the landed value of salmon in British Columbia during the period under consideration).

Valuation of interceptions.

52. In the foregoing section, landed values (using Canadian prices) of salmon during the 1971-1974 period were used in making comparisons between the extent of interceptions by the two sides, the same approach taken by the scientists of both countries in preparing their summary reports for past negotiating meetings.

53. In past negotiations, however, neither side has accepted landed value as a true measure of the value of interceptions. The Canadian side contended that valuation of interceptions must take into account the full contribution of salmon to the economy including the creation of employment opportunities through processing. As an approximate measure of this contribution, the Canadian side proposed use of wholesale values. This meant that salmon which were primarily processed by canning (which involves considerable labour and capital expenditure) would have had a higher relative value than salmon which were mainly sold in fresh or frozen form (involving relatively little processing). On the other hand, the United States side emphasized the losses each country suffered as a result of interceptions by fishermen of the other country and expressed the view that intercepted salmon should be assigned a value equivalent to that which would have accrued to fishermen of the home country had no interceptions occurred (the so-called "reverse pricing" system). They pointed out, for example, that some small chinook or coho salmon taken at an early stage in their ocean lives in a troll fishery would have a much lower value than if they had been taken later in the life cycle, after reaching full growth. The positions taken by both countries obviously favoured their own particular circumstances; interceptions by United States fishermen primarily involved salmon which, during the early 1970's, were mainly

LANDED VALUES OF
SALMON INTERCEPTED
BY UNITED STATES
FISHERMEN GREATER
THAN VALUE OF
CANADIAN
INTERCEPTIONS

DIFFERING
APPROACHES

1. Range represents differences in estimates by United States and Canadian scientists.

Table 5. Comparison of estimated difference in values of salmon intercepted by United States and Canadian fishermen during 1967-1970, using alternative methods of evaluation (based on Canadian estimates of numbers of salmon intercepted)¹

Valuation Method	Difference in value of interceptions ²	Unit price per sockeye	Equivalent number of sockeye
	million \$	\$	million
Landed value	2.794	2.16	1.29
Wholesale value	6.491	4.72	1.38
"Reverse pricing"	1.320	2.16	0.61

1. From Table 1, attachement 4 of Appendix 2 of Report of the Committee on Salmon Evaluations: Canada-United States Consultations on Problems of Mutual Concern, January 1972.
2. In favour of the United States

used for canning whereas Canadian interceptions were heavily weighted toward chinook and coho salmon taken in troll fisheries and sold in fresh or frozen form.

54. Use of different bases for evaluation of salmon makes a great difference when assessing the relative benefits or losses one side or the other experiences as the result of intercepting fisheries. For example, Table 5 shows the effect of applying different pricing systems to the estimates of the numbers of salmon intercepted by Canadian and United States fishermen during 1967-1970 (the data are summarized from a 1972 Canada/United States technical report - see footnote to Table 5). During 1967-1970, the difference in landed value of interceptions by Canada and the United States was estimated to have been \$2.794 million. Using wholesale values, however, the value of the difference was much greater (\$6.491 million). On the other hand, application of the United States proposed "reverse pricing" system resulted in a much lower value for the difference in interceptions (only \$1.320 million). In order to compare these figures in terms of number of fish involved, the last column in Table 5 converts the dollar value of the differences into equivalent numbers of sockeye salmon (using appropriate prices per fish according to the valuation system being used - see Table 5). The analysis indicates that if "reverse pricing" had been used, the estimated excess of United States interceptions would have been substantially less than if wholesale or landed values had been used.

Conclusions.

55. The foregoing paper has briefly outlined the history of Canada/United States negotiations regarding the salmon interception problem and has summarized technical data on the extent and value of salmon taken in intercepting fisheries. It is hoped that the information will be of some value as background for consideration of the issues to be discussed at negotiating meetings during 1980.

Literature Cited

- Anonymous. 1973-1977. Reports of the Technical Committee on Salmon Interceptions for 1971-1974. U.S.-Canada Consultations on Salmon Problems of Mutual Concern.
- Anonymous. 1972. Report of the Committee on Salmon Evaluation. U.S.-Canada Consultations on Salmon Problems of Mutual Concern.
- French, R., T.H. Bilton, M. Osako and A. Hartt. 1976. Distribution and origin of sockeye salmon (Onchorhynchus nerka) in offshore waters of the North Pacific Ocean. Int. N. Pac. Fish. Comm., Bull. 34. 113 p.
- Godfrey, H., K.A. Henry, and S. Machidori. 1975. Distribution and abundance of coho salmon in offshore waters of the North Pacific Ocean. Int. N. Pac. Fish. Comm., Bull. 31. 80 p.

Major, R.L., J. Ito, S. Ito and H. Godfrey. 1978. Distribution and origin of chinook salmon (Onchorhynchus tshawytscha) in offshore waters of the North Pacific Ocean. Int. N. Pac. Fish. Comm., Bull. 38. 54 p.

Neave, F., T. Yonemori and R.G. Bakkala. 1976. Distribution and origin of chum salmon in offshore waters of the North Pacific Ocean. Int. N. Pac. Fish. Comm., Bull. 35. 79 p.

Takagi, K. K.V. Aro, A.C. Hartt and M.B. Dell. 1980. Distribution and origin of pink salmon (Onchorhynchus gorbuscha) in offshore waters of the North Pacific Ocean. Int. N. Pac. Fish. Comm., Ms.

FLO/J.E.Harlick/5-3589/dg

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
A FILE

FROM
De FLO/J.E.Harlick

REFERENCE
Référence FLO Fax to WSHDC #749 of 22 May 1980

SUBJECT
Sujet Canada/USA Pacific Salmon Relations:
Tree Point

SECURITY
Sécurité UNCLASSIFIED

DATE May 27, 1980

NUMBER
Numéro FLO-769

FILE	DOSSIER
OTTAWA	25-5-7-2-SALMON-1
MISSION	
4	


ENCLOSURES
Annexes

DISTRIBUTION

GNG

FLM

Mike Hunter informed me by telephone this morning from WSHDC that Mr. Le Blanc had agreed to the text of the diplomatic note sent to WSHDC in the FAX under reference. Therefore, the note will be delivered to U.S. officials today.


Legal Operations Division

File

RESTRICTED

BY FAX

TO: T. Boehm/WSHDC
FROM: J.E. Harlick/FLO

DATE		
ACC	75592	R&F
FILE	25-5-7-2-Salmon	
BY HAND		PAR PORTEUR
ATTN:		

SUBJECT: Canada/USA Pacific Salmon Relations: Tree Point

We attach:

(a) copy of a DFO memorandum which will provide you with the background information on the Tree Point problem, and;

(b) copy of a diplomatic note to be delivered to the appropriate USA authorities on this subject. (Please do not release the note until you have heard from me).

John

Government of Canada / Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO: The Minister of Fisheries and Oceans

FROM: Donald D. Tansley

DATE	
ACC	75592
REF	
FILE	25-5-4-2- Salmon-1
BY HAND	PAR M. T. JR
ATTN:	

SECURITY - CLASSIFICATION - DE SÉCURITÉ
RESTRICTED <i>RESTR.</i>
OUR FILE / NOTRE RÉFÉRENCE
YOUR FILE / VOTRE RÉFÉRENCE
DATE
<i>22 May</i>

SUBJECT: Canada/USA Pacific Salmon relations

Purpose

The purpose of this memorandum is to apprise you of a problem which has surfaced with the USA, and to seek your guidance on its handling.

Background

In my recent memorandum reporting on the Salmon negotiations in Juneau, Alaska, I indicated that the US negotiator had raised (after the negotiating session) concerns about Canadian fishing on the Taku river in 1980.

In March, 1980 Canadian and US officials had met in Juneau to review the fishing plans of both countries on the "Panhandle rivers", including the Taku. Canadian officials reported that the meeting was cordial, and we were, therefore, surprised by a move by the Alaska Board of Fish & Game to extend fishing times in the US intercepting fishing at Tree Point, Alaska by some two weeks. This action was taken without reference to the US Government or to the US negotiator and was represented by the Alaskan press as a "warning" to Canada that Alaska did not approve Canadian fishing plans on the Taku or Stikine rivers for 1980.

However, the development of our response to the USA on its concerns over our fishing on the Taku river was being guided by the need to maintain an atmosphere of progress for the next negotiating round on June 9, 1980. We had been prepared to meet with the USA to develop joint approaches to conservation of Taku river stocks in 1980; at the same time we made it clear that we did not appreciate the provocative action being contemplated at Tree Point, but that we hoped the USA would act on this matter in the same spirit which Canada was prepared to apply to the Taku issue.

. . . /2

- 2 -

New Factor

This approach became futile when we learned on May 19, 1980 that Alaska had confirmed the early opening at Tree Point (June 1 instead of June 15 - three days gillnets per week). We have, therefore, postponed a planned meeting to discuss the Taku situation through which we had hoped to have the Tree Point decision reversed.

Proposed Action

In light of the situation which now exists, we believe that any Canadian response should be guided by the following principles:

1. The objective of reaching a satisfactory salmon agreement must be uppermost, if problems such as the current one are to be avoided in the future.
2. We must maintain credibility with our fisheries advisers.
3. The USA must understand that Canada is dismayed by the action taken by Alaska.

In keeping with these principles and objectives, it is proposed that officials attempt to have the decision reversed by contacting appropriate Alaskan officials and politicians, on an urgent basis. If this effort fails, it is proposed that:

- a) A diplomatic protest be made with respect to the extension of the fishery at Tree Point, Alaska.
- b) Canadian officials develop a plan for expansion of Canadian intercepting fisheries in the northern boundary area; such expansion to be commensurate with the anticipated effects of the Tree Point extension.
- c) Canada indicate its continued willingness to discuss appropriate joint conservation action for the Panhandle river fisheries in 1980, including US cutbacks in its fisheries as well as in-season restrictions on the Canadian fishery.

Do you concur?

NOTE

The Embassy of Canada presents its compliments to the Department of State and has the honour to refer to the negotiations between our two Governments concerning the development of a comprehensive interception agreement on Pacific Salmon.

At the most recent round of negotiations held from May 6 - 8, 1980 in Juneau, Alaska, the Canadian authorities were encouraged by the progress achieved in the exploration of mutually satisfactory solutions to the issues under negotiation and by the positive atmosphere in which the meeting took place.

At the conclusion of the session, U.S. officials raised with Canadian officials the concern of officials of the State of Alaska regarding conservation of salmon returning to transboundary rivers which rise in Canada and flow to the sea through the Alaska "Panhandle". The Canadian officials indicated that they would carefully review the situation, particularly with respect to the 1980 plans for Canadian fisheries on the Stikine and Taku Rivers, and respond to the concerns expressed by the U.S. side.

In this context, the Canadian authorities note that Canadian and U.S. officials met in Juneau, in March 1980 to review the 1980 fishing plans of both countries for the transboundary rivers. As a result of that meeting, the Canadian authorities reduced fishing time on the Canadian section of the Taku River in order to better conserve stocks of chinook salmon returning to Canada. Considering the cordial atmosphere of the March meeting and the ^{resulting} conciliatory gesture made by Canada, Canadian authorities were greatly disappointed by the State of Alaska's decision to extend fishing times in the fishery at Tree Point, Alaska, where it is known that substantial numbers of sockeye

.../2

- 2 -

and pink salmon of Canadian origin are intercepted by the U.S. fishermen. Nevertheless, the Canadian authorities were prepared to respond to the U.S. concerns regarding the Taku River fishery, on the understanding that the extension of fishing time at Tree Point would be revoked.

On May 15, Canadian authorities proposed that a meeting of officials take place on May 21 to pursue this matter. However, on May 19, 1980, the State of Alaska confirmed the extension of fishing time at Tree Point. The Canadian authorities consider this action to be inconsistent with the spirit of co-operation and the degree of progress which characterized the Juneau negotiations in May, and the understanding reached between the two sides with respect to the handling of the Taku River question.

The Canadian authorities therefore urgently request the U.S. authorities ^{to} take the necessary action to prevent the extension of the fishing season at Tree Point, in recognition of the willingness of officials from both countries to discuss the situation on the Taku River in a timely and responsible manner.

The Embassy avails itself.....

SHH / M. Hunter

International Directorate
May 20, 1980



Government of Canada
Fisheries and Oceans

Gouvernement du Canada
Pêches et Océans

G. Morrison
FLO

This is letter referred
to in tel to WSH DC on
IPSFC Regulations.

M. Hunter

COMM. 57-2
ASSISTANT SECRETARY OF STATE

OFFICE OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

WASHINGTON, D.C. 20520

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

00220

25-57-2 SALMON-1

1. Hecetofon

May 22, 1980

JUN 11 9 52 AM '80

The Honorable
Gordon Sandison
Chairman
International Pacific Salmon
Fisheries Commission
National Marine Fisheries Service
U.S. Department of Commerce
1700 Westlake Avenue North
Seattle, WA 98109

FISH
FIC
FILL

1165-36-5710

JUN 22 12 42 PM '80

RECEIVED
CENTRAL
FISHERIES

Dear Mr. Sandison:

Thank you for your letter of March 14, 1980, forwarding recommended regulations of the International Pacific Salmon Fisheries Commission for regulation of the sockeye and pink salmon fisheries in Convention waters of the United States in 1980.

As in 1979, the United States Government has approved the recommended regulations except as to United States Indians who are entitled to exercise fishing rights by virtue of treaties with the United States in U.S. Convention waters and are fishing in accordance with Federal regulations providing for the exercise of such fishing rights.

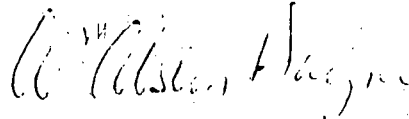
United States treaty Indians will again fish pursuant to regulations promulgated by the Department of the Interior in order to ensure that the Indian fishery proceeds in a manner consistent with the basic objectives of the Convention. These regulations will be forwarded to the Commission in the very near future. We would ask the Commission and its staff to cooperate with the United States Departments of the Interior and Commerce to facilitate the exchange of information necessary to ensure that spawning requirements are met and to prevent or correct any imbalances in the division of the harvest between fishermen of the United States and Canada.

