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DEPARTMENT OF EXTERNAL AFFAIRS

MINISTÈRE DES AFFAIRES ÉTRANGÈRES

ACCESS:

TITLE — TITRE:

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

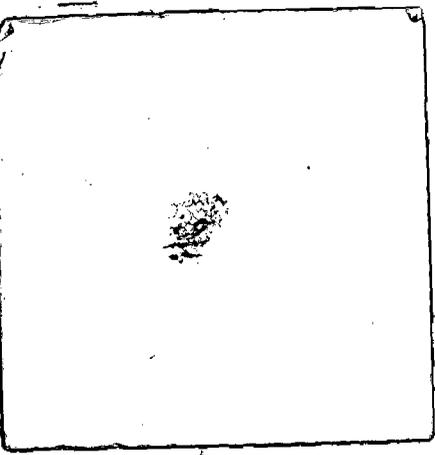
Frontieres - Eaux - Eaux Territoriales -
Commission internationale des peches du slamon
du Pacifique (Canada-Etats Unis)

Retention period - Période de retention:

30 Years (5A-25D) J

FEDERAL GOVERNMENT OF CANADA
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82-05-01 82-06-30

DATED FROM À COMPTER DU 15-82	TO JUSQU' AU 30-6-82
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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 13

Government of Canada / Gouvernement du Canada

File H.S.
MEMORANDUM
with a file

NOTE DE SERVICE

H. Strauss

TO
A
G.C. Vernon
Assistant Deputy Minister
Economic Development and
Marketing

FROM
DE
A. Campbell
Director-General
International Directorate

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE/NOTRE RÉFÉRENCE
YOUR FILE/VOTRE RÉFÉRENCE
DATE January 29, 1982

SUBJECT
OBJET Pacific Salmon

ACC 184191
 25-5-7-2-Salmon-1
 25-5-5-CDA-USA

You will recall that, as part of the "interim arrangements" for the 1981-82 salmon fisheries, the negotiators recommended that research be carried out by the two Parties in 1982 to lead to a better determination of the state of origin of salmon taken in Dixon Entrance and to the north, in Alaskan waters.

To this end, Canadian scientists developed an appropriate research program, with an estimated cost of \$2.010 million, and Pacific and Freshwater Fisheries developed the papers to seek and justify these additional funds.

I now understand that additional funds have not been made available. After discussing this matter with Doug Johnston, who would like your support on this matter, I have drafted a memorandum to the Deputy Minister for signature by you and Doug Johnston urging the utilization of existing monies to fund the research program.

I should point out that the "interim arrangements" package was accepted by our advisers last June because of the inclusion of the research program in the negotiators' report. Not to proceed with the program would not increase our advisers' confidence in the Department's ability to conclude a satisfactory agreement.

We understand that the U.S. Congress has approved funding for the U.S. portion of the program.

A. Campbell
A. Campbell

c.c. H.D. Johnston
G. Jones
H. Strauss - FLO
J. O'Neil

IN/3
Carl Sec
/Carlson

DMM
POL
FPR
FIA

Jan 22, 1982

ANTICIPATED QUESTION
HOUSE OF COMMONS

ALL	
FILE	DOSSIER
25-5-7-2-Subox-1	

Canada/USA Fisheries Relations -
Pacific Salmon

- Canadian and U.S. authorities worked well together last year to manage the Pacific salmon stocks consistent with conservation needs and the interests of fishermen in both countries.
- It is expected that this cooperation will continue.
- Officials are negotiating a long term agreement to govern management of this stock.

circulating/diary/file/chron

MESSAGE

PLACE LIEU	DEPARTMENT MINISTÈRE	ORIG. NO. NO D'ORIG.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
	SHAWT.	UAGR	5021	16 JAN 82	RESTRICTED RÉSERVÉ
T9/A	EXTOTT ELO	5/14		P1076	
	SFAX WSHDC DE SEA	4/14			
INFO	B.H. FANDO OTT/HUNTER DE OTT				
	REGAM FANDO VNCVR/JONES DE SEA				
DISTR.	GNG				

ACC 208062
 25-5-7-2 SALMON-1
 25-5-7-2 Pacific N

REK

SUB/SUB

---NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL

SUMMARY: THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL MET WITH THE ALASKA BOARD OF FISHERIES IN JUNEAU THE WEEK OF JANUARY 4TH TO HEAR AND REVIEW COMMENTS CONCERNING PROPOSALS FOR THE 1982 SOUTHEAST ALASKA SALMON REGULATIONS IN BOTH THE FCZ AND STATE WATERS. ALTHOUGH A FINAL DECISION ON THE REGULATIONS WILL NOT BE MADE UNTIL THE MARCH COUNCIL MEETING, THE FOLLOWING POSITION ON THE OPTIMUM YIELD (OY) WAS ACCEPTED AND WILL BE DISSEMINATED FOR PUBLIC COMMENT. THE COUNCIL'S POSITION IS TO MAINTAIN THE OY AT THE 1981 LEVEL FOR CHINOOK, WHICH IS A RANGE FROM 243,000 TO 272,000. DURING 1981 HARVEST MANAGEMENT WAS DIRECTED TO THE UPPER LEVEL OF THIS RANGE AND APPROXIMATELY 260,000 CHINOOK WERE CAUGHT. FOR 1982, THE COUNCIL STATED ITS PREFERENCE (SUBJECT TO CERTAIN CONDITIONS) FOR A HARVEST GUIDELINE NEAR THE LOWER LEVEL OF THE RANGE WHICH WOULD RESULT IN A FURTHER NINE PERCENT REDUCTION OVER THE FIFTEEN PERCENT IN 1981. THE COUNCIL HOPED THAT THE BOARD COULD ADOPT THE SAME OY RANGE, HOWEVER THE BOARD WHILE ADOPTING THE COUNCIL'S LOWER LEVEL OF 243,000 MAINTAINED ITS UPPER LEVEL AT 288,000, WHICH WAS THE UPPER LEVEL FOR THE BOARD DURING 1981.

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DRAPER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APProuvé
F.D. MARTENS			<i>[Signature]</i>

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THE BOARD RESERVED ITS JUDGEMENT ON THE 1982 CATCH TARGET. ONE FACTOR WHICH WILL INFLUENCE BOTH THE BOARD'S AND THE COUNCIL'S DECISION DURING MARCH WILL BE CANADA'S PROPOSED REGULATORY ACTION REGARDING THE 1982 SALMON FISHERY AND THE APPROACH CANADA WILL TAKE DURING 1982 TO THE QUESTION OF CHINOOK CONSERVATION.

2. TEXT: THE ISSUES AT PLAY IN THE BOARD'S AND COUNCIL'S DECISIONS ARE COMPLEX, ENCOMPASSING SALMON FISHERIES ISSUES IN THE LARGER CONTEXT. ON THE ONE HAND THERE IS CONCERN REGARDING THE CONTINUING DECLINE IN MANY WILD CHINOOK RUNS COAST WIDE AND REGARDING THE ONGOING LITIGATION IN WASHINGTON STATE RELATED TO ALLOCATION BETWEEN TREATY INDIAN FISHERIES AND NON-TREATY FISHERIES. ON THE OTHER HAND THERE IS DISAPPOINTMENT THAT THE OY REDUCTIONS MADE DURING 1981 HAVE NOT SEEMED TO HAVE BORNE FRUIT. CONSEQUENTLY THERE IS DISSATISFACTION WITH CANADA AND WITH WASHINGTON AND OREGON AND THE PACIFIC FISHERIES MANAGEMENT COUNCIL (PFMC) CONCERNING THEIR 1981 FISHERIES MANAGEMENT.

3. IN MAKING ITS OY PROPOSALS, THE COUNCIL IS SENDING A SIGNAL TO JUDGE CRAIG, WHO IS PRESIDING OVER THE LITIGATION IN WASHINGTON, THAT THE COUNCIL IS ACTING IN GOOD FAITH RELATIVE TO THE COURT DECISION AND IS MOVING IN THE RIGHT DIRECTION EVEN THOUGH THE ADDITIONAL NINE PERCENT REDUCTION MIGHT BE SEEN AS INSUFFICIENT. (THE REGIONAL DIRECTOR OF NMFS ALASKA WAS OF THE OPINION THAT THE NINE PERCENT REDUCTION WOULD BE INSUFFICIENT TO MEET THE INTENT OF THE COURT DECISION.) (THE ADF AND G REPRESENTATIVE ON THE COUNCIL WAS ADAMANT THAT THEY COULD NOT SUPPORT AN OY LOWER THAN 243,000 AND IF A LOWER OY WAS REQUIRED THEY WOULD PREFER TO HAVE IT ESTABLISHED BY THE COURTS.)

4. THE BOARD, ON THE OTHER HAND, WHILE LESS CONCERNED PERHAPS WITH THE ONGOING LITIGATION AND MORE CONCERNED WITH PROTECTING ALASKAN FISHERMEN AND MAINTAINING A HIGHER OY, NONETHELESS AGREED TO A LOWER LIMIT OF 243,000 FOR REASONS SIMILAR TO THAT OF THE COUNCIL. THE INTENT OF THEIR ADOPTING THE HIGHER LIMIT OF 288,000 WAS TO SEND A SIGNAL TO WASHINGTON AND OREGON AND THE PFMC AND INDEED TO CANADA THAT THEY EXPECT FURTHER CONTRIBUTIONS TO CONSERVATION FROM THOSE FISHERIES.