As you are aware, the National Marine Fisheries Service, in cooperation with other Federal, State and tribal agencies, will be enforcing Commission regulations as approved by the United States Government pursuant to the Sockeye Salmon or Pink Salmon Fishing Act of 1947, as amended. The United States Government

- 2 -

wishes to assure the Commission that it intends to fully enforce both Commission and domestic United States regulations in this important fishery.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wm. Alston Hayne". The signature is written in a cursive style with some loops and flourishes.

Wm. Alston Hayne
Acting

EXTERNAL AFFAIRS

AFFAIRES EXTÉRIEURES



File

TO The Under-Secretary of State
A for External Affairs,
OTTAWA. (FLO)

FROM The Canadian Embassy,
De WASHINGTON.

REFERENCE Seattle letter 092 of March 25, 1980
Référence

SUBJECT Pacific Northwest Fisheries
Sujet

DATE *May 23/80*
REG *74600*
FILE *25-5-7-2-SALMON-1*
BY HAND *FLO*
35-11-2

SECURITY
Sécurité

UNCLASSIFIED

May 15, 1980

567

OTTAWA	DOSSIER
MISSION	

ENCLOSURES
Annexes

DISTRIBUTION

(with attach-
ments)

CONGEN, SEATTLE

--- Further to Seattle's letter under reference, we enclose related documentation on current legislation concerning the status and conservation of Washington State salmon stocks. The Senate Bill S.2163 was passed by the Senate on May 6, 1980 and included Senator Magnusson's amendments which would increase the authorization for conservation and enhancement programs to a total of approximately \$157 million. A similar Bill (the dollar figures are different) is pending in two Committees; Merchant Marine and Fisheries, and Interior and Insular Affairs, but hearings have not yet been scheduled.

2. We should be grateful if you would ensure that the appropriate officials in the Department of Fisheries and Oceans receive this material in view of its relevance to the ongoing Canada/USA salmon interception negotiations.

*- DFO/Hunter
c 7 this let
+ send all
enclosure.
- c 7 let for Hall
of file.*

[Signature]
The Embassy



Government
of Canada

Gouvernement
du Canada

MEMORANDUM

NOTE DE SERVICE

TO
A

DISTRIBUTION

FROM
DE

Associate Director
International Fisheries Relations Br.

SUBJECT
OBJET

AGREED RECORD, Pacific Salmon Negotiations
Juneau, Alaska.

SECURITY - CLASSIFICATION - DE SÉCURITÉ	
OUR FILE/NOTRE RÉFÉRENCE	
YOUR FILE/VOTRE RÉFÉRENCE	
DATE	DATE
	14 May 1980 May 20/80
ACC	740110 REF
FILE	25-5-7-2-Salmon DOSSIER
B. HAND	PAR PORTEUR
A. TN:	FLO

Please find attached copy of the Agreed Record of
the Pacific Salmon Negotiations held in Juneau Alaska,
May 6 - 8, 1980.

M. Hunter

Att.

DISTRIBUTION:

M. Goldberg
J. Harlick ✓
R. Hourston
M. Shepard
W. Falkner
A. Campbell
B. Applebaum
H. D. Johnston
J. R. MacLeod
R. Roberts

C. Wshde / T Boehm
Seattle / D Martens
JEH
File

FOR OFFICIAL USE ONLY

AGREED RECORD

Delegations of the United States and Canada met in Juneau, Alaska, from May 6-8, 1980, to resume negotiations on the development of a comprehensive Pacific Salmon Agreement. The agenda of the session is attached as Appendix I.

The delegations focused their attention on a series of "issue papers" which covered the major issues in these negotiations. The United States introduced a paper entitled, "U.S. Proposal for Limiting Salmon Interceptions in Categories D and E" (attached as Appendix 2). The paper sets out an interception limitation scheme for application to Canadian and U.S. intercepting fisheries in the south.

With reservations on some detailed aspects, the Canadian side responded positively to the basic scheme set out after discussion and clarification of the proposal. Both sides noted that further examination of the impact of the proposal on their fisheries would be necessary, particularly with respect to the "catch-up" provision, and the concept of adult equivalency. The idea of a technical arbitration process was also introduced. It was agreed that intersessional work would be conducted by both sides on further analysis and development of the basic scheme.

The Canadian side further responded to the above U.S. paper in a draft working paper entitled, "Suggested Approach to Provisions in Agreement for Fisheries in Northern B.C./Southeast Alaska Area"

(attached as Appendix 3). Drawing upon an alternate U.S. approach contained in the paper attached as Appendix 2, (which dropped the A/B list concept) the Canadian paper suggests that this basic interception limitation scheme be applied to all intercepting fisheries, wherever they occur in either country. Both sides agreed to formulate a scheme for limitation of interceptions which could have general application.

The Canadian presentation also included:

- (a) A brief review of the main elements of a paper entitled, "Need for Cooperation in Salmon Development" (Appendix 4). An important principle outlined in that paper is that of sharing of allowable harvests in the future. The Canadian side proposed that a "sharing formula" be developed in the context of the agreement so that each country would be entitled to harvest an amount of salmon equivalent to its own production, a situation to be achieved by adjustments to fisheries when enhancement production comes on line. The Canadian side explained that the sharing arrangements would not apply to that portion of the Fraser River sockeye and pink salmon that might be made available to the U.S.A. in recognition of the fact that certain IPSFC facilities had not reached full production during the base years 1971-1974. In the Canadian view, it was also recognized that the suggested arrangements on the "transboundary rivers" would not be a part of the overall sharing arrangement.

The U.S. could accept the concept that each country harvest an amount of salmon equivalent to its own production in the context of the overall agreement but wished to explore possible implications.

- (b) A suggested approach to management and sharing of the stocks originating in the Canadian portions of the "transboundary rivers."

The United States indicated its view that the Canadian suggestions were frank and helpful, and would immediately undertake analyses of the impact of these suggestions on the fisheries concerned.

The U.S. side introduced an issue paper entitled "U.S. Proposal Concerning Future U.S. Entitlements to Fraser River Pink and Sockeye Salmon" (Appendix 5). The two sides noted that differences still exist between them on this matter. In order to obtain more specific information on enhancement production in the Fraser River system, the two Governments will send letters to IPSFC requesting the provisional technical data (copy of letter attached as Appendix 6).

With respect to research, the United States introduced an issue paper on this subject, attached as Appendix 7. The Canadian side supported the U.S. view that both sides work together to develop a comprehensive proposal for coordinated research to meet the goals and objectives of the agreement.

The two sides outlined the intersessional work to be conducted and agreed to cooperate where necessary in these efforts. Both sides

will further examine the technical aspects of the interception limitation scheme suggested by the U.S.A., and, as noted above will examine the impact of the scheme on intercepting fisheries. The U.S. will also assess the impact of the Canadian proposal on its fisheries in Alaska, and will examine the Canadian transboundary rivers proposal.

Canada indicated that it will study the adult equivalency concept and requested assistance from the U.S. in providing background material on that subject.

After brief discussion of institutional arrangements, at which time the U.S. side expressed the wish to improve the operational efficiency of the proposed institution and to clarify the nature of the processes set out in the draft Convention, Canada agreed to forward to the U.S.A. a revised draft of the section on procedures.

The U.S. undertook to produce a working paper on a technical arbitration process, which could be used to settle disagreements over data base figures. Canada noted that such a process should be separate from a general dispute settlement mechanism, the incorporation of which into the agreement is to be discussed at the next session.

PROPOSED AGENDA

1. Remarks by Honorable Lt. Governor Miller
2. Brief welcome U.S. - Social Functions - Handling of Press
3. Introduction of Delegation - Canada/U.S.
4. Brief review of Principles
 - A. Joint Management
 - B. Cooperation in Enhancement-Salmon Development
 - C. Host States Rights to (Productivity-Enhancement)
 - D. Limitation of Interceptions
 - E. Conservation and Full/Development - Optional Development Salmon Resources
5. Salmon Interception Limitation Scheme
 - ✓ A. Issue Paper #3 West Coast Vancouver - U.S.
 - B. Issue Paper #2 Fraser River - U.S.
 - C. Issue Paper #4 U.S./Canada Boundary (SE/BC) Area - Canada
6. Issue Paper #1 Needed for International Cooperation in Salmon Development - Canada
7. Principles and Provisions for Sharing and Cooperation in Salmon Arrangements - Canada
8. Cooperation in Research - Issue Paper #5 - U.S.
9. Institutional Arrangements
10. Intersessional Activity
11. June Meeting
12. Other
13. Press Release

1884 PAPER # 3

APPENDIX 2

rec'd

6/1/80

U.S. PROPOSAL FOR LIMITING SALMON INTERCEPTIONS IN CATEGORIES D1/ AND E2/
OF ANNUAL INTERCEPTION REPORTS, EXCLUDING FRASER RIVER PINKS AND SOCKEYE
SALMON, AS PRESENTED TO CANADA AT PAST NEGOTIATIONS

I. Fisheries to be included under the proposal

In the Discussion Draft Agreement dated February 2, 1979, the U.S. listed a number of "Canadian Fisheries on Salmon Originating in Washington-Oregon Rivers," which the U.S. designated to put under immediate interception limitations (A list). The fisheries included:

Category D

<u>Species</u>	<u>Areas</u>	<u>Gear</u>
Chinook	18, 19, 20	All
	21-27 C, Alaska	Troll
	1, 2, 5, 6-11, 30	Troll
Coho	18, 19, 20	All
	21-27, C	Troll
Chum	20	Net

In addition, the U.S. proposed the following "U.S. fisheries on salmon originating in British Columbia rivers", be placed under interception limitations with the signing of an agreement:

- 1/ Interceptions by Canadian fisheries of salmon migrating in Washington-Oregon rivers.
- 2/ Interceptions by Washington-Oregon fisheries of salmon migrating in British Columbia rivers.

Category E

<u>Species</u>	<u>Area</u>	<u>Gear</u>
Chinook	Off Canada, 4, 4B, 5 6, 6A, 6C, 7, 7A	All
Coho	Off Canada, 3, 4, 4B, 5, 6, 6A, 6C, 7, 7A	All
Chum	4B, 5, 6, 6A, 6C, 7, 7A	All

II. Description of basic mechanics of U.S. proposal

It was the U.S. position that the limitation scheme would function in the following manner. The base years from which to measure catches would be the years 1971-74. The average catch for these four years, for each area, species and gear type noted, would be multiplied by the percentage of the other country's fish estimated to comprise the catch. (Each country could use their own estimates or the other country's estimates - as noted in the annual interception reports - for the percent of intercepted fish in their own fisheries.)

This procedure would give a total estimated catch of the other country's fish in these categories, and the sum of these estimates would be the catch limit that would be applied to future fishing unless there was a change in percentages due to enhancement. If the actual catches of the other country's fish were less than the limit over a 4-year period, the deficit to be carried forward for the next 4 years could not exceed 50% of that deficit, to avoid building up a potentially devastating impact on the intercepted stocks. The average catch during the years 1971-74 also would be a catch floor for each of the fishing areas in the event of enhancement by the non-intercepting party. Then in each effective year, after an agreement, the annual catch from each area would be multiplied by the percent of the other country's fish to determine the adult^{1/} catch of the other's fish. If the catch exceeded the limitation, efforts would have to be made to assure the limit being reached in a 4-year period. There would be no constraint on shifting fishing effort from area to area as long as the overall catch limitation is not exceeded.

^{1/} See Adult Equivalency Concept

III. Actual determination of limitations (1971-74 base)

In order to demonstrate how this proposal would work, the actual catch limits that would be applied to the Canadian catch of U.S. coho are shown.

Fishery: (Category D-Coho, Areas 18, 19, 20; All gear; Areas 21-27; C: Troll Gear)

Area	(Numbers of Salmon)					% (Canadian U.S. Estimates)	U.S. Co
	1971	1972	1973	1974	Average		
18	6,042	2,921	4,900	2,579	4,110	10	41
18***	13,190	8,156	5,904	8,302	8,886	a/	1,31
19			4		1	10	
19***	17,255	15,444	13,687	5,407	12,948	a/	2,50
20*	7,130	7,434	1,508	5,454	5,382	50	2,69
20**	597,715	158,261	474,053	438,102	417,033	65	271,07
20***	8,516	12,888	10,976	5,113	9,373	a/	1,41
21*	153,756	83,233	148,880	90,012	118,970	55	65,43
22*	—	—	—	—			
23*	831,088	339,358	719,448	687,141	644,259	55	354,34
24*	524,495	178,796	259,456	453,329	354,019	55	194,71
25*	178,096	111,834	39,572	117,363	111,716	50	55,858
26*	211,278	145,385	137,150	133,201	156,754	50	78,377
27*	276,938	129,819	101,786	162,870	167,853	50	83,926
C*	177,542	145,297	192,113	182,908	174,465	76	132,593
Totals	3,003,041	1,338,826	2,109,437	2,291,781	2,185,769	—	1,244,654

* Troll only

** Net only

***Sport only: Area 19 = 19A; Area 20 = 19B-20

a/ % U.S.; 13% for Large; 20% for grilse

Note that the catches for net, troll, and sport need to be listed separately in some areas since the per cent of U.S. fish is different for each gear type. In this example, Canadian estimates of per cent U.S. coho were used. Since this is a Canadian fishery, it is the U.S. proposal that Canada would have the option of choosing either the Canadian estimates or U.S. estimates as listed in the interception reports. The percentage chosen initially only becomes of significance if there is a change in percentage because of enhancement.

The average catch for these areas for the base years is 2,135,769 coho, and this initially would be a catch floor, providing the catch limit of U.S. coho (1,244,654) is not exceeded, and there is no change in the percentage of U.S. fish in any of the areas.

IV. Examples

A. Without enhancement (No change in percentages.)

To show how this proposal would work, we have applied it to the coho catches made in 1975-78, again only for the gear and percentages shown in the previous table.

Area	1975		1976		1977		1978	
	Catch	U.S. Fish	Catch	U.S. Fish	Catch	U.S. Fish	Catch	U.S. Fish
18	4,884	488	2,252	225	4,162	416	2,315	232
18***	7,010	1,015	7,855	1,085	N/A	—	N/A	—
19								
19***	9,716	1,825	7,574	1,335	N/A	—	N/A	—
20*	3,461	1,730	2,892	1,446	8,676	4,338	2,789	1,394
20**	408,849	265,752	248,983	161,839	505,648	328,671	103,230	67,100
20***	10,125	1,693	17,854	2,630	N/A	—	N/A	—
21*	40,178	22,098	89,901	49,446	98,865	54,376	63,150	34,732
22	—	—	—	—	—	—	—	—
23*	328,368	180,602	627,775	345,276	745,236	409,880	494,677	272,072
24*	155,961	85,779	418,353	230,094	401,006	220,553	397,667	218,715
25*	38,710	19,355	110,301	55,150	48,167	24,084	97,896	48,948
26*	105,518	52,759	220,578	110,289	130,831	65,416	133,617	66,808
27*	112,454	56,227	172,982	86,491	144,304	72,152	173,945	86,972
C*	105,240	79,982	213,062	161,927	52,022	29,537	—	—
Totals...	1,330,474	769,305	2,140,362	1,207,233	2,138,917+	1,219,423+	1,469,286+	796,975

*. Troll only.

** Net only.

*** Sport only.

Had this limitation scheme been in effect in 1975, the calculated catch of U.S. coho was only 769,305, well below the limit of 1,244, 654. In 1976, the estimated catch of U.S. coho (1,207,233) was below the allowable limit, again below in 1977 (1,219,423+) and well below in 1978 (796,975+). Sport catch data were not available for 1977 and 1978 so these catches have not been included. Over the 4-year period, the catch of U.S. coho totaled 3,992,936+ or 985,680- below the catch limit of 4,978,616. In this instance, a deficit 492,840 U.S. coho ($.50 \times 985,680$) would be carried forward into the next 4-year period.

B. With Enhancement (Change in percentages.)

The percentage of the other country's fish may increase (enhancement by the non-intercepting country) or may decrease (enhancement by the intercepting country). In the first instance, let's assume the percentage of U.S. fish in areas 20-24 increased by about 20% due to U.S. enhancement, again using the 1976 actual catches as an example:

1976			
Area	Catch	U.S. Fish	%
18	2,252	225	(10)
18***	7,855	1,085	<u>a/</u>
19			(10)
19***	7,574	1,335	<u>a/</u>
20*	2,892	1,735	(60)
20**	248,933	199,186	(80)
20***	17,954	3,210	<u>b/</u>
21	89,901	58,436	(65)
22	—	—	—
23	627,775	408,054	(65)
24	418,353	271,929	(65)
25	110,301	55,150	(50)
26	220,578	110,289	(50)
27	172,982	86,491	(50)
C	<u>213,062</u>	<u>161,927</u>	(76)
Totals	2,140,362	1,359,052	

a/ 13% for large; 20% for grilse.

b/ 16% for large; 24% for grilse.

At first it would appear that the catch limit had been exceeded by 114,399 (1,359,052-1,244,654). However, in light of the catch floors, the actual

excess will have to be determined as follows.

Area	Catch Floor	Actual Catch	Actual Catch of U.S. Coho	Allowable Catch of U.S. Coho
18	12,996	10,107	1,310	1,728
19	12,949	7,574	1,335	2,506
20*	5,382	2,892	1,735	3,229 ^{a/}
20**	417,033	248,983	199,186	333,626
20***	9,373	17,854	3,210	1,728 ^{b/}
21	118,970	89,901	58,436	77,330
22	-	-	-	-
23	644,259	627,775	408,054	418,763
24	354,019	418,353	271,929	230,112
25	111,716	110,301	55,150	55,858
26	156,754	220,578	110,289	78,377
27	167,853	172,982	86,491	83,926
C	<u>174,465</u>	<u>213,062</u>	<u>161,927</u>	<u>132,593</u>
Totals	2,185,769	2,140,362	1,359,052	1,419,781

^{a/} 5,382 X 60 = 3,229

^{b/} 6,517(large) X .16 = 1.043

$$\frac{2,856(\text{grilse}) \times .24}{9,373} = \frac{695}{1.728}$$

Thus, this catch was actually 60,729 U.S. coho short of the limit (1,419,781 - 1,359,052).

In this next example, we've assumed the percentage of U.S. fish in areas 20-24 has decreased by 20% due to Canadian enhancement, again using 1976 actual catches:

Area	1976 Catch	U.S. Fish (%)
18	2,225	225 (10)
18***	7,855	1,085 (a)
19	—	—
19***	7,574	1,335 (a)
20*	2,892	1,157 (40)
20**	248,993	124,492 (50)
20***	17,854	2,006 (b)
21	89,901	40,455 (45)
22	—	—
23	627,775	282,499 (45)
24	418,353	188,259 (45)
25	110,301	55,150 (50)
26	220,578	110,289 (50)
27	172,982	86,491 (50)
C	213,062	161,927 (76)
Totals	2,140,362	1,055,370

a/ 13% for large; 20% for grilse.

b/ 10% for large; 15% for grilse.

In this instance, the catch would be 129,284 less than the limit (1,244,654 - 1,055,370), and the total catch could be increased to enable the Canadians to harvest their enhancement.

V. Adult Equivalency Concept

The interception limit should not allow any fishery to increase its total effect on the intercepted stocks in a manner that would reduce the benefit to the country of origin beyond that of the base years, recognizing the effects of enhancement. This concept would consider such factors as natural mortality, hooking mortality, net drop-out, and etc.

Example

A hypothetical chinook troll fishery has an interception limit based on 1971-78 catches and a 26" size limit of 500,000 fish originating in the other country. The country changes the size limit to 28". The interception limit must then be adjusted to assure no greater effect on the intercepted stocks. One method of calculation would be:

<u>Size limit</u>	26"	28"
Catch	500,000	485,000
+ hooking mortality	25,000	30,000
- natural mortality	<u>20,000</u>	<u>10,000</u>
Impact on adult stock	505,000	= 505,000

VI. Alternate to Initial U.S. Proposal

For the southern area (interception categories D and E), drop A & B list concept; include interceptions wherever they occur.

The A & B list concept does not prohibit the uncontrolled expansion of B-list fisheries, and may encourage such expansion. While there is provision for adding fisheries to the A list, this might be a difficult and time-consuming process and considerable damage could result before a determination is made. Experience with the Fraser convention has shown that catch transfer to non-limited areas does occur. Accordingly, for each species all interceptions should be included under the limitation scheme.

Appendix # 3

D R A F T

SUGGESTED APPROACH TO PROVISIONS IN AGREEMENT FOR FISHERIES
IN NORTHERN B.C. - SOUTHEAST ALASKA AREA

A. INITIAL INTERCEPTION LIMITATION SCHEME

- (a) Consistent with procedures outlined in "Alternate to Initial U.S. Proposal" (document dated March, 1980), annual aggregate interceptions of salmon of each species bound for rivers of British Columbia ^{1/} caught in all fisheries in Alaska (i.e., regardless of where they are caught) be limited to the total average annual number of salmon of each species intercepted in such fisheries during 1971-1974.
- (b) To permit annual deviation from the specified limits the scheme would be implemented in the following manner:

For each species, if the total interceptions in the four-year period under consideration exceeds the sum of the interception limits specified in paragraph (a) above, during the next four-year period, the annual interception limits

1/ The number of salmon bound for rivers flowing to the sea through British Columbia.

- 2 -

would be reduced by an amount equivalent to the excess (computed on an annual basis). The new annual interception limit would then become the original limit less one-quarter of the total excess occurring during the previous four-year period. Penalties, such as reduction, of the interception limit by an amount equivalent to twice the residual excess (computed on an annual basis) might be applied if the excess built up during any four-year period was not compensated for in the immediately succeeding four-year period.

- (c) The Canadian position with respect to whether or not aggregate shortfalls below interception limits in one four-year period could be compensated for by higher limits in succeeding period(s) has not yet been finalized.
- (d) Canada would assume the same obligation as outlined in paragraphs (a) and (b) above with respect to interceptions of salmon of each species bound for spawning grounds in Alaska.
- (e) The foregoing proposal may need modifications to overcome problems such as:

... 3

- 3 -

- (i) Major shifts in locations of intercepting fisheries which could radically alter the stock composition, and hence rates of exploitation on particular stocks.
- (ii) Provision for lower limits on interception in the event that stock levels fell substantially below those prevailing during the base period.

The Canadian delegation would appreciate further discussion which it is hoped would lead to mutually satisfactory modifications to the scheme.

- (f) Under the regime proposed above, the United States would be responsible for applying measures within its waters to implement the scheme. In so doing, the United States could use its own estimates of the magnitude of interceptions. Canada would have parallel responsibilities in its waters. The Commission established by the two Governments would be charged with annually reviewing the results of the programmes in both countries to determine whether or not the measures taken by each country met the limitation provisions of the Convention. If, because of differences between representatives of the

... 4

- 4 -

two countries on the extent of interceptions in question or for other technical reasons, the Commission were unable to agree as to whether interception limits had been exceeded, the technical questions that could not be resolved could be subject to a third party technical dispute settlement procedure. Determinations reached through such a procedure would not be subject to challenge by either party.

- (g) Subject to available funding, Canada strongly supports the conduct of research to determine the stock composition in fisheries in the Northern B.C.-Southeast Alaska area (thereby providing improved information on interceptions and information to facilitate enhancement of the areas of both countries).

- 5 -

B. COOPERATION IN ENHANCEMENT

(a) As outlined in the Canadian paper (Need for Cooperation, in Salmon Development, April, 1980) it is suggested that with respect to the salmon stocks/^{originating in} rivers of British Columbia and Alaska (with the exception of a number of rivers with upriver salmon spawning grounds situated in Canada, for which special arrangements are discussed in the next section).

- (i) Technical specialists of the two sides consult regarding means of maximizing salmon production from their own rivers regardless of which country would benefit;
- (ii) Taking into account such consultations, each side then develop enhancement programs to achieve the objective of full production;
- (iii) As production comes on line, both sides adjust their fisheries to:
 - (1) ensure adequate conservation
 - (2) bring about a sharing of the harvest so that in toto each

- 6 -

country would receive catches
equivalent to the production from
its own rivers.

(b) To achieve such equivalency, the two sides develop
an agreed system for equating the value of
different species intercepted in various fisheries
(taking into account that it is unlikely that the
numbers of fish of each species intercepted by
fishermen of each side will be equal).

(c) To bring about equivalency, adjustments in
fisheries may include, inter alia:

- i. reductions in interceptions
- ii. increases in interceptions
- iii. providing access to fishermen
of one country to waters of
the other in order to take
increased catches to offset
interceptions by the other
side.

- 7 -

C. STOCKS OF TRANSBOUNDARY RIVERS

(a) For stocks of rivers which drain to the sea through the United States but which have spawning grounds situated in Canada, the following regime is suggested:

- (i) Under a special panel of the Commission, technical specialists of the two countries meet annually to determine the state of the stocks in such rivers (in both Canadian and United States sections of such rivers and in a coordinated way estimate appropriate escapement targets and other management parameters for portions of the runs bound for Canadian sections of the rivers.
- (ii) By a provision in the Convention, both Canada and the United States be entitled to fixed percentages of the allowable catch of salmon bound for Canadian sections of the rivers (the Canadian entitlement to be taken in the rivers).
- (iii) The fisheries of the two countries on stocks bound for the rivers be regulated in such a way as to provide appropriate escapements

... 8

- 8 -

and the specified percentage shares to fishermen of the two countries. (This may involve close in-season coordination between management authorities of the two countries.)

- (iv) Research and other technical work required as a basis for management of the fisheries be carried out cooperatively on a mutually agreed basis (at times could involve specialists working in the other country on a reciprocal basis).
- (v) In return for the United States entitlement of the allowable catch from runs originating in Canadian sections of transboundary rivers (existence of these runs depends on Canadian efforts, including expenditures and incurred opportunity costs), Canada to receive compensation in the form of adjustments to limitation schemes elsewhere, as outlined in sub-paragraph B (c) i-iii.
Such compensation may be renegotiated on a periodic basis.
- (vi) Following the principles and procedures outlined in Section B, the two sides shall

.... 9

- 9 -

cooperate to enhance the stocks of the rivers. Contributions to United States fisheries from enhancement in Canadian sections of the rivers will be compensated for on a fish for fish basis, including adjustments in the interception limitation scheme, such as those specified in subparagraphs B (c) i-iii. Such compensations ^{also} may include adjustments of the Canadian share of allowable catches of stocks in transboundary rivers.

May 7, 1980

NEED FOR INTERNATIONAL COOPERATION IN SALMON DEVELOPMENT

OUTLINE OF PROBLEM

1. Between the United States and Canada, lack of mechanisms for cooperation and coordination in development and harvesting of salmon runs is reducing the benefits that could be extracted by fishermen of both countries from the stocks.

2. The most immediate reason is that neither country is prepared to invest in development programs wherein a substantial part of the benefits accrue to fishermen of the other country. Because of this, a number of important prospects for fisheries development on both sides have been left untouched with the result that no one is benefitting.

3. Lack of mechanisms for coordination and cooperation are also placing major stumbling blocks in the way of managing a number of fisheries effectively. The essence of the problem is that salmon bound for the other country are "free" fish to the intercepting country, costing it nothing to produce them. Thus, the intercepting country has little incentive (and indeed, little capability of) to manage fisheries on intercepted stocks effectively. Forbearance in harvesting intercepted fish (as might be dictated by

- 2 -

conservation needs) will not necessarily benefit fishermen of the intercepting country because the fish that are saved escape to the fisheries of the other.

4. Many of the problems arise because stocks of the two countries are fished together. Whereas restructuring of fisheries on both sides to avoid interceptions presents a theoretical solution and one that should be pursued in the long term, there are many practical problems of a biological, social and economic nature which prevent adoption of this course in the short term. In any event, it would seem impractical even in the long run, to eliminate all interceptions and the problem therefore will never go away.
5. Problems of fishing mixed stocks are particularly complicated when artificially enhanced and natural runs are involved. In general, artificially increased stocks must be harvested at higher rates of exploitation than natural runs to ensure full utilization. Where enhanced stocks are fished along with natural ones, the heavier rates of exploitation required to harvest the enhanced stocks will lead to declines in the natural ones. Under such circumstances, increases from enhancement may well be offset, at least in part, by losses in natural runs. Technical solutions to this problem include:

- 3 -

- (a) Rearranging fisheries to avoid fishing developed and natural runs together, or
- (b) Ensuring that all runs fished together are developed at the same time.