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5. BOTH THE BOARD AND THE COUNCIL EXPECT WASHINGTON, OREGON, THE PPMC AND CANADA TO MAKE KNOWN THEIR 1982 SALMON REGULATIONS PRIOR TO THE MARCH COUNCIL MEETING. IF THESE REGULATIONS ARE SEEN TO BE A MEANINGFUL APPROACH TO CHINOOK CONSERVATION THE BOARD AND THE COUNCIL WILL ADOPT AN OY AT THE LOWER END OF THE RANGE. IF THE REGULATIONS ARE NOT SEEN AS ADEQUATE, AN OY AT THE HIGHER END OF THE RANGE LIKELY WOULD BE CONSIDERED. THIS IS PARTICULARLY RELEVANT FOR THE BOARD SINCE THE COUNCIL'S DECISION WILL BE MORE TEMPERED BY THE RECENT COURT ACTION IN WASHINGTON STATE AND COURT'S REVIEW DURING FEBRUARY OF THE PROCESS BEING MADE BY THE PARTIES IN DEVELOPING A SUITABLE MANAGEMENT PLAN TO RECTIFY CURRENT DEFICIENCIES.

6. IN MANY RESPECTS FROM AN ALASKAN PERSPECTIVE IT IS MORE IMPORTANT THAT CANADA BE SEEN TO BE TAKING A STRONG POSITION ON THE CHINOOK CONSERVATION ISSUE THAN IT IS FOR WASHINGTON AND OREGON. THE CONTRIBUTION OF CANADIAN CHINOOK PRODUCTION TO THE ALASKA FISHERY IS EXTREMELY IMPORTANT. THERE IS DISAPPOINTMENT THAT THE REDUCTIONS MADE IN ALASKA LAST YEAR DO NOT APPEAR TO HAVE IMPROVED CHINOOK ESCAPEMENT TO CANADIAN STREAMS. WHETHER TRUE OR NOT, THIS SITUATION IS ATTRIBUTED TO CANADIAN FISHERIES MANAGEMENT. (TILLION TOLD US PRIVATELY THAT QUOTE IF CANADA EXPECTS TO HAVE A FRIEND IN ALASKA, SOME IMPROVEMENT MUST BE SHOWN DURING 1982 IN CANADIAN CHINOOK ESCAPEMENT UNQUOTE, OTHERWISE HIS POSITION WILL BECOME UNTENABLE). WE UNDERSTAND THAT TECHNICAL DIFFICULTIES HAVE PREVENTED THE COMPILATION OF DATA CONCERNING THE 1981 FISHERIES, CONSEQUENTLY IT IS DIFFICULT TO ASSESS WHAT TRANSPIRED IN THE CANADIAN FISHERY LAST YEAR AND WHAT BENEFITS, IF ANY, HAVE ACCRUED. CONSEQUENTLY BOTH THE BOARD AND THE COUNCIL WOULD LIKE TO HAVE THIS INFORMATION PRIOR TO THEIR JOINT MEETING DURING MARCH 1982 BY WHICH TIME THEY EXPECT THAT CANADA WILL HAVE INFORMED THEM OF ITS 1982 SALMON FISHERY REGULATIONS AND WILL HAVE DISCUSSED WITH THEM THE INTENDED IMPACT THESE REGULATIONS WILL HAVE ON CHINOOK CONSERVATION. WHILE CANADA MAY NOT WISH TO BE DRAWN OUT AT THAT TIME, IT WILL BE IMPORTANT TO PROVIDE A RESPONSE AND PREFERABLY A POSITIVE RESPONSE TO BOTH THE BOARD AND THE COUNCIL SINCE CANADA'S ACTIONS VIS-A-VIS THE BOARD AND

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COUNCIL MAY ALSO AFFECT THE FUTURE COURSE OF THE CANADA/US SALMON TREATY NEGOTIATIONS.

7. COLUMBIA RIVER TERMINAL RUN SIZE IN 1981 WAS 63,900 CHINOOK SALMON WITH AN UP-RIVER ESCAPEMENT OF ONLY 21,000 FISH, FORTY-EIGHT PERCENT BELOW THE MINIMUM GOAL OF 40,000 FISH. TO ACHIEVE THE MINIMUM GOAL, ACCORDING TO WDF, A TERMINAL RUN SIZE OF 100,000 FISH IS REQUIRED. BASED ON WDF MODELLING, A TOTAL CLOSURE OF THE FCZ OFF WASHINGTON AND OREGON, NORTH OF CAPE FALCON AND SOUTHEASTERN ALASKA WOULD HAVE INCREASED THE 1981 TERMINAL RUN SIZE BY ONLY 7,000 TO 11,000 BRIGHTS. TOTAL CLOSURE OF THE UNITED STATES OCEAN FISHERIES NORTH OF CAPE FALCON IN BOTH STATE AND FEDERAL WATERS WOULD HAVE INCREASED THE 1981 TERMINAL RUN SIZE BY AN ESTIMATED 28,500 BRIGHTS. CONSEQUENTLY TO ACHIEVE THE OBJECTIVE OF 100,000 TERMINAL RUN SIZE, SOME SUBSTANTIAL MODIFICATION OF THE CANADIAN OCEAN FISHERIES WOULD ALSO BE REQUIRED. EVEN TO ACHIEVE A TERMINAL RUN SIZE OF 80,000 WOULD REQUIRE SOME ADJUSTMENT IN CANADIAN FISHERIES AND WOULD YIELD ONLY A 32,000 BRIGHT ESCAPEMENT WITH NO IN-RIVER HARVEST. WHILE ONE MAY QUESTION THE WDF MODEL, IT IS QUOTE THE ONLY GAME IN TOWN UNQUOTE AND CONSEQUENTLY IS A TOOL WHICH IS USED FOR THE MANAGEMENT OF THE FISHERIES.

8. THE MODEL NOTWITHSTANDING, IF THERE IS A REAL DESIRE IN THE US TO INCREASE THE UP-RIVER BRIGHTS AND MEET IN-RIVER HARVEST AND INDIAN ALLOCATION OBLIGATIONS, CANADA WILL BE EXPECTED TO MANAGE ITS FISHERIES IN SUCH A MANNER AS TO ENSURE THE PASSAGE OF BRIGHTS THROUGH CANADIAN WATERS TO THE US.

9. HOWEVER, PRESERVATION OF THE BRIGHT RUN IS PERHAPS MORE IMPORTANT AND HAS A GREATER URGENCY TO WASHINGTON AND OREGON THAN IT HAS TO ALASKA WHERE THERE ARE SOME WHO FEEL THAT THAT RUN MAY NEVER AGAIN BE RETURNED TO ITS FORMER LEVEL-- WITH THE COST OF A TOTAL CLOSURE FAR OUTWEIGHING THE BENEFITS WHICH WOULD BE GAINED BY ALASKANS. SIGNIFICANTLY THE COUNCIL AND PARTICULARLY THE BOARD WERE VERY CRITICAL OF WASHINGTON'S MANAGEMENT OF THESE STOCKS AND WERE UPSET THAT SEEMINGLY NO PROGRESS HAD BEEN MADE IN REDUCING THE INTER-DAM LOSS OF FISH (APPROXIMATELY

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2,000 UNACCOUNTED FOR FISH) WHICH IS MORE THAN WOULD MEET THE DIFFERENCE TO MAKE THE MINIMUM ESCAPEMENT WHICH WDF REQUIRE. UNTIL THIS INTER-DAM LOSS RATE IS REDUCED, ALASKANS DO NOT FEEL DISPOSED TO MAKE THE SACRIFICES AND TO CARRY THE COST OF THE BRIGHTS CONSERVATION.

10. AS STATED BY THE COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE A REDUCTION OF TWENTY FIVE CHINOOK IN THE ALASKA HARVEST WOULD PROVIDE ONE FISH TO THE BRIGHT ESCAPEMENT, A FIFTY CHINOOK REDUCTION IN THE CANADIAN HARVEST WOULD LIKEWISE PROVIDE ONE FISH TO THE BRIGHT ESCAPEMENT BUT A ONE FISH REDUCTION IN THE INTER-DAM LOSS WOULD PROVIDE ONE FISH TO THE BRIGHT ESCAPEMENT.

11. IN THIS RESPECT THE POSITION OF ALASKA IS NOT INCONSISTENT WITH THAT OF CANADA. HOWEVER, ON THE AMERICAN SIDE, RECENT COURT DECISIONS MAY MAKE THIS ALASKAN POINT OF VIEW MOOT. ON THE CANADIAN SIDE, THE CONTRIBUTION TO THE CONSERVATION OF OTHER RUNS TO WHICH CONSERVATION OF THE BRIGHT RUN MAY ALSO CONTRIBUTE AND THE DEGREE OF INTEREST IN CO-OPERATING WITH WASHINGTON (AND ALASKA) ON THIS ISSUE, MAY DEMAND SOME RELATED CANADIAN FISHERIES MANAGEMENT ACTION AS AN ASPECT OF DOMESTIC POLICY.