6. These technical solutions are difficult to achieve when the developed runs are bound for rivers of one country and the natural runs are bound for rivers of the other. If both the natural and developed runs are bound for the rivers of the same country, it is often possible to adjust fishing areas to permit capture of the fish closer to their rivers of origin where the natural and enhanced stocks would be separated. In such cases, fishermen can harvest both the natural and developed runs at appropriate and often different rates of exploitation and reap full benefits from both. If, on the other hand, the natural run is bound for rivers of the other country, withdrawal of fisheries from areas where the stocks are mixed will result in the natural runs escaping to the waters of the other country, providing no benefits from such natural runs to fishermen of the intercepting country. Under such circumstances, there is little incentive to rearrange fisheries to ensure technically better management. A theoretical example of such a case would be a situation whereby the United States greatly expanded its odd-year pink runs contributing to the

.... 4

fishery at Noyes Island while Canada made no effort to increase its runs that contribute to the same fishery.

7. A somewhat analagous case would arise if one country heavily fished runs from its own streams along with enhanced runs from the second country. Under such circumstances, the natural runs might well decline as the result of overfishing. If the enhanced runs form a large proportion of the population being fished, then efforts by the first country to conserve its own natural runs by cutting back on its fishery would allow the intercepted fish to escape only to be harvested in fisheries of the second country. In this case, the first country's fishermen would have to forego the harvest of the intercepted fish and the loss of the intercepted fish might far outweigh the gain provided by better conservation of the weaker natural runs. Thus, there would be little apparent premium for the first country to make special efforts to conserve the local natural stocks. A potential example of such a case could be found in some segments of the Canadian troll fishery off Vancouver Island.

8. As outlined above, a potential solution to the problem of fishing natural and enhanced runs together is to enhance natural runs as well. Such parallel development of runs fished together is much more difficult to achieve if the

- 5 -

runs originate in different countries. One country would find little advantage developing runs if the other country were the main beneficiary of its efforts. In such circumstances it would be very hard for one country to induce the other to enhance intercepted stocks in order to ensure that such stocks would be able to withstand heavier fishing along with developed runs of the intercepting country. A potential example of such a situation would be the transboundary rivers of Southeast Alaska where at some time the United States may wish to develop the runs in its section of the rivers but in order to harvest the increased production would be faced with depleting the runs in the Canadian sections unless the latter were enhanced in parallel.

9. The foregoing examples emphasize that, in a rather wide variety of circumstances, lack of control by one country of either production or of fisheries in the second country can create situations where there is little incentive (or in some cases even strong "disincentives") for active development of salmon runs or for sound conservation. In this light, without international means for cooperation and the provision of incentives, substantial parts of the salmon resource in Canadian and United States rivers will remain undeveloped or will be poorly conserved. Fishermen of neither country can benefit from such a situation.

POSSIBLE AVENUES FOR SOLUTION

1. Prior to 1978, salmon negotiations between Canada and the United States focused on limitation of interception. As the results of promising salmon development programs on both sides are becoming more apparent, the type of "no win" situations outlined above cropped up with increasing frequency in the discussions. It was the conclusion of the Canadian negotiators that the basic problem could only be solved if incentives were provided to induce one country or the other to take positive management or development actions which, without such inducements, would be of little benefit because of interceptions by fishermen of the other country.

10. To this end the Canadian side is now proposing that:
 - (a) Initially, all interceptions be limited to levels existing during an agreed base period;^{1/}
 - (b) The two sides consult regarding means of maximizing salmon production from their own rivers regardless of which country would benefit;

^{1/} The presentation in this report is of a general nature; it is recognized that, on a mutually agreed basis, some exceptions to the proposed procedure may be permitted.

- 7 -

- (c) Taking into account such consultations, each side then develop enhancement programs to achieve the objective of full production;
- (d) As production comes on line, both sides adjust their fisheries to:
 - i. ensure adequate conservation.
 - ii. bring about a sharing of the harvest so that in toto each country would receive catches equivalent to the production from its own rivers.
- (e) To achieve such equivalency, the two sides develop an agreed system for equating the value of different species intercepted in various fisheries (taking into account that it is unlikely that the numbers of fish of each species intercepted by fishermen of each side will be equal).
- (f) To bring about equivalency, adjustments in fisheries may include, inter alia:
 - i. reductions in interceptions
 - ii. increases in interceptions
 - iii. providing access to fishermen of one country to waters

of the other in order to take increased catches to offset interceptions by the other side.

11. In the near future, the Canadian side will endeavour to provide one or more detailed hypothetical examples of how the proposed system would work in practice. For the time being, the following general example is cited as an illustration:

Where an intercepting country develops stocks which are fished together with natural runs of the other country, stringent application of a limitation scheme might prevent the intercepting country from fully harvesting its enhanced resources. On the other hand, if there were no agreement, the intercepting country, in order to fully exploit its enhanced stocks, might have to increase its fishing pressure greatly with deleterious effects on the natural runs of the other country. One solution to this problem might be for the second country to enhance its natural runs in parallel with enhancement by the intercepting country of its own stocks. The intercepting country could then increase its fishing pressure on the mixed stocks without endangering the stocks of the second country. The net result, however,

- 9 -

would be an increase in interceptions by the first country. Within the framework of equivalency, the second country could be rewarded for making increased contributions to the other country in a variety of ways, including:

- (a) being allowed to increase its own interceptions in some fishery in its own waters.
- (b) the first country reducing its interceptions in a fishery other than the one on the mixed stocks.

April 23, 1980

March 1980

UNITED STATES PROPOSAL CONCERNING FUTURE U.S. ENTITLEMENTS TO FRASER RIVER
PINK AND SOCKEYE SALMON
AS PRESENTED TO CANADA AT PAST NEGOTIATIONS

I. Method of determining future U.S. entitlements

It is the contention of the United States that because of historic U.S. fisheries on the pink and sockeye salmon runs returning to the Fraser River, past investments in the Fraser River, as well as U.S. entitlements to catches under terms of the Sockeye Salmon Treaty, the U.S. catch of Fraser River pink and sockeye salmon cannot be dealt with in the same manner as salmon intercepted by either the U.S. or Canada in other fisheries on other stocks.

For the Fraser River, it is the current U.S. proposal that the base period of catches be the years 1971-74. For these years the average annual catch of Fraser River pink and sockeye salmon would be determined. The U.S. catch would then be expressed as a percentage of the total catch made during these years. This percentage would then be used to establish U.S. entitlements annually for the next 12 years (three cycles for sockeye, and six cycles for pinks after the treaty is enacted). At the end of the 12 years, the average annual U.S. catch for the last four years of sockeye catch and the last two years (cycles) of pink salmon catches then would become the numerical U.S. catch limits for succeeding years. At that time, as with other fisheries under catch limitations, the deviations from this catch limit would be determined annually with the intent that the deviations would approach zero at the end of each four years.^{1/}

include
in enhancement
fish.

The Fraser River pink and sockeye salmon catch data for the base years are listed in Table 1. For these data, U.S. catches were 40.3% of the total catch for sockeye, and 33.6% of the total catch for pinks.

^{1/} If there were any carryovers into the next four-year period, the amount of the negative carryover (catches less than the limit) could not exceed one-half of the annual interception limit. In case of decreased stock abundance, the provisions of the Draft Treaty (Annex I, para 5&6) would prevail the same as with any other fishery under catch limitation scheme.

II. Numerical, hypothetical examples of U.S. proposal for sockeye salmon

The manner in which the U.S. proposal would work can be demonstrated with some examples. There are three possible outcomes for the sockeye catch over the three cycles (12 years) after enactment of a treaty:

- (1) the runs and catches could increase,
- (2) they could decrease, and
- (3) they could remain constant.

Hypothetical examples of the first two possibilities are shown in Table 2.

In the third instance, "no change in run size," the average U.S. catch during the last four years of the 12 years would be the same as during the base period.

-3-

Table 1.--Fraser River pink and sockeye salmon.

	Year	Total Run	Total Catch	U.S. Catch	Percent U.S. Catch of Total Catch
Thousands of fish					
A. Sockeye	1971	7,604	6,862	2,758	40.2
	1972	3,715	2,871	1,127	39.3
	1973	6,914	5,733	2,612	45.6
	1974	8,616	6,858	2,461	35.9
	Average	6,622	5,559	<u>2,240</u>	40.3
B. Pink	1971	9,707	7,903	2,282	28.9
	1973	6,753	4,999	2,048	41.0
	Average	8,230	6,451	2,165	33.6

000432

-4-

Table 2.--Hypothetical examples of U.S. proposal for sockeye runs with U.S. catch as per cent of total catch (.403).

Year	Run	Thousands of Fish	
		Total Catch	U.S. Catch
A. Increasing run and catch			
1	7,984	7,202	2,902
2	3,901	3,015	1,215
3	7,260	6,019	2,425
4	9,047	7,201	2,902
5	8,383	7,561	3,047
6	4,096	3,166	1,276
7	7,623	6,319	2,547
8	9,499	7,561	3,047
9	8,803	7,940	3,200
10	4,301	3,325	1,340
11	8,004	6,635	2,674
12	9,974	7,939	3,200
B. Decreasing run and catch			
1	7,224	6,516	2,626
2	3,529	2,728	1,099
3	6,568	5,445	2,194
4	8,185	6,515	2,626
5	6,863	6,190	2,495
6	3,353	2,592	1,045
7	6,240	5,173	2,085
8	7,776	6,190	2,495
9	6,519	5,880	2,370
10	3,185	2,462	992
11	5,928	4,914	1,980
12	7,387	5,880	2,370

2,604

1,916

-5-

Table 3.--Hypothetical example of U.S. proposal for pink salmon runs with U.S. catch as per cent of total catch (.336) and total catch as 78% of total run.

Year	Thousands of fish		U.S. Catch
	Total Run	Total Catch	
1	10,192	7,950	2,671
3	7,091	5,531	1,858
5	10,702	8,346	2,804
7	7,445	5,807	1,951
9	11,237	8,765	2,915
11	7,817	6,097	2,049

Take years 9 & 11 & avg. (2482)

↓
fixed US entitlement into future.

-6-

In the first example, the run size is calculated to increase by 5% annually over the run sizes present during the base period. The percentage of the total runs caught are calculated to be the same as during the base period, and the U.S. catch is 40.3% of the total catch. In this example, the average annual U.S. catch during the last four years of the three cycles would be 2,604,000 Fraser River sockeye. This is the U.S. entitlement that would be continued thereafter.

In the second example, a 5% annual decrease in run size is calculated. In this instance, the average annual catch limit after 12 years would be 1,916,000 Fraser River sockeye.

III. Numerical, hypothetical example of U.S. proposal for pink salmon.

Similar examples can be shown for pink salmon. Referring again to Table 1, the percent of the catch made by the U.S. for the years 1971 and 1973 was 33.6%. In the example in Table 3, the pink runs are increased by 5% over the run sizes in 1971 and 1973. In this case, after 12 years (6 cycles) the U.S. would be limited to the following Fraser River pink salmon: 2,482,000, the average catch of the last two years (cycles). The greater number of cycles for pink salmon is necessary because of the greater annual fluctuations in pink salmon abundance.

In the case of declining run sizes, the limiting catch would, of course, be lower than during the base period.



Government of Canada
Gouvernement du Canada

Fisheries and Oceans
Pêches et Océans

Your file / Votre référence

ACU	336744
Our file / Votre référence	
FILE	25-5-7-2-Solman-1

13 May 1980

Mr. Dayton L. Alverson
National Resources Consultants
4055-21st Avenue W.
Seattle, Washington
98199

Dear Sir:

re: Procedural Articles
Proposed Canada-United States
Pacific Salmon Agreement

Further to our undertaking given at the Juneau meeting of May 6-9, we enclose herewith a revised Canadian draft of some Articles relating to procedures, which we believe reflect our common understanding.

Any changes from the agreed draft do not reflect any change in substance, but have been made to provide what we believe to be a more orderly structure.

As these Articles were drafted prior to the Juneau meeting, they may not be entirely consistent with some of the approaches discussed there.

We trust that they will be of some assistance in the review that you indicated your staff would be undertaking, and we look forward to your comments at the June session.

Yours very truly,

Original Signed by

M. Hunter
Associate Director
International Fisheries
Relations Branch

Attachments
C.C. M. Shepard
W.R. Hourston
J.E. Harlick
M.M. Goldberg

CANADA-US PACIFIC SALMON AGREEMENT

PREAMBLE

ARTICLE I

PACIFIC SALMON COMMISSION

The Parties agree to establish and maintain a Pacific Salmon Commission (hereinafter referred to as "the Commission").

1. The Commission shall consist of up to _____ Commissioners, of whom up to _____ shall be appointed by each party to serve as the national section of that Party. Each Party may, in its discretion, appoint up to _____ alternate Commissioners to serve in the absence of any Commissioner appointed by that Party.

2. Each Commissioner and alternate Commissioner shall serve at the pleasure of the Party which appointed that person. Each Party shall fill vacancies in its national section, and may fill vacancies in its slate of alternate Commissioners, as they occur.

3. The Commission shall select a Chairman and a Vice-Chairman annually from among the Commissioners to serve for a term of 12 months, except that the first Chairman and Vice-Chairman shall serve for the calendar year in which the Convention enters into force and for a portion of the subsequent calendar year to be determined by the Commission. The Chairmanship and Vice-Chairmanship shall alternate between the two

national sections, with the national section from which the first Chairman is selected to be determined by lot; and the Vice-Chairman shall be a Commissioner from the other national section. If the position of Chairman or Vice-Chairman becomes vacant before the end of a term, the Commission shall select a replacement for the remainder of the term from the national section of which the previous Chairman or Vice-Chairman was a member.

4. Decisions and recommendations of the Commission shall be adopted by affirmative votes of both national sections. Each national section shall have one vote in the Commission, to be cast by the Commissioner of that national section designated for the purpose of voting by the appointing Party.

5. Subject to the approval of the Parties, the Commission shall enact such by-laws and procedural rules, both for itself and for the panels established in paragraph 15, as may be necessary for the exercise of their functions and the conduct of their respective meetings.

6. Unless otherwise agreed between the Parties, the seat of the Commission shall be at _____.

7. Meetings of the Commission shall be called by the Chairman or at the request of either national section. The Chairman shall notify all the Commissioners of such meetings which may be held at the seat of the Commission or at such other places as may be determined in accordance with the by-laws or rules of the Commission.

8. Each Party shall pay the expenses of its own national section.

9. Unless otherwise agreed, all expenses of the Commission, other than those referred to in paragraph 8, shall be borne in equal shares by the Parties. An annual budget of joint expenses shall be prepared by the Commission, and submitted to the Parties. Upon approval by the Parties of the budget, the contributions owing by each Party shall be paid as the by-laws may specify.

10. The Commission shall authorize the disbursement of funds contributed by the Parties pursuant to paragraph 9 for its joint expenses, and may enter into contracts and acquire property necessary for the performance of its functions.

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

12. The Commission shall have an Executive Secretary who shall be appointed and dismissed with the concurrence of the Parties and who, under supervision of the Commission, shall be responsible for the general administration of the Commission.

13. The Commission may engage staff, whose composition and terms and conditions of employment shall be included in the annual budget submitted to the Parties pursuant to paragraph 9 of this Article. The Executive Secretary shall have full authority over the staff, subject to any general directive established by the Commission.

14. The Commission shall establish procedures whereby the views of advisory committees which may be established by the Parties, can be brought to its attention.

15. The Commission shall establish and maintain the following panels:

- (a) Northern Panel for salmon originating in rivers with mouths situate north of Cape Caution;
- (b) a Southern Panel for salmon originating in rivers with mouths situate south of Cape Caution, other than stocks for which the Fraser River Panel is responsible;
- (c) a Fraser River Panel, responsible for pink salmon and sockeye salmon originating in the Fraser River system;
- [(d) A Transboundary River Panel for salmon originating in rivers referred to in Article VII.]

16. The Panels shall provide information and make recommendations to the Commission with respect to the functions of the Commission and carry out such other functions as may be specified in this Agreement or as the Commission may direct.

17. 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 16. If the Panels cannot agree, each may make an independent report to the Commission.

18. Each Panel shall consist of up to ____ members from each country, of whom at least ____ shall be a Commissioner or alternate Commissioner.

19. Except as otherwise provided in this Agreement, paragraphs 2, 3, 4, 7 and 8 apply, mutatis mutandis, to each Panel.

ARTICLE II

COOPERATION AND CONSULTATION IN MANAGEMENT

The Parties ^{shall} ~~agree to~~ cooperate in the management of salmon stocks that are subject to capture in intercepting fisheries; ^{and in particular, they shall} ~~and to consult each other annually with~~ respect to ^{such stocks and fisheries} ~~those fisheries~~ as follows:

- (a) On or before January 31 ^{intercepting} in each year, or on such other date as the Parties may agree, ^{the State of Origin of} ~~each Party, respecting~~ ~~stocks subject to capture in intercepting fisheries~~ any stock or complex of stocks originating in its rivers that is subject to capture in a fishery listed in Annex I*, shall submit preliminary determinations for the ensuing year to the other Party and to the appropriate panel ^{of, including the following information, as applicable:} ~~of, including the following information, as applicable:~~
- i) the estimated size of the run;
 - ii) the escapement required, taking into account the objective of optimum utilization, the estimated size of the run and the interrelationships between stocks;
 - iii) the total allowable catch;
 - iv) any other matter whose determination may be necessary in order to develop regulations for that fishery; and

*With respect to the procedures to be applied to Annex I, it may be impractical to cover all stocks. It may be necessary to list stocks in an exchange of notes.

- v) ^{its} the intentions ^{concerning} ~~of the state of origin with~~
~~respect to the regulation of fisheries in its~~
~~own waters, of that stock or complex of stocks.~~
- (b) No later than [30 days] following receipt of the preliminary determinations submitted pursuant to sub-paragraph (a),
^{the integrity} each Party shall submit to the appropriate Panel, ^{its intention, including} proposed
regulations, for the subsequent year with respect to the ^{integrity}
^{concerned} fisheries ~~listed in Annex I~~ which are conducted in the
waters of that Party, taking into account the provisions
of this Agreement and the effect of such regulations on
other stocks affected by those fisheries.
- (c) The panel shall thereupon ^{discuss} ~~examine~~ the preliminary deter-
minations, ^{and the} ~~and~~ proposed regulations, ^{and the} ~~and~~ report its findings
^{a) Put in paper "regulations"} ~~to the Commission within 15 days.~~
^{b) Put in paper "regulations"} ~~to the Commission within 15 days.~~
- (d) The Commission shall thereupon ~~review these findings~~
~~and~~ report its views to both Parties within 15 days.
- (e) Each Party shall then make its final determination with
respect to matters enumerated in sub-paragraph (a).
- (f) Each Party, taking into account the report of the Com-
mission and ~~the final determinations of the other Party,~~
shall establish ~~for~~ and enforce in its waters ^{appropriate} ~~regulations~~
~~for the fisheries listed in Annex I.~~
- (g) During the fishing season, final determinations and regu-
lations may be modified by the appropriate Party where
necessary, ~~due to deviations from anticipated conditions~~
and such modifications shall be communicated immediately
to the other Party and to the Commission.
- shall find.*

ARTICLE III

COORDINATION TO ACHIEVE OPTIMUM UTILIZATION

OF SALMON STOCKS

ARTICLE IV

CATCH COMPARISON SYSTEM

ARTICLE V

RESEARCH

ARTICLE VI

COORDINATION OF TROLL SALMON REGULATIONS

ARTICLE VIII

TRANSBOUNDARY RIVERS

ARTICLE VIII

FRASER RIVER PANEL

1. This Article applies to pink salmon and sockeye salmon originating within the Fraser River system.
2. In the first year after entry into force of this Agreement, the Fraser River Panel shall operate in accordance with the practices established by the International Pacific Salmon Fisheries Commission under the convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fisheries in the Fraser River System, as amended, in order to permit the Panel to make the preliminary and final determinations referred to in Article II for the management of the stocks referred to in this Article, taking into account the factors referred to in paragraph 4 of this Article.
3. In the second year after the entry into force of this Agreement and thereafter, Canada will assume responsibility for all upriver work, such as the improvement of spawning grounds, the construction and maintenance of hatcheries, rearing ponds and fish passage facilities, the collection of escapement and migration data outside the area referred to in ^{this Annex} ~~Annex III~~, and similar work in the Fraser River. During the second year, Canada will work jointly with the Fraser River Panel to enable the Panel to make determinations referred to in Article II for the management

of the stocks referred to in this Article, taking into account the factors referred to in paragraph 4 of this Article.

4. In the third year after the entry into force of this Agreement and annually thereafter

(a) ^{On or before} Canada shall provide the Fraser River Panel with pre-

liminary determinations referred to in paragraph (a) of Article II for the management of the stocks governed by this Article, taking into account:

- i) the objective of optimum production, having regard to the interests of both Parties;
- ii) the need to set escapement goals so as to permit the United States to achieve the entitlements set out in ^{the Agreement} ~~Annex~~ I;
- iii) the need to avoid disruptive changes ^[transition] in patterns of exploitation; and
- iv) the best scientific evidence available.

(b) The Fraser River Panel shall examine these preliminary determinations and report its views to both Parties (within 30 days). Canada shall take these views into account before the determinations are made final and shall notify the Fraser River Panel of its final determinations not later than (30) days after the Panel has reported its views.

- i) The United States may refer to the Commission, any such final determination by Canada that the United States considers inconsistent with the provisions of this Agreement and the Commission shall, within (30) days, report its views and any recommendations to the Parties.
- ii) Where modifications are indicated, Canada shall within (10) days notify the Commission of its response.
- iii) If the United States objects to the response, it ^{the} ~~may~~ ^{provision of which} refer the matter to the Parties (who shall decide the matter) (possibility of dispute settlement under general provisions of the Agreement.)
- (c) The ~~approved~~ regulations of the Fraser River Panel shall not apply whenever the management objectives for stocks other than Fraser River sockeye and pink salmon are deemed to take precedence, in accordance with by-laws made under paragraph ⁷ of Article I*.
- (d) Canada, in order to facilitate the work of the Fraser River Panel, shall submit to that Panel an annual report

*Canadian acceptance dependent upon development of a satisfactory by-law.

of its management plans and activities respecting the stocks governed by this Article.

5. The Fraser River Panel shall propose measures annually for the harvest of the stocks referred to in this Article within the area referred to in Annex III which take into account the following:

- (a) the entitlements of the United States provided for in ~~Annex I~~ ^{the Annex};
- (b) the determinations referred to in paragraph 4 of this Article;
- (c) the domestic allocation objectives of the Parties; and
- (d) the management objectives of the Parties with respect to salmon other than Fraser River sockeye and pink salmon.

6. In carrying out the provisions of paragraph 7, the Fraser River Panel shall:

- (a) propose annual regulations and where appropriate adopt emergency orders to control sockeye and pink salmon fishing seasons, times, and areas, including the provision for fishing by each type of gear authorized by the Parties;
- (b) recommend minimum mesh sizes and times and areas for chinook salmon fishing in the area described in ~~Annex III~~, upon finding that such regulations are necessary to accomplish the objectives set out in paragraph 7;

- (c) consult and exchange information with the Parties in order to ensure that its regulations take account of the management objectives of the Parties with respect to salmon other than Fraser River sockeye and pink salmon. In this respect, the Fraser River Panel shall take account of incidental catches of the stocks governed by this Article during the harvest of chinook salmon within the area referred to in ~~Annex III~~; and
- (d) conduct such studies as are necessary to achieve the objectives of paragraph 7, including:
- i) monitoring the runs of stocks referred to in this Article, including the collection of catch statistics, test fishing, sampling, and racial analyses in the area described in Annex III, and beyond that area with the consent of the Party in whose waters or territory the activity is to be carried out*, and
 - ii) securing from Canada, for areas outside the area described in Annex III, escapement, migration, and other required data.

7. The Commission, at the request of the Fraser River Panel or of either Party, shall consider and provide advice

*Canada would authorize monitoring at Hells Gate by an exchange of understandings at the time of ratification.

upon any question which may arise respecting the coordination of the activities of the Fraser River Panel with those of the other Panels or of either Party with respect to stocks not governed by this Article.

8. Annual regulations proposed by the Fraser River Panel shall be submitted (~~appropriate time to be determined~~) to the Parties ~~for approval~~ and shall be effective when the ^{by the Party in whose waters such regulation or regulations} ~~regulations for their respective waters are approved by both parties.~~

9. During the fishing season, the Fraser River Panel may make ~~emergency~~ orders for the adjustment of fishing times and areas stipulated in the annual regulations, in response to variations in anticipated conditions, taking into account the objectives referred to in paragraph 5. The Parties shall give effect to ^{such} ~~the~~ orders, ^{in accordance with} ~~according to~~ their respective legal systems, laws and procedures, ~~unless they resist the~~ Party in whose waters the orders are applicable gives notice of objection to the Commission.

ARTICLE IX
ACCESS PROVISIONS

ARTICLE X

DOMESTIC ALLOCATION

Each Party may allocate its share of the salmon
^{covered by this Convention.}
stocks among persons fishing under its jurisdiction. In
achieving the objectives of the Convention, the Commission
and its Panels shall take into account the domestic allo-
cation objectives of the Parties.

ARTICLE XI

COMPLIANCE

Ensemble

1. ~~To ensure compliance with this Agreement, Each~~
Party shall:

(a) enact and enforce legislation and regulations to imple-
ment this Agreement, and

(b) act to prevent its respective nationals and vessels from
exceeding any entitlement or interception limitation
established pursuant to this Agreement.

2. ~~Each Party~~

(a) shall require reports from its nationals and vessels of
catch and related data for all stocks and fisheries
covered by this Agreement, and make such

(b) may also require nationals and vessels of the other
Party to make reports of such data while fishing within
waters under its fisheries jurisdiction; and

(c) shall make available to the Commission, such data and
other information as it may require.

3. ~~The Parties agree to~~ (3)
exchange fisheries statistics
on a current and regular basis in order to facilitate the
enforcement and implementation of this Agreement.

ARTICLE XII

ANNEXES AND AMENDMENTS

1. The Annexes to this Agreement, either in their present terms or as amended in accordance with the provisions of this Agreement, form an integral part of this Agreement and all references to this Agreement shall be understood as including the said Annexes.
2. The Commission shall review the Annexes annually and may make recommendations for their amendment to the Parties. Where Parties accept any such recommendations, that Annex shall be considered amended accordingly, effective from the date on which the Commission receives the last of the two notices of acceptance or from such other data as may be agreed by the Parties. The Parties may also agree to amend an Annex without a recommendation from the Commission, in which case the amendment shall enter into force with effect from the date specified by the Parties.
3. The Commission shall from time to time cause to be published a consolidated text of the Annexes showing all amendments currently in force.

ARTICLE XIII

EFFECTIVE DATE

ANNEXES

May 1980

Alternate U.S. Proposal Concerning Fraser River Pink and Sockeye Salmon

In the original U.S. proposal concerning Fraser River pink and sockeye salmon, the U.S. proposed that its share be a certain percentage of the total catch, rather than a certain share of only Convention Water catches. This was done to avoid the possibility that more and more of the catch would be caught outside Convention Waters. That this actually has been occurring can be seen in Table 1 where Fraser River sockeye and pink catch and escapement data are shown. For sockeye, the U.S. catch was 40.3% of the total catch (8,958/22,234) for the period 1971-74. For the next 5 years, however, the U.S. catch was only 33.6% of the total catch (2,165/6,451). Although the U.S. was getting 50% of the Convention Waters catch, obviously a greater percentage of the total catch was being made outside Convention Waters.

Table 1.--Fraser River pink and sockeye salmon (thousands of fish).