12. THE DISCUSSION OF THE CHINOOK CONSERVATION ISSUE BY THE COUNCIL AND THE BOARD WAS THE MOST THOROUGH AND COMPREHENSIVE WHICH WE HAVE HEARD IN THAT FORUM. IT INCLUDED A GENERAL OVERVIEW OF ALL THE WEST COAST CHINOOK FISHERIES FROM OREGON TO ALASKA. ALTHOUGH ELEMENTS OF SELF INTEREST WERE EVIDENT, THE ISSUE OF COAST WIDE CHINOOK CONSERVATION PREDOMINATED. THE NEXT MEETING OF THE BOARD AND COUNCIL DURING THE WEEK OF MARCH 22 IN ANCHORAGE, WILL SET THE HARVEST GUIDELINES FOR THE 1982 SEASON OFF ALASKA. CANADA WILL BE EXPECTED BY THAT TIME TO HAVE MADE ITS 1981 CATCH DATA AVAILABLE TO US FISHERIES MANAGERS. CANADA IS ALSO EXPECTED TO HAVE MADE PUBLIC ITS OWN FISHERY MANAGEMENT PLAN FOR THE 1982 SEASON. WE SHOULD HOPE AND WE RECOMMEND THAT REPRESENTATIVES FROM FANDO VNCVR WOULD BE ABLE TO ACCOMPANY THE CONCERN OFFICER TO ALASKA AND TO COMMENT ON CANADIAN PLANS. THEIR PARTICIPATION AT THE JANUARY MEETING WAS MOST APPRECIATED BY THE COUNCIL AND THE BOARD AND PROVIDED A FRESH PERSPECTIVE TO THE DISCUSSIONS. IF POSSIBLE HUNTER ALSO MIGHT

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WISH TO ATTEND THE MARCH MEETING BECAUSE OF ITS RELEVANCE TO THE CANADA/USA
SALMON TREATY NEGOTIATIONS AND WEST COAST SALMON MANAGEMENT ISSUES GENERALLY.

13. FOR THE RECORD THOSE ATTENDING THE JANUARY MEETING FROM FANDO VNCVR WERE
G JONES, E ZYBLUT AND K PETRIE AND FROM FANDO OTT WAS B STEINBOCK.

FILE/DIARY/CIRC/DIV

January 5, 1982

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CANADA

OTTAWA, K1A 0G2

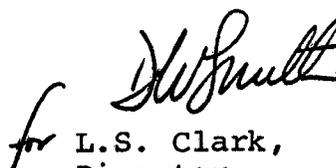
January 4, 1982

ALL	176717
FILE	25-5-7-2-SALMON-1

Dear Mr. Hunter,

... Thank you for providing us with a copy of the draft articles for a Pacific Salmon Interception Agreement, attached to your letter to Mr. Jones, of December 10, 1981. We have reviewed it and enclose herewith a draft, including substantially revised articles on cooperation in management, management framework, transboundary rivers, Fraser River Panel, and annexes and amendments. We also enclose new articles dealing with entry into force, termination and amendment. There is still a need to draft an article dealing with enhancement, as well as annexes dealing with management framework, research programmes, Fraser River sharing and transboundary river sharing. We would hope to have an early opportunity to discuss these proposals with you so that the meeting with U.S. authorities proposed for January can be fruitful. The attached draft is being revised to take account of the typing errors noted.

Yours sincerely,



for L.S. Clark,
Director,
Legal Operations Division.

Mr. Michael Hunter,
International Directorate,
Fisheries Marine Service,
Department of Fisheries and Oceans,
8th Floor West,
240 Sparks Street,
OTTAWA, Ontario.

C.C.: D. Kowal,
M. Goldberg,
R. Steinbock,
R. Willson.

PACIFIC SALMON AGREEMENT

PREAMBLE

The Government of the ^{United States} ~~U.S.A.~~ and the Government of
Canada,

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

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

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

4. Desiring to cooperate in the management, research,
monitoring and enhancement of salmon stocks;

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✓ Desiring to provide to each Party benefits X
commensurate with the production of salmon originating in
its rivers; and

✓ Recognizing the need to avoid undue disruption of X
existing fisheries;

Have agreed as follows:

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COMMISSION & PANELS

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

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

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

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

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

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

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

8. Unless otherwise agreed by the Parties, the seat of the Commission shall be at _____.

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

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

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

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

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

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

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

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

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

- (a) 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 for pink salmon and sockeye salmon originating in the Fraser River system.
- (d) a Transboundary Rivers Panel for salmon originating in rivers referred to in Article _____.]

[Government of Canada proposal:

Consultative arrangements with respect to salmon originating in the Yukon River System.]

17. The Panels shall provide information and make recommendations to the Commission with respect to the

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

18. 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.

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

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

COOPERATION IN MANAGEMENT

1. The Parties shall cooperate in the management of salmon stocks that are subject to capture in intercepting fisheries. In particular they shall:

- (a) establish (annually) (every other year) management programmes for such stocks and intercepting fisheries, taking into account the objectives set out in the Preamble to this Agreement, in particular the objective of providing each Party with an annual harvestable amount of salmon commensurate with its own production, the relevant management programme establishing ^{and pursuant to Article} ~~at the stock~~ (Management Framework) and the conservation requirements of the stock; X

(b) consult with each other with respect to such stocks and intercepting fisheries as follows:

- (i) on or before ___ in each year, or on such other date as the Parties may agree, the state of origin shall submit preliminary determinations for the ensuing year to the

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other Party and to the appropriate Panel,
including:

- (A) the estimated size of the run;
- (B) the e^scapement required, taking into account the objective of optimum utilization, the estimated size of the run and the inter-relationship between stocks; X
- (C) the total allowable catch;
- (D) its intentions concerning regulation of fisheries in its own waters; and
- (E) its views concerning the other Party's management of its intercepting fisheries.

2. Panels shall examine preliminary determinations in the context of the relevant management programmes established ~~pursuant~~ to Article (Management Framework), as well as the views of the other Party with respect to the X

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management of its relevant intercepting fishery, and report to the Commission within days. X

3. The Commission shall study the report of the Pa^Arels and report its views to both Parties within days; X

4. Each Party, taking into account the report of the Commission, shall make its final determinations.

5. During the fishing season, final determinations and regulations may be modified by the appropriate Party where necessary. Such modifications shall be communicated immediately to the other Party and to the Commission.

MANAGEMENT FRAMEWORK

1. The Parties shall establish (each year) (every other year) a management programme for salmon stocks subject to capture in intercepting fisheries and for such fisheries consistent with the objectives set out in the Preamble to this Agreement.

2. The Parties agree that in the development of the management programme, they shall take account, inter alia, of the following:

(a) with respect to the Fraser River, the share of the United States in the allowable harvest of sockeye and pink salmon;

(b) with respect to transboundary rivers, the share of Canada in the allowable harvest of salmon originating in such rivers. X

3. The management programmes shall be attached as annexes to this Agreement.

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TRANSBOUNDARY RIVERS

1. This Article applies to salmon originating in river systems which rise in Canada and flow to the sea through the United States, herein referred to as transboundary rivers.

2. The Parties shall conclude arrangements with respect to the sharing of the allowable harvest of salmon originating in transboundary rivers. The arrangements shall be attached as annexes to this Agreement.

3. With respect to salmon originating in transboundary rivers:

(a) the Parties shall jointly submit to the appropriate Panel preliminary determinations, including the information provided for in Article ___ of this Agreement, taking account of the arrangements required by paragraph 2 of this Article; and

(b) the Parties shall coordinate their respective enhancement programmes in accordance with Article ___ (Cooperation and Enhancement).

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4. Any salmon that originate in transboundary rivers and that are produced by enhancement programmes shall not be subject to the sharing provisions of this Agreement, unless otherwise agreed by the Parties.

FRASER RIVER PANEL

1. Upon the entry into force of this Agreement, the Convention between Canada and the United States for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System, as amended, signed ~~May 26, 1980~~³ (hereinafter described as the Salmon Fisheries Convention), shall be terminated. X

2. This Article applies to pink salmon and sockeye salmon originating within the Fraser River system.

3. The Parties shall conclude arrangements with respect to the sharing of the ~~admirable~~^{admirable} harvest of pink salmon and sockeye salmon originating in the Fraser River system. The arrangements shall be attached as annexes to this Agreement. X

4. For one year following the date of the entry into force of this Agreement, the Fraser River Panel shall carry the responsibilities and authority that had been ~~vested~~^{vested} in the International Pacific Salmon Fisheries Commission pursuant to the Salmon Fisheries Convention. The Fraser River Panel shall take account of the arrangements agreed to X

by Canada and the United States with respect to the sharing of Fraser River salmon as set out in the annexes to this agreement.

5. For one year following the first anniversary of the date of the entry into force of this Agreement, Canada shall cooperate with the Fraser River Panel to enable it to make the determinations contemplated by Article ___ with respect to pink salmon and sockeye salmon originating within the Fraser River System. The Fraser River Panel shall take account of the arrangements agreed to by Canada and the USA with respect to the sharing of Fraser River Salmon as set ^{out} in the annexes to the Agreement. X X

6. (a) Following the second anniversary of the date of the entry into force of this Agreement, Canada shall submit to the United States and to the Fraser River Panel, on an annual basis, preliminary determinations for the ensuing year, including the information set ^{out} in Article ___ and taking into account: X X

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- (i) the objective of optimum production consistent with the interests of both Parties,
 - (ii) the objective of setting escapement goals so as to permit the United States to achieve the entitlements set out in this Agreement,
 - (iii) the objective of avoiding disruptive changes in [traditional] patterns of exploitations, X
 - (iv) the best scientific evidence available, and
 - (v) the arrangements agreed to be the Parties with respect to the sharing of Fraser River salmon as set out in the annexes to this Agreement. X
- (b) The Fraser River Panel shall examine the preliminary determinations, as well as the views of the other Party with respect to the management of its relevant intercepting fisheries, and report to the Commission with ___ days.

- 18 -

(c) The Commission shall study the report of the Fraser River Panel and report its views to both Parties within ___ days.

(d) Canada shall make its final determination taking into account the report of the Commission.

7. The Fraser River Panel may conduct studies that it considers useful, including monitoring the runs of pink salmon and sockeye salmon originating within the Fraser River system.

8. During the fishing season, the Fraser River Panel may make orders for the adjustment of times and areas for the fishing of pink salmon and sockeye salmon originating in the Fraser River system, in response to variations in anticipated conditions and taking into account the objectives referred to in paragraph 6(a) of this Article. The Parties shall give effect to such orders, in accordance with their respective laws and procedures, unless the Party in whose waters the ~~orders~~ are applicable gives notice of objection.

RESEARCH

1. The Parties agree:

(a) to establish research programs, to be coordinated by the Commission, to investigate

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

(ii) the extent of interceptions by the fishermen of each country;

(b) to provide the Commission with all relevant scientific data and other information in their possession.

2. The Commission shall coordinate the collection of statistics pertaining to salmon management and may make proposals to the Parties for coordinated research programs.

3. Subject to normal permit requirements, the Parties agree to allow nationals and vessels conducting research with respect to salmon to have access to their waters for the purpose of carrying out such research.

- 21 -

DOMESTIC ALLOCATION

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

ANNEXES

1. The following documents shall be annexed to this Agreement: The management programmes established pursuant to Article ____ (Cooperation and Management), the arrangements agreed to by the Parties with respect to the sharing of sockeye and pink salmon originating in the Fraser River system, and the arrangements agreed to by the Parties with respect to the sharing of salmon originating in transboundary rivers. X

2. The Commission shall review the provisions of Annex ____ (Management framework) (each year) (every other year) and shall report to the Parties the results of its review including any appropriate recommendations for amendment of that Annex. X

3. The Commission shall, upon the request of either Party, review the provisions of other Annexes and may make recommendations to the Parties for their amendment. X

4. The Annexes may be amended by the Government of Canada and the President of the United States ~~of America~~ through an Exchange of Notes. X

5. The Commission shall publish a ^{revised} review text of the relevant annex upon any amendment thereto. X

Amendment

X This Agreement can be amended by written
agreement of the Parties X

Review

X The Parties shall review this Agreement during
the fourth year of each six-year period referred to in
Article ___ (Entry into Force and ~~Ter~~mination) X

New
Page

Entry into Force and ~~D~~etermination

1. ~~This~~ Agreement shall enter into force following the completion of the internal procedures of both Parties. Each Parties shall notify the other when it has completed such internal procedures necessary to bring this Agreement into force. This Agreement shall enter into force on the date of the later of these two notifications.

2. This Agreement shall remain in force for an initial period of six years, and thereafter for successive six years periods subject to the termination provisions of paragraph three of this Article.

3. Either Party may terminate this Agreement at the end of any six-year period referred to in paragraph 2 of this Article by serving notice of termination ~~to~~^{on} the other Party not later than one year before the end of that period.

x
x
x
x
x

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
À FLP

FROM
De FLO/H. Strauss

REFERENCE
Référence

SUBJECT
Sujet Pacific Salmon Interception Agreement

File RB

SECURITY
Sécurité CONFIDENTIAL

DATE December 18, 1981

NUMBER
Numéro FLO-2705

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

ENCLOSURES
Annexes

DISTRIBUTION

No attachment.

I enclose herewith for your consideration
a copy of Mr. Hunter's draft salmon interception agree-
ment and my redraft.

[Signature]
H. Strauss

Government of Canada / Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO: G. Jones
Pacific Region

FROM: M. Hunter
Director, Pacific Rim Branch
International Directorate

SECURITY - CLASSIFICATION - DE SÉCURITÉ
ACC 336941
OUR FILE / NOTRE RÉFÉRENCE FILE 255-72-Salmon
YOUR FILE / VOTRE RÉFÉRENCE
DATE December 10, 1981

SUBJECT: Pacific Salmon Agreement
OBJET: Pacific Salmon Agreement

As promised at our December 3, 1981 meeting in Vancouver, I have put together the attached draft of a Convention.

What I have tried to do is not to be legalistic, but rather to capture the idea of a framework agreement with provision for annual/biennial negotiation of an Annex which would contain interception limitation arrangements and conservation measures for intercepted stocks, much along the lines of the 1981/82 interim arrangements.

You will note that I have suggested that such negotiations with respect to Fraser sockeye and pinks and all transboundary river stocks be circumscribed by limits contained in a treaty Article.

The draft, I repeat, is by no means complete, but I hope that it does capture our ideas, and that it will form a basis for further discussion. The draft contains some Articles, the language of which was edited by the Working Group in Washington, D.C. on December 1/2, 1981. These Articles, where unchanged from the Working Group text are marked by an asterisk.

Your comments would be welcome.

Feliz navidad a todos.

M. Hunter
M. Hunter

- c.c. D. Kowal
- M. Goldberg
- R. Steinbock
- H. Strauss
- M. Shepard

PACIFIC SALMON AGREEMENT

014.

PREAMBLE *

The Government of the U.S.A. and the Government of
Canada,

1. Considering the interests of both Parties in the con-
servation and rational management of Pacific Salmon stocks
and in the promotion of optimum production and utilization
of such stocks;

66-11) 2. Recognizing that States in whose rivers salmon stocks
originate have the primary interest in and responsibility
for such stocks;

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

4. Desiring to cooperate in the management, research, moni-
toring and enhancement of salmon stocks;

5. Desiring to provide to each Party benefits commensurate
with the production of salmon originating in its rivers; and

6. Recognizing the need to avoid undue disruption of existing fisheries;

Have agreed as follows:

DECEMBER 2ND, 1981

COMMISSION & PANELS *

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

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

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

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

5. At the first meeting of the Commission, the Commissioners shall select a Chairman and a Vice-Chairman from among themselves, each of whom shall hold office for the calendar

- 2 -

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

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

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

8. Unless otherwise agreed by the Parties, the seat of the Commission shall be at _____.

9. The Commission shall hold an annual meeting and may hold other meetings at the request of the Chairman or of

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

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

11. The Commission shall prepare an annual budget of joint expenses and submit it to the Parties for approval. The Parties shall bear the costs of the budget in equal shares unless otherwise agreed, and shall pay their shares as the by-laws may specify after the budget has been approved by both Parties.

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

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

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

- 4 -

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

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

- (a) 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 for pink salmon and sockeye salmon originating in the Fraser River system.
- [d. a Transboundary Rivers Panel for salmon originating in rivers referred to in Article _____.]

[Government of Canada proposal:

Consultative arrangements with respect to salmon originating in the Yukon River System.]

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

18. 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.

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

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

COOPERATION IN MANAGEMENT

The Parties shall cooperate in the management of salmon stocks that are subject to capture in intercepting fisheries; in particular they shall:

(a) in accordance with Article ____ (Management framework), establish (annually) (every other year) ^{under interception pattern scheme} specific management programs for such stocks and intercepting fisheries, taking into account the ^{objectives set out in the Preamble} need to provide each country with an annual harvestable amount of salmon commensurate with its own production, and the conservation requirements of the stocks;

(b) cause such management programs to be implemented as Annex ____ to this Convention, under the terms of Article ____ (Annexes and Amendments);

(c) consult with each other with respect to such stocks and intercepting fisheries as follows:

- (i) On or before ____ in each year, or on such other date as the Parties may agree, the state of origin shall submit preliminary determinations for the ensuing year to the other Party and to the appropriate Panel, including:
 - (A) the estimated size of the run;
 - (B) the escapement required, taking

How does this affect management of salmon stocks? Management framework? Should be in preamble?

This should be put in Annex

to this Annex, and in particular the objectives of providing

- 2 -

into account the objective of optimum utilization, the estimated size of the run and the inter-relationship between stocks;

- (C) the total allowable catch;
- (D) its intentions concerning regulation of fisheries in its own waters; and
- (E) its views concerning the other Party's management of its intercepting fisheries.

(d) the Panel shall examine the then current provisions in effect under the terms of paragraphs (a) and (b), the preliminary determinations described in paragraph (c) as well as the views of the other Party with respect to the management of its relevant intercepting fisheries, and report to the Commission within ___ days;

(e) the Commission shall thereupon study the report of the Panel and report its views to both Parties within ___ days;

(f) each Party, taking into account the report of the Commission, shall make its final determinations and establish and enforce appropriate regulations in its waters;

(g) during the fishing season, final determina-

This cannot stay in sub-paragraph showing from the Supreme.

in the context of the relevant management programmes

- 3 -

tions and regulations may be modified by the appropriate Party where necessary. Such modifications shall be communicated immediately to the other Party and to the Commission.

Why is the management program necessary? Does it include the special management program? Management Computer program?