Year	Total Run Size	Total Catch	Escapement	U.S. Catch	% U.S.	% Escapement
A. Sockeye						
1971	7,604	6,862	742	2,758	40.2	9.8
1972	3,715	2,871	844	1,127	39.3	22.7
1973	6,914	5,733	1,181	2,612	45.6	17.1
1974	8,616	6,858	1,757	2,461	35.9	20.4
1975	3,678	2,653	1,010	1,560	58.8	27.5
1976	4,337	3,509	827	1,322	37.7	19.1
1977 X	5,781	4,667	1,113	1,714	36.7	19.3
1978 X	9,480	6,966	2,514	1,359	19.5	26.5
1979 X	6,478	5,097	1,382	1,776	34.8	21.3
B. Pink						
1971	9,707	7,903	1,804	2,282	28.9	18.6
1973	6,753	4,999	1,754	2,048	41.0	26.0
1975	4,879	3,512	1,367	1,094	31.2	28.0
1977 X	8,173	5,785	2,388	2,039	35.2	29.2

X Preliminary

There has not been much of a change for pink salmon. The U.S. catch averaged 33.6% of the total catch in 1971-73 (2,165/6,451), and 33.7% of the total catch in 1975-77 (3,133/9,297). However the 1979 data may alter this.

Another factor that is of concern to the U.S. is the proportion of the total run that is escapement. If attempts were made to significantly increase escapements after an agreement was effective, the U.S. catches could decline, even though run sizes were increasing.

That this also has been occurring in recent years can be seen from the data in Table 1. For sockeye, the total escapement in 1971-74 totaled 16.8% of the total runs (4,524/26,849), whereas from 1975-79 escapement totaled 23.0% of the total runs (6,846/29,754). The situation is similar for pink salmon where the total pink escapements in 1971 and 1973 were 21.6% of the total runs (3,558/16,460), whereas pink escapements were 28.8% of the total runs in 1975 and 1977 (2,755/13,052).

To avoid this pitfall, the U.S. should consider expressing the proposed U.S. catch as a percentage of the total run, or as a percentage of the total catch, whichever is larger. Under this proposal, the projected U.S. catch at the end of 6 or 12 years would be the same as would be projected as a percentage of the total catch, only so long as the percentage of the run going to escapement was constant. A comparison of these two methods:

- (1) U.S. allowable catch as a percentage of the total catch;
- (2) U.S. allowable catch as a percentage of the total run, for sockeye is shown in Table 2. In this sample not only are the run sizes increasing by 5% annually over the runs in 1971-74, but the part of the run going to catch only increased by 3% annually. In this example, the U.S. percentage of the total catch again is 40.3%, whereas its percentage of the total run

Table 2.--Hypothetical calculation of U.S. entitlement to Fraser River sockeye salmon based on: 1) a percentage of the total catch, and 2) a percentage of the total run, based on thousands of fish.

Year	Total Run	Total Catch	Escapement	U.S. Catch, % of Total	U.S. Catch, % Total Run
1	7,984	7,068	916	2,848	2,667
2	3,901	2,957	944	1,192	1,303
3	7,260	5,905	1,355	2,380	2,425
4	9,047	7,064	1,983	2,847	3,022
5	8,383	7,280	1,103	2,934	2,800
6	4,093	3,046	1,047	1,228	1,367
7	7,623	6,082	1,541	2,451	2,547
8	9,499	7,276	2,223	2,932	3,173
9	8,803	7,498	1,305	3,022	2,940
10	4,301	3,137	1,164	1,264	1,437
11	8,204	6,265	1,739	2,525	2,740
12	9,974	7,494	2,480	3,020	3,331

2,458 }
2,612 }

is 33.4% (8,958/26,849). The average annual U.S. catch during the last 4 years would be 2,458,000 using the total catch, and 2,612,000 using the total run.

240 Sparks Street,
Ottawa, Ontario.
K1A OE6

Mr. Gordon Sandison,
Chairman,
International Pacific Salmon
Fisheries Commission,
P. O. Box 30,
NEW WESTMINSTER, B. C.

May 8, 1980

Dear Mr. Sandison:

As the Commission is aware, the Governments of Canada and the United States are developing a comprehensive Pacific Salmon Agreement, and met most recently to this end in Juneau, Alaska, from May 6 - 9, 1980.

As a result of that meeting, the two Governments have decided to request certain information of a technical nature from the Commission, in order to expedite the negotiations which will resume on June 9, 1980.

It would be appreciated if the Commission would assemble the information requested in the attached document and forward it to Mr. Ken Henry, National Marine Fisheries Service, Seattle, and Mr. Jack McDonald, Department of Fisheries and Oceans, Biological Station, P. O. Box 100, Nanaimo, no later than May 23, 1980. I understand that you will be receiving a similar letter from the Government of the United States to confirm this request.

Thank you for your attention to this important matter.

Yours sincerely,

Original Signed by

Attachment

M. Hunter,
Associate Director,
International Fisheries Relations Branch

ATTACHMENT

Information requirements regarding specific enhancement facilities for Fraser River sockeye and pink salmon.

A. List of Facilities

<u>Location</u>	<u>Species</u>
Upper Seton Creek	Pink
Lower Seton Creek	Pink
Pitt River	Sockeye
Weaver Creek	Sockeye
Gates Creek	Sockeye
Nadina River	Sockeye

B. Information Required for Each Facility

1. Capital cost.
2. Annual operating costs (manpower costs separately).
3. Year construction started.
4. Year of first operation (first brood year).
5. Area (sq. yards) of spawning or incubation beds provided.
6. Designed capacity (number of females or eggs and number of males).
7. Estimated capacity.
8. Predicted annual catch from designed capacity.

- 2 -

9. Predicted annual catch from estimated capacity.
10. Annual number of spawners.
11. Annual potential egg deposition.
12. Annual output of juveniles.
13. Estimated annual catch in commercial, sport and subsistence fisheries.

C. Information Regarding Potential Production of Fraser River Pink Salmon

What is the natural production potential of Fraser River pink salmon, above and below Hell's Gate separately, including an estimate of optimum escapement level and resulting catch, assuming no future change in the freshwater habitat?

D. Other Information

A concise description of the rationale and methodology used to arrive at estimates regarding items B, 6-13, and C is required.

May 8, 1980

APPENDIX 7.

JEL

RESEARCH ISSUE PAPER

U.S.-CANADA SALMON INTERCEPTIONS

SOUTHEAST ALASKA - NORTHERN BRITISH COLUMBIA

During the U.S.-Canada salmon interception discussions of November 27-28, 1979, at Vancouver B.C. the United States suggested that a series of issue papers be developed to better define national positions and key issues of concern to both countries. The United States agreed to prepare papers dealing with the Fraser River, the Canadian troll fishery off Vancouver Island, and research needs for the northern British Columbia-southeast Alaska area. This paper outlines the research needed to determine baseline interception estimates and annual variability in these estimates, and to identify significant intercepting fisheries in the northern area to aid in reaching agreement.

PROBLEM ADDRESSED

Inadequate information concerning intercepting fisheries in northern British Columbia and southeastern Alaska is a serious obstacle to reaching an agreement between the United States and Canada to limit interceptions by each country's fishermen of salmon originating in streams of the other country. In many cases estimates of interceptions have been derived from a limited quantity of data or data of questionable adequacy for determining origins of salmon in areas of intermingling. On the Alaska side of the boundary, interception estimates drew heavily on old data

produced by tagging programs conducted during the 1920's through 1958. In many of these tagging experiments relatively few salmon were tagged and the number of recoveries was small. Because tagging was conducted only a single year for some species in some districts, rather tenuous extrapolations have been made from these data to extend over cycles as no estimates of annual variability were possible. In this connection there is some question that the effects of changes in population magnitudes since the time interception estimates were made may not have been adequately considered. A somewhat similar situation exists for northern British Columbia. Quite naturally the lack of solid information has resulted in differences between Canadian and U.S. estimates of interception for some fisheries. Also, since the period when most tagging experiments were performed in Alaska, the fishery, aside from trolling, has changed from traps and nets to a net fishery only. Thus, the distribution of fishing effort has changed which, conceivably, could alter proportions of each country's salmon in the catch. Further, as both countries plan future enhancements of their own stocks, new research will provide a better basis for determining changes in the proportions of each country's salmon in interception fisheries.

RESEARCH NEEDED

General Comments

The principal objectives of a research program would be to determine for areas of known and potentially significant interceptions: (1) the numbers of salmon passing through, (2) their

ultimate destinations, and (3) the extent of their removal by the various fisheries. These determinations will require accurate statistics of catch and spawning escapement for stocks contributing to interception fisheries and a means of identifying the different stocks in such areas (i.e. adult tagging, microwire nose tags, and ancillary studies such as studies of racial difference based on scale characteristics or meristic counts). Additionally, it would be desirable to conduct oceanographic studies in conjunction with other research to provide information on the influence of oceanographic conditions on migration routes of salmon in the study area.

Adults should be tagged in the study area with subsequent recoveries of tags in fishing areas and particularly on spawning grounds. Juveniles should be marked as they leave natal streams. Searches for marks should be subsequently carried out among returning adults for as many important stocks as possible. It is imperative that both juvenile markings and adult taggings be conducted together. Adult tagging provides an excellent means of indicating the dispersal of runs away from areas of capture and release, but estimates of the contribution of particular stocks to the fisheries based on such tagging are subject to considerable error. However, no available method provides a better way of obtaining a gross qualitative description of the destination of salmon passing through different fishing areas. Recovery of adult salmon marked as juveniles in important producing areas (with a thorough search for marked returning

adults in all substantial fisheries and on the spawning grounds) provides a basis for more accurate estimates of the contributions of major runs to the fisheries than could be provided by adult tagging alone.

Clearly cooperation between both countries in research planning, implementation, quality control, and analysis is imperative. Provision should be made for simultaneous programs in southeast Alaska and northern British Columbia. The studies would be a major new effort by both countries and presumably would be done in addition to current on-going programs. For this reason it is recommended the first year of the salmon interception research program be devoted to the joint planning of field work required for adult tagging and juvenile marking experiments and subsequent recovery efforts, with consideration of the kinds of data analyses that might be employed; logistics, staffing, and acquisition of equipment, supplies, and office space that might be required.

This paper discusses research needs for southeast Alaska rather broadly and outlines similar studies in northern British Columbia. Discussions with Canada will be necessary before a joint plan presenting details and priorities is prepared. Again, it should be emphasized that the studies listed herein are for U.S. waters only. In order to achieve the desired goals of these studies, it is essential that similar research efforts be undertaken concurrently in Canadian areas. Without Canadian involve-

ment these studies would not be productive. Similarly, the costs shown are only for the U.S. portion of the study and additional Canadian costs would be involved. Since the success of these expensive projects is heavily dependent on joint U.S.-Canada participation, it is imperative that joint development of these programs be undertaken as soon as possible.

RESEARCH IN SOUTHEAST ALASKA BY THE UNITED STATES

Adult Salmon Tagging. Adult salmon would be tagged in Districts 101, 102, and 104 (Figure 1). Target species would be pink, chum, and sockeye, but all chinook and coho captured would also be tagged and released. Project objectives are to:

1. Determine migration routes and destinations of salmon taken in the commercial fisheries of District 101, 102, and 104.
2. Determine areas in which southeast Alaska and northern British Columbia stocks intermingle.
3. Determine annual variability in proportions of U.S. and Canadian salmon taken by the commercial fisheries in these districts.

Three tagging crews using 3 chartered purse seine vessels would tag at selected locations within Districts 101, 102, and 104. Similarly, 3 crews using chartered vessels would be employed in spawning ground surveys and in-stream tag recovery. Suitable arrangements for tag recoveries at buying stations and processing plants would be made. Project duration would be seven years,

allowing year 1 for planning; years 2 through 5 for intensive field work, data processing and interim reports; and years 6 and 7 for final analysis and reporting.

Estimated costs in 1979 dollars are:

Year 1 - Planning	\$ 38,000
Year 2 - Field program, data processing	1,480,000
Years 3 to 5 - Field program, data processing and interim reports	Same as year 2 with annual increases due to inflation
Year 6 - Analysis and reporting	85,000
Year 7 - Analysis and final reporting	85,000

Juvenile Marking Experiments. As mentioned earlier, coded wire tagging of juveniles with subsequent recovery as adults presently provides the best available basis for estimating individual stock contributions to the various fisheries. In southeast Alaska this would involve 3 separate projects: sockeye juvenile marking and in-stream recovery by weirs at marking sites, a similar project for coho, and for pink and chum fry. An overall coded wire and adult tag recovery project would be conducted at buying stations and processing plants located throughout southeast Alaska.

1. Sockeye - juvenile sockeye outmigrants would be marked by inserting coded wire nose tags and removing the adipose fin within streams that could contribute to sockeye fisheries in Districts 101 and 104. Systems to be considered as smolt tagging sites are: Hugh Smith, Naha, Klawock, Hetta, Klakas, Red Bay, Salmon Bay, Kah Sheets, and Petersburg Creek. Marking sites would be selected after field examination to determine their suitability. Ten years would be required to complete this project. Estimated costs are in 1979 dollars.

Year 1	- Planning	\$ 45,000
Year 2	- Acquisition of equipment and juvenile marking	375,000
Years 3-6	- Juvenile marking, commercial and in-stream recoveries, data processing, interim analysis and reporting	200,000/yr
Years 7-9	- In-stream and commercial recoveries, interim analysis and reporting	150,000/yr
Year 10	- Final report	50,000

2. Coho - Microwire nose tags in conjunction with adipose fin clips would be applied to coho juveniles from 20 systems located in Districts 101

through 108. Coho juveniles will be captured in-stream with baited minnow traps using techniques already developed by the Alaska Department of Fish and Game. In this project, as in the sockeye project, weirs will be used for stream recoveries of returning adults. Eight years are needed to complete this program with estimated costs in 1979 dollars as follows:

Year 1	- Planning and acquisition of equipment	\$ 300,000
Year 2	- First juvenile markings	380,000
Year 3	- Juvenile markings, purchase weir supplies, data processing	1,050,000
Years 4-5	- Juvenile markings, commercial and instream recoveries, data processing, interim reports	660,000/yr
Years 6-7	- Commercial and instream recoveries, data processing, interim reports	380,000/yr
Year 8	- Final report	110,000

3. Pink and Chum - Fry marking experiments would add substantially to the information gained from tagging of adult pink and chum salmon. It is recommended that microwire tags be applied to chum

fry and that pink salmon fry be marked with various combinations of fin-clips from 10 selected pink and chum salmon spawning streams located within districts 1 through 6. Fry would be captured by trap or fyke nets and weirs would be used for in-stream recoveries of returning marked adults. Nine years are needed to complete this project with estimated costs as follows:

Year 1	- Planning	\$ 30,000
Year 2	- Fry Marking	129,000
Year 3	- Fry marking, adult pink recoveries, data processing	234,000
Year 4	- Fry marking, adult pink and chum recoveries, data processing, interim report	248,000
Year 5	- Fry marking, adult pink and chum recoveries, data processing, interim report	488,000
Year 6	- Adult pink and chum recoveries, data processing, interim report	376,000
Year 7	- Adult chum recoveries, data processing, interim reports	413,000/yr
Year 8	- Adult chum recoveries, data processing and analysis, interim report	470,000
Year 9	- Analysis and final report	110,000

4. Commercial Fishery Recoveries of Adult and Micro-wire Tags and Fin-clipped Pinks - Assuming that adult tagging and juvenile microwire markings proceed simultaneously, as they should, there would be 10 years of intensive recovery effort from the commercial and recreational fisheries. (This could well be combined with the present coast-wide microwire recovery program if it were to continue throughout the period of northern British Columbia - southeast Alaska studies). Allowing one year for planning, the tagging and recovery schedule in southeast Alaska would be:

Species	Tag	Tagging Years	Recovery Years
All-adult	Peterson disc	2 thru 5	2 thru 5
Coho-Juvenile	coded wire	2 thru 5	4 thru 7
Sockeye-Juvenile	coded wire	2 thru 6	4 thru 9
Pink-fry	fin-clip	1 thru 4	2 thru 5
Chum-fry	coded wire	1 thru 4	3 thru 7
Alsek-Juvenile			
chinook	coded wire	2 thru 3	4 thru 6
Taku-Juveniles			
chinook	coded wire	1 thru 6	3 thru 10
coho	coded wire	2 thru 5	4 thru 7
Stikine-Juveniles			
chinook	coded wire	1 thru 6	3 thru 10
coho	coded wire	2 thru 5	4 thru 7

Given this situation and the great number of marks out, the recovery program should be treated as an individual project. Samplers would be stationed at buying stations and processing plants throughout southeast Alaska. The precision and reliability of tag recovery information will be coordinated through fisherman's organizations and programs such as the southeast Alaska troll log book. All marks, tags, and heads of salmon without adipose fins would be sent to a central laboratory with appropriate recovery information. Microwire tags would be removed and decoded. Summaries of recoveries, with appropriate information, would be sent to respective tagging agencies.

Estimated costs for the 10 year program beginning with year 2 are:

Years 2 - 3	- Adult tag recovery	\$326,000/yr
	fin-clipped pinks	
Years 4 - 5	- Adult tag and coho,	400,000/yr
	chinook and sockeye	
	head recoveries, fin-	
	clipped pinks	
Years 6 - 7	- Coho, chinook and	300,000/yr
	sockeye head recoveries	
Years 8-10	- Sockeye and chinook	200,000/yr
	head recoveries	

RESEARCH IN NORTHERN BRITISH COLUMBIA BY CANADA

We will not elaborate on research that we believe necessary in northern British Columbia to advance an interception agreement. However, we think it worthwhile to briefly outline our concerns as a basis for technical discussions and joint planning with Canada. Briefly, the following kinds of studies should be considered:

1. Pink and Chum - adult tagging in Districts 1 through 5 (with some consideration to more southern districts) with special emphasis on Portland Canal chums and odd year pinks
2. Coho - coded wire taggings of wild smolts in Districts 1 through 5 from several representative systems
3. Sockeye - coded wire taggings of smolts in the Skeena and Nass Rivers
4. Chinook - coded wire taggings of wild and hatchery smolts in principal B.C. chinook systems
5. Cooperative studies on marine distribution of transboundary river chinook, coho, and sockeye which would involve in-river coded wire tagging of juveniles.

JOINT RESEARCH BY U.S. AND CANADA

Review of Recent Tagging Experiments - Over the past several years Oregon, Washington, British Columbia, and Alaska have participated in coastwide mark and recovery experiments with chinook and coho using coded wire nose tags. While some of the markings have pertained to feeding and holding experiments, recovery data from others could be revelant to the interception problem. The latter should be analyzed and incorporated into the interception data base.

Transboundary Rivers - The transboundary rivers have headwaters in Canada and flow into United States marine waters. In some rivers, salmon spawn in both U.S. and Canadian portions, and in others, solely in Canadian portions and present a special category requiring joint efforts by both countries to determine salmon population levels and catches by U.S. and Canadian fisheries.

1. Yukon River - studies by the U.S. would be designed to assess the contribution of Canadian stocks to salmon fisheries conducted in the Alaskan portion of the river and would be focused on chinook and fall chums. A 4-year study is recommended and would include scale analysis for chinook and a tag and recovery program for the fall chum.

Chinook scales would be collected from commercial and subsistence fisheries, primarily in the lower Yukon below Marshall. Collected scales would constitute the "unknown" sample containing both Canadian and U.S. stocks. Additionally, scales would be collected from tributary spawning streams including at least, Andreafsky, Anvik, Nulato, Koyukuk, and Salcha Rivers in Alaska; Nisutlin, Big Salmon and Teslin Rivers, and the Whitehorse fishway in Canada. In this connection, if feasible, it would be useful for Canada to mark chinook smolts from Canadian spawners with micro-wire tags.

Fall chum salmon would be tagged in the lower river with numbered, color coded spaghetti tags or Peterson disc tags between July 20 and August 30. Tags would be recovered by ground crews canvassing known spawning areas and in commercial fisheries in both Alaska and Canada.

Estimated annual costs in 1979 dollars for the four year program are:

Chinook scale analysis	\$108,000/yr
and reporting	
Fall chum tag and recovery	\$110,000/yr
analysis and reporting	

2. Alsek River - the river drainage lies mainly in British Columbia and the Yukon Territory. It supports runs of chinook, sockeye, and coho salmon. A U.S. commercial gill net fishery harvests salmon in the lower portion of the river and Canadian sport and subsistence fisheries occur in the Tatshenshini River, a tributary which is the largest salmon producer in the Alsek drainage.

It may be feasible and useful to obtain some measure of the Alsek chinook contribution to the U.S. troll fishery. This would be done by 2 years of smolt microwire marking followed by 3 years of head recoveries. Juveniles to be marked would be obtained by baited minnow traps in the Klukshu and Tatshenshini Rivers or perhaps by seining in the Dry Bay estuary. If carried out, this would be a 6 year project allowing for an initial year for in-river investigations to locate concentrations of juvenile chinook and to test the feasibility of seining in the estuary.

Estimated costs for the 6 year study in 1979 dollars are:

Year 1	- Reconnaissance and planning	\$ 20,000
Years 2 - 3	- Juvenile marking	30,000/yr
Years 4 - 5	- Commercial and in-stream head recoveries, data processing, interim reports	45,000/yr
Year 6	- Commercial and in-stream head recoveries, final report	60,000

3. Taku River - in this system the primary species of concern are chinook and coho salmon. Chinook spawn mainly in Canada while coho spawn in both U.S. and Canadian portions of the system. A study, to be accomplished by microwire tagging of juvenile chinook and coho, is necessary to determine:

1. Population magnitudes
2. Marine migration routes
3. Stock contributions to U.S. and Canadian fisheries

For planning purposes it is recommended that chinook and coho studies be considered as separate projects that would be conducted simultaneously in

U.S. and Canadian portions of the system. Cooperative U.S.-Canada planning is critical to this project. Outlined below are recommended U.S. studies only:

Chinook - smolts for marking by microwire tags would be captured by baited minnow traps in the mainstem Taku and by seine at the river mouth. Head recoveries would be made in-stream during escapement surveys and from commercial and recreational fisheries as a part of the overall mark recovery project. This would be a 10 year project with estimated costs in 1979 dollars as follows:

Years 1 & 2 - Planning, Juvenile	@120,000/yr
marking, escapement	
surveys, data processing	
Years 3 - 6 - Juvenile marking, es-	@155,000/yr
capement surveys, head	
recovery, data pro-	
cessing, interim reports	
Years 7 - 9 - Head recovery, escape-	@75,000/yr
ment surveys, data pro-	
cessing, interim reports	
Year 10 - Head recovery, escapement	75,000
survey, final analysis	
and report	

Coho - coho studies outlined here consider only those coho spawning in U.S. portions of the system. Again it is assumed that similar studies would take place simultaneously in Canadian waters. Juvenile coho would be marked with coded microwire tags and weirs would be used to enumerate runs and for in-stream mark recoveries. These studies would be conducted on the following streams: Yehring, Moose, Sockeye, and Johnson Creeks. Commercial and recreational fishery recovery responsibilities would be assumed by the overall mark recovery project. Coho work would extend over 8 years, allowing 1 year for planning, 6 years for mark and recovery experiments and escapement enumeration, and 1 year for final analyses and reporting.

Estimated costs are as follows:

Year 1	- Joint planning	124,000
Year 2	- Juvenile marking	95,000
Year 3	- Juvenile marking and purchase of weir supplies	230,000
Years 4-5	- Head recovery, run enumeration, smolt marking, data processing, interim report	@ 150,000/yr
Years 6-7	- Head recoveries, run enumeration, data pro- cessing, interim reports	@ 125,000/yr
Year 8	- Final analysis and report	75,000

4. Stikine River - studies on chinook and coho stocks would be similar to those on the Taku River with the same estimated costs. U.S. streams on the drainage contemplated for coho studies are Government and Andrews Creeks and Barnes and Twin Lakes.

ANCILLARY STOCK SEPARATION STUDIES

It is recommended that joint research by the U.S. and Canada include other approaches to estimating interceptions that are independent of tagging studies. Research should be conducted on the identification of origins of individuals by scale characters, and by genetic studies. These kinds of studies could be carried out in conjunction with the various tagging programs.

Recent advances in separating stocks by using scale characters have been made. In Alaska, fairly accurate methods of identification among several stocks of sockeye salmon in Bristol Bay and Cook Inlet have been developed in at least one year of return using scale characters alone.

Genetic studies at present seem limited to identification of enzymes in individuals. If distributions of enzymes differ among stocks of a species in the interception region, such information could also be combined with that of scale characters and chemical analysis to improve methods of identification of origin of individuals in catches.

These studies should be conducted for at least 5 years. Annual costs in 1979 dollars are estimated to be at \$300,000.

OCEANOGRAPHY

The primary objective of the proposed oceanography program is to provide information on the influence that oceanographic conditions have on the migration routes of salmon in oceanic-coastal waters and in the inland waters that include Hecate Strait and Dixon Entrance. The study would be designed to:

1. Describe the characteristics of the environment or region which salmon are known to inhabit.
2. Relate the extent of environmental features to the pattern of currents and water structure.

3. Observe and recognize seasonal and annual variations in this environment.
4. Determine mechanisms that could account for the observed conditions that cause changes.

Within the oceanic-coastal area from 47° N to 59° N latitude regular shipboard surveys would be required along with application of satellite technology to:

1. Define and monitor the properties (physical and chemical) and their variability of the oceanic and coastal waters for long-term fisheries applications.
2. Define the variability in, and period of, change of the position of the division of the West Wind Drift and to relate this to meteorological data, possibly through mass transport derived from barometric pressure data.
3. Define the period in which the annual change in the sub-surface distributions of mass occur and the causative factors.
4. Define convergent and divergent situations as they occur in the coastal waters and relate these to some easily observed parameters, such as sea level.

5. Define levels of primary and secondary production and the annual variability in production rates and size of standing crops of phytoplankton and primary herbivores.
6. Solve a number of ancillary problems that provide an understanding of the oceanography of the area such as: (a) formation and dissipation of eddies; (b) changes in water structure of parcels of water as they move through the area; (c) comparison of velocities from geostrophic calculations and from drifting buoys; and (d) changes of observed heat content, as compared with the heat budget computed from energy exchange considerations.

Within the inland water area the gross oceanographic features and seasonal variability in Dixon Entrance and environs are fairly well known. However, little is known of annual changes. Detailed surveys of this area are needed to define local oceanographic conditions and relate these to offshore conditions. This work will be conducted primarily during the summer season when salmon are in the area. Winter data will be obtained during the surveys proposed in the "Oceanic-Coastal" area and from environmental satellites to determine their value in forecasting spring-summer local conditions.

Two phases of the work are required. The first is an intensive oceanographic survey in conjunction with tagging studies in Hecate Strait, Dixon Entrance, Chatham Sound, and adjacent areas for 4 or more years. These surveys would take place in mid-June, mid-July, and early August; and each would last about a week.

The second is a current study that would initially use drift cards, anchor stations, and parachute drogues supplemented by available and appropriate satellite imagery. Anchored buoys will be considered as equipment becomes available.

Estimated first year costs for these oceanographic studies would be \$600,000 with annual costs of \$450,000. If undertaken, this work should be initiated in the year that adult tagging experiments are begun and continued for four successive years.

PLANNING AND COORDINATION

To assure a successful and well coordinated program of close cooperation between the two countries an organized planning function would have to be an integral part of the investigations. The planning function should include the identification of goals,

standardization of methodologies and the careful statistical design of experiments. The planning function should be initiated at least 1 year before the start of any project and a planning team consisting of experts from each country should be formed. It is recommended that in the first year of the program a Research Planning Subcommittee be established to function for the duration of the research program. This subcommittee should include at least two scientists each from Alaska and British Columbia detailed to the planning task. Scientists that are detailed to the Subcommittee would devote full time to the planning task during the first year of the joint U.S.-Canada research program.

The overall responsibility of the Research Planning Subcommittee will be to insure that a quality research program is designed and completed. The identification and quantification of interception rates of individual salmon runs as they pass through each country's mixed stock fisheries will require a carefully designed series of experiments. This applies to adult tagging studies, juvenile coded wire taggings, scale analysis, and genetic stock separation methods. Selection of the optional statistical design of these experiments should be a major goal of the planning function. This will assure the most accurate and mutually acceptable results.