MANAGEMENT FRAMEWORK
Special Management Program

1. ~~In accordance with the terms of Article (Annexes and Amendments),~~ ^{behind the scenes} the (Parties) ~~(Commission)~~ shall establish ^{and implement} (each year) ~~(every other year)~~ a management program for salmon stocks subject to capture in intercepting fisheries and for such fisheries ~~as consistent with the objectives set out in the Schedule to this Agreement~~

2. In establishing the management program the ~~(Parties)~~ ^{take account of the objectives set out in} ~~(Commission)~~ shall provide for:

- (a) conservation of stocks in keeping with the objective of optimum production of salmon; ^{and utilization}
- (b) each Party to ^{harvest and to provide for the escapement of} utilize a harvestable amount of salmon commensurate with its own production; and
- (c) fishing patterns which do not cause undue disruption of existing fisheries.

3. The Parties agree that in the development of the management program, (they) (the Commission) shall take account of the following: ^{inter alia}

- (a) With respect to the Fraser River, the share of the United States in the allowable harvest of sockeye and pink salmon ~~as established under the terms of Article (Fraser River Panel)~~ shall not be greater than ___ percent or ___ sockeye/___ pink salmon, whichever is the lower.

my doubts
his
...
...
2

and into who as units

why have this...
...
...

as set out in the Annex to this

(b) With respect to transboundary rivers, the ~~benefits to~~
~~share of~~ Canada in the allowable harvest
of salmon returning to the Canadian
sections of such rivers, ~~as established~~
~~in Article ___ (Transboundary rivers)~~ shall
be not less than 50 percent, nor greater
than 75 percent, except ~~as provided under~~
~~the terms of Articles ___ (Cooperation in~~
~~Enhancement) and ___ (Transboundary rivers).~~
~~(Such share shall be deemed to comprise the~~
~~entire production from Canadian sections of~~
~~transboundary rivers for the purposes of~~
~~paragraph 2(b) of this Article.)~~]

*Copy from
the court
into
the
minutes*

*that the total
benefits to come
from enhancement
programmes shall, notwithstanding
any other provision of
this Agreement, accrue
to the party state.*

*set out
the Annex
of this Agreement.*

*4. The major programmes shall be attached
as (a) annexes to the Agreement.*

TRANSBOUNDARY RIVERS

1. This Article applies to salmon originating in river systems, hereinafter referred to as transboundary rivers, which rise in Canada and flow to the sea through the United States, ~~(of America)~~

This is my definition

2. The Parties shall, ~~through the auspices of the (Transboundary Rivers) (Northern) Panel,~~ consult annually to ~~and~~ jointly establish escapement requirements and total allowable catches of stocks returning to transboundary rivers.

Why only auspices?

Why not consult

3. The Parties shall coordinate their respective enhancement programs on such rivers in accordance with Article ____ (Cooperation in enhancement).

4. Any salmon ^{that originates in transboundary rivers and that are} produced by enhancement programs shall not be subject to the sharing provisions of Article ____ (Management Framework), paragraph 3(b); the total benefits from such production shall accrue to the producing state.

extended

unless otherwise agreed by the Parties

RESEARCH *

1. The Parties agree:

(a) to establish research programs, to be coordinated by the Commission, to investigate

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

(ii) the extent of interceptions by the fishermen of each country; and

(b) to provide the Commission with all relevant scientific data and other information in their possession.

2. The Commission shall coordinate the collection of statistics pertaining to salmon management and may make proposals to the Parties for coordinated research programs.

3. Subject to normal permit requirements, the Parties agree to allow nationals and vessels conducting research with respect to salmon to have access to their waters for the purpose of carrying out such research.

IMPLEMENTATION *

Each Party shall:

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

DOMESTIC ALLOCATION *

Each Party may allocate its share of the salmon stocks covered by this ^{Agreement} Convention among persons fishing under its jurisdiction. ^{Further} In achieving the objectives of the Convention, the Commission and its Panels shall take into account the domestic allocation objectives of the Parties.

Copy by sub file

FRASER RIVER PANEL *

*why boy
pink
salmon*

*off the
border*

*9. this
limit*

*This is
wrong, he
has power not
just over*

*why
until all?*

*copy
fall by
way with*

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~~ ^{* assume responsibility for} 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 _____, 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 determina-

tions referred to in Article II for the management of the

*only
staff
officer
has power
off?*

stocks referred to in this Article, taking into account the factors referred to in paragraph 4 of this Article.

This clause was dropped. insert it? consistent with Fraser R. Council?

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 preliminary 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 this Agreement; *and the annex ~~to~~ hereto*
- iii) the need to avoid disruptive changes in [traditional] 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.

where does this come from

Why did not from on to part? So the Commission. This all goes to arbitrator process

why initiated while on a bygone

i) The United States may refer to the Commission, any 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, the provisions of Article _____ may be invoked (possibility of technical dispute settlement mechanism under general provisions of the Agreement.)

*No limits?
Can it be limited?*

(c) Canada, in order to facilitate the work of the Fraser River Panel, shall submit to that Panel an annual report of its management plans and activities respecting the stocks governed by this Article.

why is this necessary

why

5. The Fraser River Panel shall propose measures annually ^{to the Parties} for the harvest of the stocks referred to in this Article within the area referred to in _____ which take into account the following:

*High, early,
Circular*

(a) the entitlements of the United States provided for in this Agreement;

These stocks must be determined

- (b) the determinations referred to in paragraph 4 of this Article;
- (c) the domestic allocation objectives of the Parties; and *including the provision for each*
- (d) the management objectives of the Parties with respect to salmon other than Fraser River sockeye and pink salmon.

the provision for fishing by type of gear authorized by the Parties
 6. In carrying out the provisions of paragraph 5, 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 _____, upon finding that such regulations are necessary to accomplish the objectives set out in paragraph 5;
- (c) *the Fraser River Panel shall* 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

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Handwritten notes on the left margin, including a large bracket and scribbles.

Handwritten signature or initials on the right margin.

take account of incidental catches of the stocks governed by this Article during the harvest of chinook salmon within the area referred to in _____; and

(d) conduct such studies ^{as} are necessary to achieve the objectives of paragraph 5, 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 areas described in _____, 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 _____, escapement, migration, and other required data.

Is this detail necessary?

Why should waters be restricted? when we try restrict?

Why not to take this in some way as relation with the panel?

*noted
Article
by the
date*

From like of the panel?

7. The ^{proposed by} 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.

for sockeye and pink

8. The Commission, at the request of the Fraser River Panel or of either Party, shall consider and provide advice upon any question which may arise respecting the coordination

*Canada would authorize monitoring at Hells Gate by an exchange of understandings at the time of ratification.

of the activities of the Fraser River Panel with those of the other Panels or of either Party with respect to stocks ^{that are from the panel or water.} ~~not governed by this Article.~~

Candy
9. 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 upon approval by the Party in whose waters such regulations are applicable.

10. During the fishing season, the Fraser River Panel may make orders for the adjustment of fishing times and areas stipulated in the annual regulations, in response to variations in anticipated conditions, taking into account the objectives referred to in paragraph 5. The Parties shall give effect to such orders, in accordance with their respective laws and procedures, unless the Party in whose waters the orders are applicable gives notice of objection to the Commission.

ANNEXES AND AMENDMENTS

1. ~~The Annexes to this Convention shall be reviewed by the Commission~~
~~programmes established pursuant to Article (Cooperation in Management),~~

1. The Annexes to this Convention, either in their present terms or as amended in accordance with the provisions of this Convention, ~~form~~ ^{are} an integral part of this Convention and all references to this Convention shall be understood to include the said Annexes.

2. The Commission shall review the provisions of Annex _____ (Management framework) (each year) (every other year) and shall report to the Parties the results of its review including any appropriate recommendations for amendment ^{to} of that Annex.

3. The Commission shall, upon the request of either Party, review the provisions of other Annexes and may make recommendations to the Parties for their amendment.

4. The Annexes may be amended by the Government of Canada and the President of the United States of America through an Exchange of Notes.

5. The Commission shall ~~cause to be published~~ ^{review} the texts of the Annexes upon any amendment thereto.

Handwritten signature/initials

(ex-Tuna treaty)

*agreed to by the Parties
arrangements with respect to*

the sharing of salmon originating

*the arrangements agreed to by the Parties
with respect to the sharing
of salmon and pink
salmon originating in the
Pacific Ocean system, the
transboundary river,*

OTHER ARTICLES TO BE DRAFTED

1. Cooperation in/Coordination of enhancement programs.

X 2. Dispute settlement.

3. Others *at Vancouver*
depression watershed

POTENTIAL ANNEXES

1. Management framework (interception limits).

2. Research programs.

3. Fraser River regulatory area.

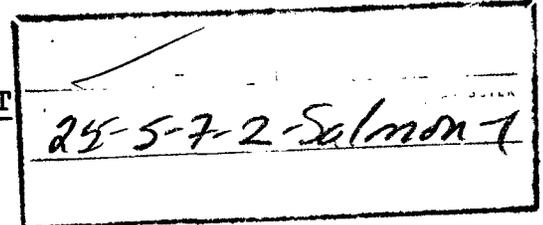
4. *Boundary, Transboundary*

H. Strauss
U.S.-Canada Working Group

December 1-2, 1981

Washington, D.C.

PACIFIC SALMON AGREEMENT



PREAMBLE

The Government of the U.S.A. and the Government of
Canada,

1. Considering the interests of both Parties in the conservation and rational management of Pacific Salmon stocks and in the promotion of optimum production and utilization of such stocks;
2. Recognizing that States in whose rivers salmon stocks originate have the primary interest in and responsibility for such stocks;
3. Recognizing that salmon originating in the rivers of each Party are intercepted in substantial numbers by the nationals and vessels of the other Party, and that the management of stocks subject to interception is a matter of common concern;
4. Desiring to cooperate in the management, research, monitoring and enhancement of salmon stocks;
5. Desiring to provide to each Party benefits commensurate with the production of salmon originating in its rivers; and

6. Recognizing the need to avoid undue disruption of existing fisheries;

Have agreed as follows:

DECEMBER 2ND, 1981

COMMISSION & PANELS

1. The Parties agree to establish and maintain a Pacific Salmon Commission, hereinafter referred to as "the Commission", to be composed of two national sections, a Canadian Section and a United States Section.
2. The Commission shall have legal personality and shall enjoy in its relations with other organizations and in the territories of the Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Commission and its officers shall enjoy in the territory of a Party shall be subject to agreement between the Commission and the Party concerned.
3. The Commission shall be composed of not more than eight Commissioners, of whom not more than four shall be appointed by each Party. Each Party may also appoint not more than four alternate Commissioners, to serve in the absence of any Commissioner appointed by that Party.
4. The Commissioners and alternate Commissioners shall hold office at the pleasure of the Party by which they were appointed.
5. At the first meeting of the Commission, the Commissioners shall select a Chairman and a Vice-Chairman from among themselves, each of whom shall hold office for the calendar

- 2 -

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

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

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

8. Unless otherwise agreed by the Parties, the seat of the Commission shall be at _____.

9. The Commission shall hold an annual meeting and may hold other meetings at the request of the Chairman or of

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

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

11. The Commission shall prepare an annual budget of joint expenses and submit it to the Parties for approval. The Parties shall bear the costs of the budget in equal shares unless otherwise agreed, and shall pay their shares as the by-laws may specify after the budget has been approved by both Parties.

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

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

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

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

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

- (a) 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 for pink salmon and sockeye salmon originating in the Fraser River system.
- [d. a Transboundary Rivers Panel for salmon originating in rivers referred to in Article _____.]

[Government of Canada proposal:

Consultative arrangements with respect to salmon originating in the Yukon River System.]

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

18. 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.

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

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

RESEARCH

1. The Parties agree:

(a) to establish research programs, to be coordinated by the Commission, to investigate

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

(ii) the extent of interceptions by the fishermen of each country; and

(b) to provide the Commission with all relevant scientific data and other information in their possession.

2. The Commission shall coordinate the collection of statistics pertaining to salmon management and may make proposals to the Parties for coordinated research programs.

3. Subject to normal permit requirements, the Parties agree to allow nationals and vessels conducting research with respect to salmon to have access to their waters for the purpose of carrying out such research.

IMPLEMENTATION

Each Party shall:

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

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 _____, 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 preliminary 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 this Agreement;
- iii) the need to avoid disruptive changes in [traditional] 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 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, the provisions of Article _____ may be invoked (possibility of technical dispute settlement mechanism under general provisions of the Agreement.)
- (c) Canada, in order to facilitate the work of the Fraser River Panel, shall submit to that Panel an annual report 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 _____ which take into account the following:
- (a) the entitlements of the United States provided for in this Agreement;

- (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 5, 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 _____, upon finding that such regulations are necessary to accomplish the objectives set out in paragraph 5;
- (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

- 5 -

take account of incidental catches of the stocks governed by this Article during the harvest of chinook salmon within the area referred to in _____; and

(d) conduct such studies as are necessary to achieve the objectives of paragraph 5, 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 areas described in _____, 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 _____, escapement, migration, and other required data.

7. The 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.

8. The Commission, at the request of the Fraser River Panel or of either Party, shall consider and provide advice upon any question which may arise respecting the coordination

*Canada would authorize monitoring at Hells Gate by an exchange of understandings at the time of ratification.

- 6 -

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.

9. 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 upon approval by the Party in whose waters such regulations are applicable.

10. During the fishing season, the Fraser River Panel may make orders for the adjustment of fishing times and areas stipulated in the annual regulations, in response to variations in anticipated conditions, taking into account the objectives referred to in paragraph 5. The Parties shall give effect to such orders, in accordance with their respective laws and procedures, unless the Party in whose waters the orders are applicable gives notice of objection to the Commission.

Entry into Force and ~~D~~etermination

1. *This Agreement shall enter into force following the completion of the internal procedures of both Parties. Each Parties shall notify the other when it has completed such internal procedures necessary to bring this Agreement into force. This Agreement shall enter into force on the date of the later of these two notifications.

2. This Agreement shall remain in force for an initial period of ^{four} ~~six~~ years, and thereafter for successive ^{four} ~~six~~ years periods subject to the termination provisions of paragraph three of this Article.

3. Either Party may terminate this Agreement at the end of any ^{four} ~~six~~-year period referred to in paragraph 2 of this Article by serving notice of termination ^{on} ~~to~~ the other Party not later than one year before the end of that period.*

ANNEXES

1. The following documents shall be annexed to this Agreement: The management programmes established pursuant to Article ____ (Cooperation ~~and~~ Management), the arrangements agreed to by the Parties with respect to the sharing of sockeye and pink salmon originating in the Fraser River system, and the arrangements agreed to by the Parties with respect to the sharing of salmon originating in transboundary rivers. X

2. The Commission shall review the provisions of Annex ____ (Management framework) (each year) (every other year) and shall report to the Parties the results of its review including any appropriate recommendations for amendment of that ~~Annex~~. X

3. The Commission shall, upon the request of either Party, review the provisions of other ~~Annexes~~ and may make recommendations to the Parties for their amendment. X

4. The ~~Annexes~~ may be amended by the Government of Canada and the President of the United States ~~of America~~ through an Exchange of Notes. X

5. The Commission shall publish a ^{revised} ~~review~~ text of the relevant annex upon any amendment thereto. X

Minister of
Fisheries and Oceans

Ministre des
Pêches et des Océans

Your file Votre référence

Our file Notre référence

NOV 26 1981

Mr. Harry Allen
Chairman
Council for Yukon Indians
22 Nisutlin Drive
Whitehorse, Yukon
Y1A 3S5

ACC	170198	
FILE	25-5-7-2-Salmon	DUSSIER

Dear Mr. Allen:

This is in reply to your letter of June 9 concerning proposed oil and gas developments in Norton Sound, Alaska, at the mouth of the Yukon River.

I note your apprehension that such developments could present a risk to the annual migration of Yukon River salmon to their spawning grounds in the Yukon Territory. I am aware of the importance of salmon production within the Canadian portion of the Yukon River and, as a consequence I have directed my officials to press for recognition of this fact in negotiations with the United States towards a salmon treaty.

In addition, my officials have raised the question of proposed drilling in Norton Sound with their counterparts in the State of Alaska in an effort to obtain current information on the matter. I can assure you that we will continue to monitor and take appropriate action respecting any developments in Canada or the U.S. that have the potential to impair the productive capability of our salmon streams.

In view of their interest in this subject, I am forwarding a copy of this letter to my colleagues, the Honourable Mark MacGuigan, Minister of External Affairs, and the Honourable John Munro, Minister of Indian Affairs and Northern Development.

Thank you for bringing your concerns to my personal attention.

Yours sincerely,

Original signed by
Original signé par
Roméo LeBlanc

c.c. Hon. Mark MacGuigan, P.C., M.P.
Hon. John Munro, P.C., M.P.

Ottawa, Canada
K1A 0E6

OFFICE OF THE MINISTER/CABINET DU MINISTRE

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

ACTION REQUEST/FICHE DE SERVICE

From/De <i>James B. [unclear]</i>	No. No 18470	Action to be completed and white slip returned to MIN by/L'action doit être complétée et la feuille blanche retournée à MIN avant Date <i>DEC. 31/81</i>
Letter dated/Lettre en date du <i>NOV. 26</i>	Date received in MIN/Date de réception à MIN <i>NOV. 30</i>	Date sent to Division/Date d'envoi à la direction <i>NOV. 30</i>
Action Division/Direction responsable <i>FL 9A [unclear]</i>	Information Division/Direction(s) informée(s)	Referred by/Référée
Subject/Sujet <i>Salmon Treaty</i>	Comments/Commentaires <i>[unclear]</i>	

ACTION REQUIRED/ACTION REQUISE

- Reply for minister's signature
Réponse pour la signature du ministre.
- Reply for the signature of
Réponse pour la signature de
- Reply by division
Réponse de la direction
- Note and file
Noter et mettre au dossier
- Draft reply to be incorporated in letter by Minister's staff
Projet de réponse requis pour inclusion dans lettre rédigée par les assistants du Ministre

ALL TRANSFERS TO BE REPORTED TO MIN REGISTRY (5-1047)

LE REGISTRE DE MIN DOIT ÊTRE AVISÉ DE TOUT CHANGEMENT (5-1047)

FOR DIVISIONAL USE
POUR L'UTILISATION DE LA DIRECTION

Date received in Division/Date reçu à la direction <i>Dec 1/81</i>
Action officer/Agent responsable <i>K. [unclear]</i>
Disposition and date/Disposition et date <i>NOV. 31/81</i>
For MIN use/Pour utilisation de MIN

Handwritten initials/signature

**ACTION
SUITE A DONNER**

UNCLASSIFIED

FM WSHDC UNGR5830 10NOV81

TO EXTOTT LFLO

INFO FANDOOTT/HUNTER

DISTR GNG

REF YOURTEL 2450 05NOV

---PACIFIC SALMON-DRAFTING GROUP

RESERVATION CONFIRMED AT HIGHLAND TOWERS FOR 01DEC FOR FOUR

SWB:HUNTER;KOWAL;GOLDBERG;STRAUSS.