Specific responsibilities of the Subcommittee will be to:

- (1) Establish specific research objectives within the guidelines set by the U.S.-Canada Salmon Interception Agreements.
- (2) Establish planning time schedules.
- (3) Develop detailed project plans with assistance from U.S., Alaska and Canadian fishery agencies.
- (4) Review and approve research plans prior to implementation.
- (5) Establish research priorities within the U.S.-Canada salmon interception budget guidelines.
- (6) Review annually the progress of each project and determine required changes.

Costs incurred by the Research Planning Subcommittee should be included within the total budget of the U.S.-Canada Salmon Interception Research Program. These costs have been included in first year cost estimates of the various proposed studies.

SUMMARY OF ESTIMATED UNITED STATES COSTS (in 1,000s)
SOUTHEAST ALASKA - NORTHERN BRITISH COLUMBIA SALMON INTERCEPTION RESEARCH PROGRAM

STUDY AREA	PROGRAM	ESTIMATED COSTS BY YEAR										TOTAL PROJECT COSTS
		1	2	3	4	5	6	7	8	9	10	
Districts 101, 102, 104	Adult Tagging	38	1,480	1,480	1,480	1,480	85	85				6,128
Streams that contribute to Districts 101 & 104 catches	Marking juvenile sockeye	45	375	200	200	200	200	150	150	150	50	1,720
Districts 101-108	Marking juvenile coho	300	380	1,050	660	660	380	380	110			3,920
Districts 1-6	Marking pink and chum fry	30	129	234	248	488	376	413	470	110		2,498
Southeast Alaska	Tag recovery		326	326	400	400	300	300	200	200	200	2,652
Yukon River	Tagging fall chum	110	110	110	110							440
Yukon River	Chinook scale analysis	108	108	108	108							432
Alsek River	Marking juvenile chinook	20	30	30	45	45	60					230
Taku River	Marking juvenile chinook	120	120	155	155	155	155	75	75	75	75	1,160
Taku River	Marking juvenile coho	124	95	230	150	150	125	125	75			1,074
Stikine River	Marking juvenile chinook	120	120	155	155	155	155	75	75	75	75	1,160
Stikine River	Marking juvenile coho	124	95	230	150	150	125	125	75	75	75	1,224
S.E. Alaska-Northern B.C.	Ancillary stock separation studies		300	300	300	300	300					1,500
S.E. Alaska-Northern B.C.	Oceanography		600	450	450	450						1,950
YEARLY TOTALS		1,139	4,268	5,058	4,611	4,633	2,261	1,728	1,230	685	475	26,088

-26-

↑
only USA cost

000491

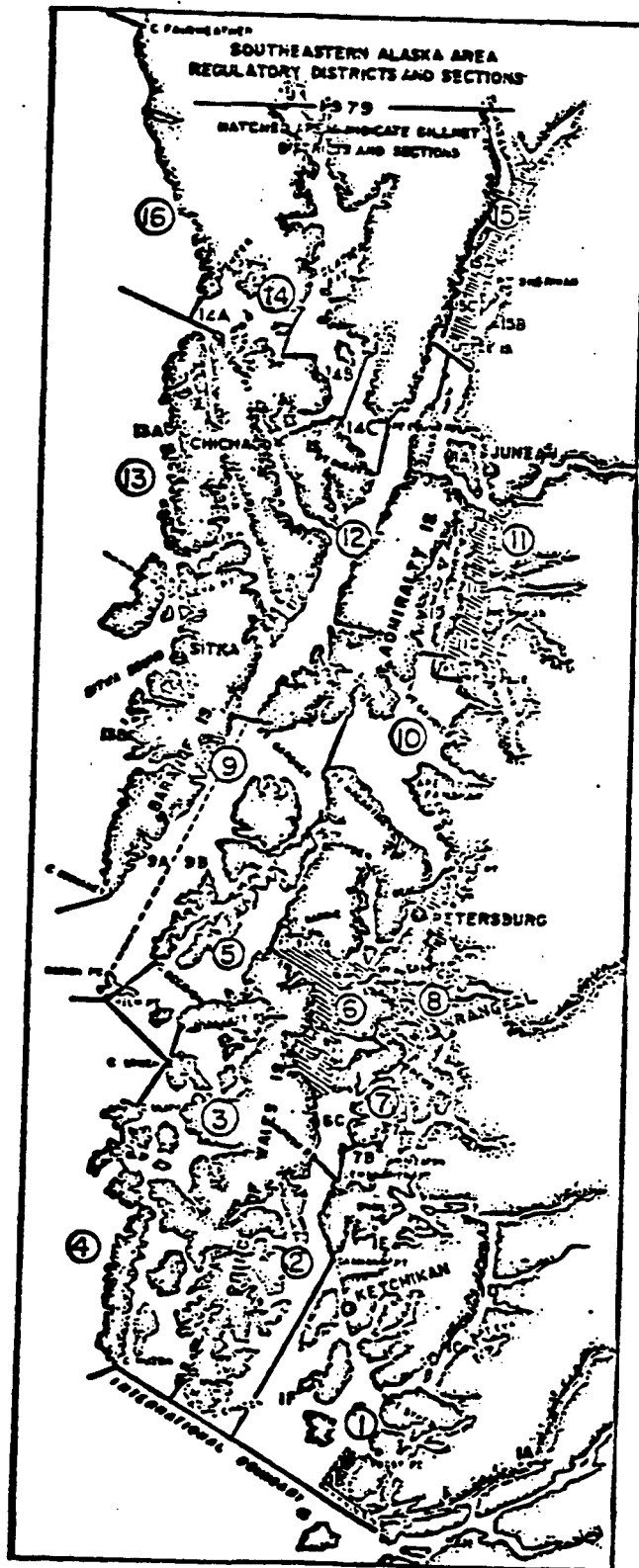


Figure 1. Southeastern Alaska Area Regulatory Districts and Sections

A. J. W. W. MESSAGE

J. H. (CR)

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY
LIEU	MINISTÈRE	N° D'ORIG.		35-11-1	SÉCURITÉ
SEATL	UAGR	5503	07MAY80		U/C

FM/DE

PRECEDENCE

TO/A

EXTOTTE FLO

See 004/08

INFO

SFAX WSHDC DE SEA

B.H. F AND O HUNTER DE OTT

See 002/08

DATE	
ACC	74813
FILE	25-5-7-2-SALMON-1
BY HAND	PAR PORTEUR
ATTN.	

DISTR.

GNG

REK

OURLET UAGR 123 OF 21APR80

SUB/SUB

—NEW ENGLAND FISH COMPANY BANKRUPTCY

SEATL BASED FISH PROCESSING PLANT, NEW ENGLAND FISH COMPANY (NEFCO) FILED

BANKRUPTCY FRIDAY, MAY 02. AMONG REASONS GIVEN FOR COLLAPSE WERE EXCESSIVE STOCKS ON HAND; HIGH INTEREST RATES; SLUMPING JPNSE DEMAND AND FORTY EIGHT MILLION DOLLAR DEBT. FINAL COLLAPSE RESULTED FROM THE REFUSAL OF BANKS TO LOAN MONEY TO BUY THIS SEASONS SALMON CATCH.

2. CONGEN OFFICER IN JUNEAU, ALASKA, REPORTED THAT PRINCIPAL CONCERNS TO ALASKA ARE AFFECT OF CLOSURE OF NEFCO PROCESSING PLANT IN BRISTOL BAY WHERE A LARGE SALMON CATCH IS ANTICIPATED; STATUS OF A JOINT VENTURE BETWEEN NEFCO AND ICICLE SEAFOODS OF SEATL AND FUTURE OF PROCESSING PLANTS IN KODIAK AND KETCHIKAN. ANOTHER CONCERN REGARDS MONEY OWED BY NEFCO TO ALASKAN FISHERMEN FROM BOTH LAST SEASON AND EARLY THIS SEASON. GOV HAMMOND IS APPARENTLY PLANNING TO ASK NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL TO REVERSE ITS RECENT DECISION BANNING FOREIGN PROCESSING SHIPS FROM PARTICIPATING IN THIS YEARS BRISTOL BAY SALMON BONANZA.

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APProuvé

SG

F.D. MARTENS/cn

J. R. Shaupe

To see: M.C. ~~HHH~~ ~~GB~~ + Gile, ~~OSW~~ 80010292



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest and Alaska Fisheries Center
2725 Montlake Boulevard East
Seattle, Washington 98112

JAN 11 1980
EG

January 2, 1980

Salmon

DATE	Jan 14 / 80	REF
ACC	60965	
FILE	25-5-7-2-SALMON-1	DOSSIER
BY HAND		PAR PORTEUR X
ATTN:	FLM	

Mr. M. Hunter
Associate Director
International Fisheries Relations Branch
Department of Fisheries and Oceans
Ottawa, Ontario, Canada

Dear Mike:

As a follow-up to my letter of December 17, I should like to confirm the proposed meetings for May and June. We would suggest that the May meeting be held in Juneau, Alaska, from May 5 to May 9, and the June meeting be scheduled in Canada, June 9-13. If these dates are satisfactory with the Canadian delegation, please advise us and we will initiate action required to assure there will be appropriate hotel space in Juneau for the May meeting.

I have received proposed outlines for the issue papers on the West Coast of Vancouver Island and the Fraser River. You will find them attached. We are expecting an outline from our people in Alaska soon as regards U.S.-Canada research activities. If you have any suggestions for material to be included in the two outlines attached, please advise me as soon as possible.

In my previous letter I identified key personnel responsible for preparation of the U.S. issue papers. Your delegation and scientists should feel free to contact these individuals directly concerning the drafts being prepared.

Best wishes for the coming year.

Sincerely,

Lee

Dayton L. Alverson
Deputy Chairman, U.S. Delegation

Attachments

cc: Hourston

P.S. Please note also attached letter regarding make-up of working group preparing the research issue paper.



All comments should be reported to Hunter, in order that we keep a full and consistent record.

For comment on paper outlines ASAP
As cc { Campbell
Goodman
Goldberg
Harlick
Hing FLM
H. H. H.



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF FISHERIES

115 General Administration Building, Olympia, Washington 98504
Mail Stop AX-11

206/753-6600

December 28, 1979

Dr. Dayton L. Alverson
Chairman, U.S. Delegation
2725 Montlake Boulevard East
Seattle, Washington 98112

Dear Lee:

Attached is a proposed outline for the U.S. position paper on the "West Coast of Vancouver Island" problem. This was developed by our subcommittee, including Ken Henry, Bob Christianson, Malcom Zirges, Frank Caldwell, and me. The tribal representative was absent.

Note we chose to view the problem as involving primarily southern-area chinook and coho, but actually inclusive of all non-Fraser salmon stocks of all species in this area.

We propose to complete a draft paper by mid-February, following this outline or modifications thereof, to allow completion prior to your February government-to-government meeting. Please let me know if this is unsatisfactory.

Yours truly,

Peter Bergman
Assistant Director
Salmon Program

lmd

Attachment

cc: Ken Henry
Bob Christianson
Malcom Zirges
Frank Caldwell
Jim Heckman

U.S. Proposal for Limiting Interceptions
in Categories D^{1/} and E^{2/} of Annual Interception Reports,
Excluding Fraser River Sockeye and Pink Salmon

- I. Fisheries to be Included (U.S. list of "A" designation fisheries)
- II. Description of how U.S. Proposal Would Work
 - A. Base years = catch floor
 - B. Method of calculating interception limits
 1. Choose pertinent percent from annual interception reports
 2. Sum interception over all included areas
- III. Actual Determination of Limitations (71-74)
- IV. Examples
 - A. Example of what would happen prior to enhancement; i.e., no change of percent composition
 - B. Example of what would happen after enhancement; i.e., change of percent composition
- V. Base Year Fishery Effect Equivalency
 - A. No fishery will exceed the impact on intercepted stocks over base year
 - B. Example
 1. Troll fishery
 2. Net fishery
- VI. Alternative to U.S. Initial Proposal
 - A. Drop A and B list concept; include interceptions wherever they occur
 - B. Allow mutually agreed changed in interception percentages

^{1/}Category D = interceptions by Canadian fisheries of salmon originating in Washington-Oregon rivers.

^{2/}Category E = interceptions by Washington-Oregon fisheries of salmon originating in British Columbia rivers.

UNITED STATES PROPOSAL CONCERNING FUTURE U.S. ENTITLEMENTS
TO FRASER RIVER PINK AND SOCKEYE SALMON

I. Method of Determining Future U.S. Entitlements.

The base period to be used and the method of calculating allowable catch for the United States each year of an agreement will be discussed.

II. Numerical, Hypothetical Examples of U.S. Proposal for Sockeye Salmon.

Hypothetical sockeye catch data over a period of years will be used to demonstrate precisely how the U.S. proposal will work under increasing and decreasing sockeye run sizes.

III. Numerical, Hypothetical Example of U.S. Proposal for Pink Salmon.

Hypothetical pink catch data over several years will be used to demonstrate how the U.S. proposal will apply to Fraser pink salmon.



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
P. O. BOX 1668 - JUNEAU, ALASKA 99801

December 13, 1979

Dr. Dayton L. Alverson
Deputy Chairman, U.S. Delegation
Northwest and Alaska Fisheries Center
2725 Montlake Boulevard East
Seattle, Washington 98112

Dear Lee:

This is to let you know that a group have been named to develop an outline and issue paper on research needs on the salmon interception problem in northern British Columbia and southeast Alaska. The group consists of:

Fred Thorsteinson - NMFS, Leader
Dave Cantillon - ADF&G, SE Regional Supervisor
Gary Gunstrom - ADF&G, SE Regional Branch Supervisor
Ivan Frohne - ADF&G, Biometrician
Steve Haavig - Advisor

We have also asked Jim Olsen to sit in with the group because of future Auke Bay Laboratory involvement in any studies that may be performed.

The group plans its first meeting for December 20 or December 21. We will plan to get an outline in place before mid-January and a draft of the issue paper by the end of the month.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Harry", is written over the typed name.

Harry L. Rietze
Director, Alaska Region