UUU/275 102225Z UNGR5830

ACC	REL	AIE
FILE	25-5-7-2-SALMON	
	DOSSIER	-1

G 033/209

MESSAGE

ACTC

PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/DOSSIER	SECURITY SÉCURITÉ
LIEU	MINISTÈRE	N° D'ORIG.			
FM/DE	OTT	EXT	FLO-2450 NOV 5/81	5 18 58 '81	UNCLASS
TO/A	WSHDC				PRECEDENCE
INFO	FANDOOTT/HUNTER SEATTLE				
DISTR.	GNG				

ACC/62393	DATE
FILE 25-5-7-2-SALMON-1	DOSSIER

--PACIFIC SALMON - DRAFTING GROUP

AS AGREED AT ^{LAST MONTH,}
 FLO SEATTLE ROUND OF SALMON NEGS CHAIRMAN OF CDN
 DRAFTING GROUP (HUNTER, FANDO) HAS CONTACTED DAWSON (STATE/OES) AND TENTATIVELY ARRANGED DEC 1 AND 2 FOR DRAFTING SESSION IN WSHDC.

2. GRATEFUL YOU RESERVE SWB FOR HUNTER, KOWAL, GOLDBERG, (ALL FANDO) AND STRAUSS, FLO, FOR DEC 1 AT HIGHLAND TOWERS.

3. WE DO NOT FORESEE NEED FOR EMBASSY INVOLVEMENT IN SESSION, ALTHOUGH YOU ARE INVITED TO PARTICIPATE IF YOU SO DESIRE.

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG..... M. HUNTER/es	INTERNATIONAL DIRECTORATE	5-2186	SIG..... R.J. Kochon

NOV 5 1981

FLO

2-2002

130

File

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO / À
Howard Strauss

SECURITY / Sécurité

DATE November 4, 1981

FROM / De
R. Rochon

NUMBER / Numéro
FLO-2440

REFERENCE / Référence

SUBJECT / Sujet
Pacific Salmon Meeting - Washington D.C.
December 1 and 2

ACC / 162409	DATE
FILE	DOSSIER
OTTAWA	
FILE 25-5-7-2-SALMON	DOSSIER
MISSION	

ENCLOSURES / Annexes

DISTRIBUTION

Mike Hunter telephoned this morning to inform me that he had been in touch with his counterparts in Washington, D.C. who had agreed tentatively to set aside December 1 and 2 for consultations in Washington, D.C. relating to future work on a Pacific salmon agreement. Mike intends to confirm those dates on his return to Ottawa at the end of the week of November 15. The Embassy will be informed at that time. It is assumed that you will be part of the delegation going to Washington.

R. Rochon
R. Rochon

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
À
Howard Strauss

SECURITY
Sécurité

FROM
De
R. Rochon

DATE November 4, 1981

REFERENCE
Référence

NUMBER
Numéro
FLO-2440

SUBJECT
Sujet
Pacific Salmon Meeting - Washington D.C.
December 1 and 2

ACC/62404	FILE	DATE	DOSSIER
OTTAWA	FILE 25-5-7-2-SALMON		DOSSIER
MISSION			

ENCLOSURES
Annexes

DISTRIBUTION

Mike Hunter telephoned this morning to inform me that he had been in touch with his counterparts in Washington, D.C. who had agreed tentatively to set aside December 1 and 2 for consultations in Washington, D.C. relating to future work on a Pacific salmon agreement. Mike intends to confirm those dates on his return to Ottawa at the end of the week of November 15. The Embassy will be informed at that time. It is assumed that you will be part of the delegation going to Washington.

R. Rochon

FLO/H. Strauss/6-2643/dg

File

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

s.23

TO
À GNG

FROM
De FLO

REFERENCE
Référence Willson/Strauss discussion of Nov.16/81

SUBJECT
Sujet Canada/USA Pacific Salmon Interception Negotiations

SECURITY
Sécurité CONFIDENTIAL

DATE November 17, 1981

NUMBER
Numéro FLO-2521

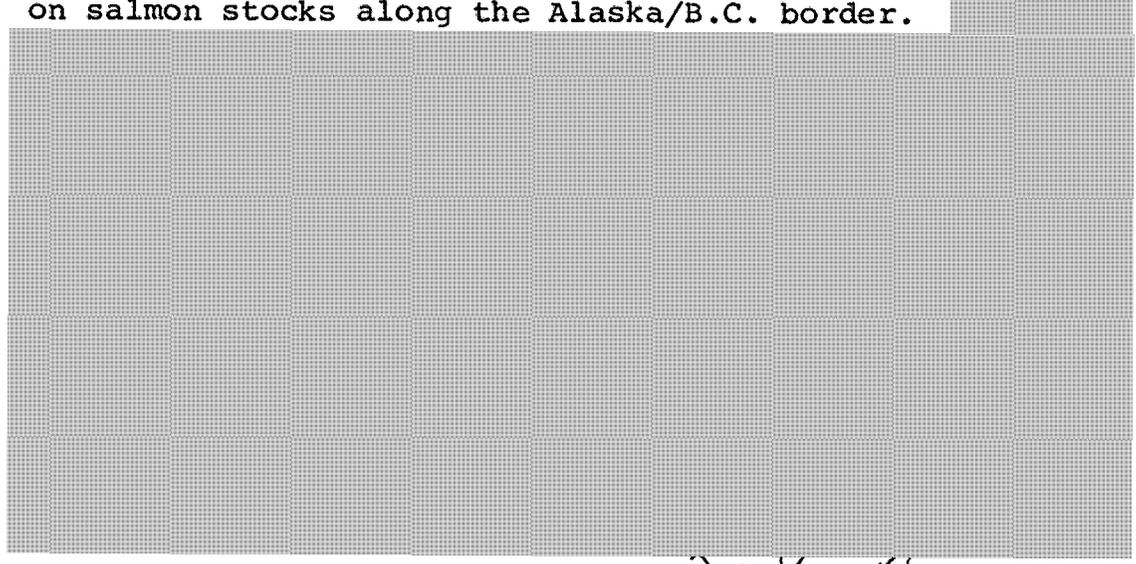
FILE	165343	DOSSIER
OTTAWA	25-5-7-2-SALMON-1	DOSSIE
MISSION		

ENCLOSURES
Annexes

DISTRIBUTION

LHL
EGL
FLP
GNG

... As requested we enclose herewith a copy of a memorandum to cabinet, prepared by the Department of Fisheries and Oceans, requesting funds for research on salmon stocks along the Alaska/B.C. border.



...

L.S. Clark
L.S. Clark,
Director,
Legal Operations Division.

720

DEPARTMENT OF STATE

August 13, 1981
No. 278

JOINT PRESS RELEASE BY THE UNITED STATES DEPARTMENT OF STATE AND THE DEPARTMENT OF EXTERNAL AFFAIRS OF CANADA

United States and Canadian federal officials met on June 19 in Washington, D.C., to consider recommendations made by their Special Negotiators dealing with bilateral Pacific salmon issues. The Special Negotiators, Dr. Dayton L. Alverson for the United States, and Dr. Michael P. Sheppard for Canada recommended in a Progress Report issued June 11 that both countries continue efforts to reach a comprehensive agreement to provide for cooperative management and enhancement of the Pacific salmon resource. At the same time they recommended that both countries implement certain interim arrangements for the remainder of 1981 and for 1982 to improve conservation of the Pacific salmon stocks in a manner that will be of mutual benefit.

Participants at the June 19 meeting noted that support for the recommendations appears widespread in both countries. In both the United States and Canada federal and state fishery management agencies have expressed general concurrence with the approach recommended by the Special Negotiators. They have also indicated that they will work to enact the provisions of the interim arrangements during 1981 and will actively work to finalize 1982 management regimes so that they are in conformance with the recommendations.

After reviewing the recommendations of the Special Negotiators and noting the support they have received in both countries, the Governments of the United States and Canada wish to reaffirm their support for the efforts of the Special Negotiators to reach a comprehensive agreement. The governments concur in the belief of the Special Negotiators that a long term agreement for cooperative management and enhancement of the Pacific salmon resource is urgently required to ensure adequate conservation and optimum utilization of the stocks and that the fishing communities on both sides are deeply committed to reaching an accord.

OES/OFA: Christine L. Dawson
632-2009

For further information contact:

In addition, the governments consider that the 1981 and 1982 interim arrangements recommended by the Special Negotiators will build on the progress of the negotiators and materially assist both sides in achieving a long term agreement. The governments intend to work during 1981 and 1982 to ensure that all relevant fisheries are conducted in accordance with the recommendations of the Special Negotiators. The governments are also studying the desirability of incorporating the recommendations into formal arrangements.

The governments acknowledge that proposed research projects are important to the success of long term arrangements, and note that the Special Negotiators have recommended that certain projects be conducted in 1982. Both governments are at present considering the projects recommended for next year.

Confidential

Memorandum to Cabinet

Canada/USA Pacific Salmon Arrangement

OBJECT

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

DECISION REQUIRED

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

CONSIDERATIONS

The most recent substantive negotiating session was held in Vancouver from April 27 to May 2, 1981 and ended without any of the long standing issues being resolved. One of the main reasons for the negotiating session dissolving was the continuing dispute over statistics including interception rates of the salmon stocks in southeast Alaska and Northern British Columbia. This outstanding issue continues to provide a road block to settling a comprehensive long term agreement.

Following the negotiating session held in Vancouver, B.C. from April 27 to May 2, the two negotiators held a series of meetings with officials of the two countries in Juneau, Alaska on May 11 to 13 and in Vancouver on May 18 to 20. The purpose of the meetings was to clarify technical issues that had created difficulties in the April 27 to May 2 session and to explore possible avenues for solution to the outstanding problems in the negotiations. As the result of the technical consultations, the negotiators developed a number of new options for solutions of the outstanding issues, which were then discussed internally with advisory groups within each country and accepted as an interim arrangement. (sections 7 and 11, Discussion Paper)

On the basis of these separate consultations with advisory groups, the negotiators strongly reaffirmed their belief that a long term agreement for cooperative management and development of the Pacific salmon resource is urgently required to ensure adequate conservation, enhancement and optimum utilization of the stocks and that the fishing communities on both sides are deeply committed to reaching an accord. The negotiators believed that the technical clarifications achieved have been sufficient to warrant further attempts to reach a comprehensive agreement and therefore recommended that formal negotiations be resumed in the autumn of 1981.

The negotiators indicated that, because of the highly technical nature of a long term agreement, approximately one year of consultations and negotiations will be required to develop formal arrangements that would ensure full and effective implementation of the principles to which both sides now subscribe. Such an agreement therefore could not come into force until 1983 at the earliest. During a recent exploratory negotiating session in Seattle, Washington,

- 2 -

October 13-19, 1981, the negotiators noted the positive management measures each country had put into place in 1981 to improve conservation of specific stocks of concern, to the mutual benefit of both parties. They further noted that a number of proposals under discussion in the continuing negotiations bear on the conduct of fisheries in 1982 and that implementation of such proposals also would be of mutual benefit. In this light, negotiators believe that, pending efforts over the next year to develop a comprehensive agreement, the positive momentum of the present discussions between governments should be maintained through practical actions in the fisheries for the balance of 1981 as well as 1982. To this end fish management agencies of both countries will continue to meet during November and December to try and coordinate future conservation actions of mutual benefit.

The Discussion Paper attached to this memorandum reviews the benefits and costs of the interim measures implemented to date during the 1981 fishing season.

One of the important elements of the arrangement for 1982, agreed to in principle by both countries, involves the fish tagging program required for the Northern British Columbia - Southern Southeast Alaska boundary area. This biological program could provide much needed new information on salmon interceptions by both countries. The information is required for an improved and reliable interceptions accounting system. The rate of interceptions in the boundary area has been a major issue of dispute that has kept both sides apart at the negotiating table.

Whether the USA does or does not also fund tagging studies in the boundary area, the information gained from the proposed biological studies will greatly strengthen Canada's negotiating position.

FINANCIAL CONSIDERATIONS

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

The \$2,010,000 request is a minimum financial requirement and is a portion of the \$50.3M request submitted in a Cabinet Memorandum of April 15, 1981. The remainder of the original request may be submitted as the Department of Fisheries and Oceans, following successful completion of a comprehensive interceptions agreement, strives to achieve maximum long term economic and social benefits through implementation of a comprehensive salmon management plan for Canada's Pacific coast.

FEDERAL-PROVINCIAL CONSIDERATIONS

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

The Province has to date been fully supportive of the Canadian negotiating objectives.

INTERDEPARTMENTAL CONSULTATIONS

This memorandum was prepared by officials of the Departments of Fisheries and Oceans, in consultation with officials of External Affairs, the Ministry of State for Economic Development and the Treasury Board.

PUBLIC CONSIDERATION

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

If commitments to the interim arrangement are not met, Canada's credibility with our fishermen could be negatively affected.

CONCLUSIONS

It is concluded that the request for \$2,010,000 could provide much needed new data on levels of interceptions and thus could improve the probability of achieving a comprehensive long term salmon interceptions agreement with the USA.

RECOMMENDATIONS

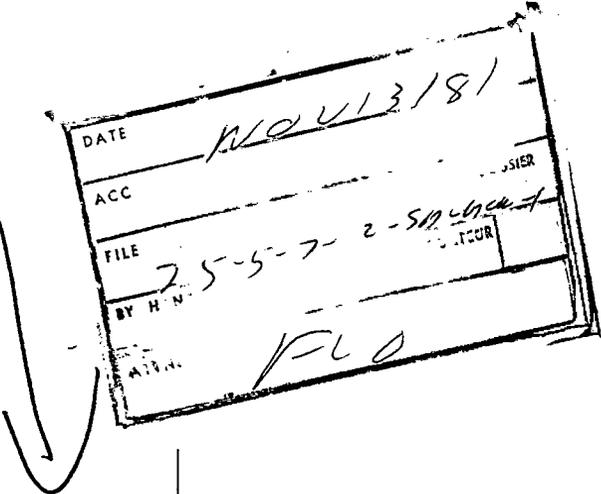
It is recommended that Cabinet approve the provision of \$2,010,000 to implement tagging and recovery studies in the Northern British Columbia/Southern Southeast Alaska boundary area as provided for in the interim Canada/USA Pacific salmon arrangements developed by negotiators.

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

Canadian Consulate
SEATTLE

NO. FLO-2412 DATE 30OCT81

WITH ATTACHMENT(S) / AVEC ANNEXE(S)
CONFIDENTIAL
WITHOUT ATTACHMENT(S) / SANS ANEXE(S)

QUANTITY QUANTITÉ	DESCRIPTION — DESCRIPTION	REFERENCE — RÉFÉRENCE
	<p style="text-align: center;">M</p> <p style="text-align: center;">Memorandum to File, October 30, 1981, RE: Canada/USA Salmon Negotiations, October 14 - 18. 1981</p>	

RECEIPT ACKNOWLEDGED / ACCUSER RÉCEPTION

RETURN TO / RETOURNER À

6 Nov 81
DATE

SIGNATURE

H. Strauss
Legal Operations Division (FLO)
OTTAWA

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

s.23

TO
À FILE

FROM
De FLO/H. Strauss

REFERENCE
Référence

SUBJECT
Sujet Canada/USA Salmon Negotiations,
October 14 - 18, 1981

SECURITY
Sécurité CONFIDENTIAL

DATE October 30, 1981

NUMBER
Numéro FLO-2412

ACC	FILE	DATE	DOSSIER
/60602			
OTTAWA			
FILE 25-5-7-2-Salmon		18	
MISSION			

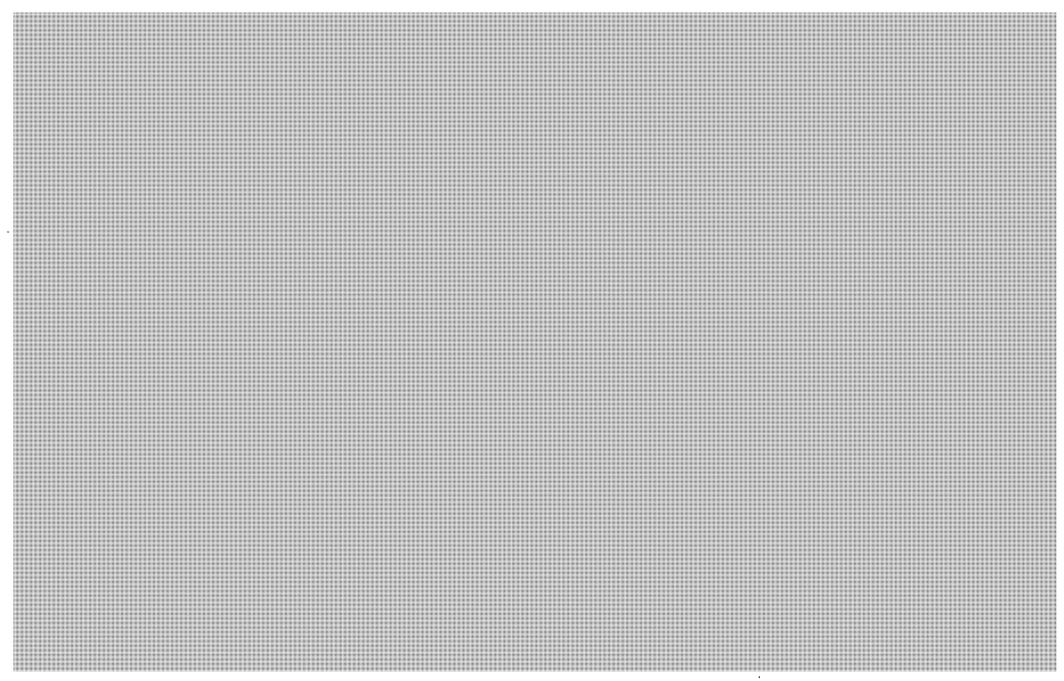
ENCLOSURES
Annexes

DISTRIBUTION

LHL
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DFO/
Hunter/
Legal
Services/
Goldberg

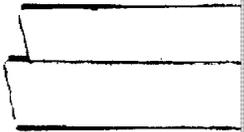
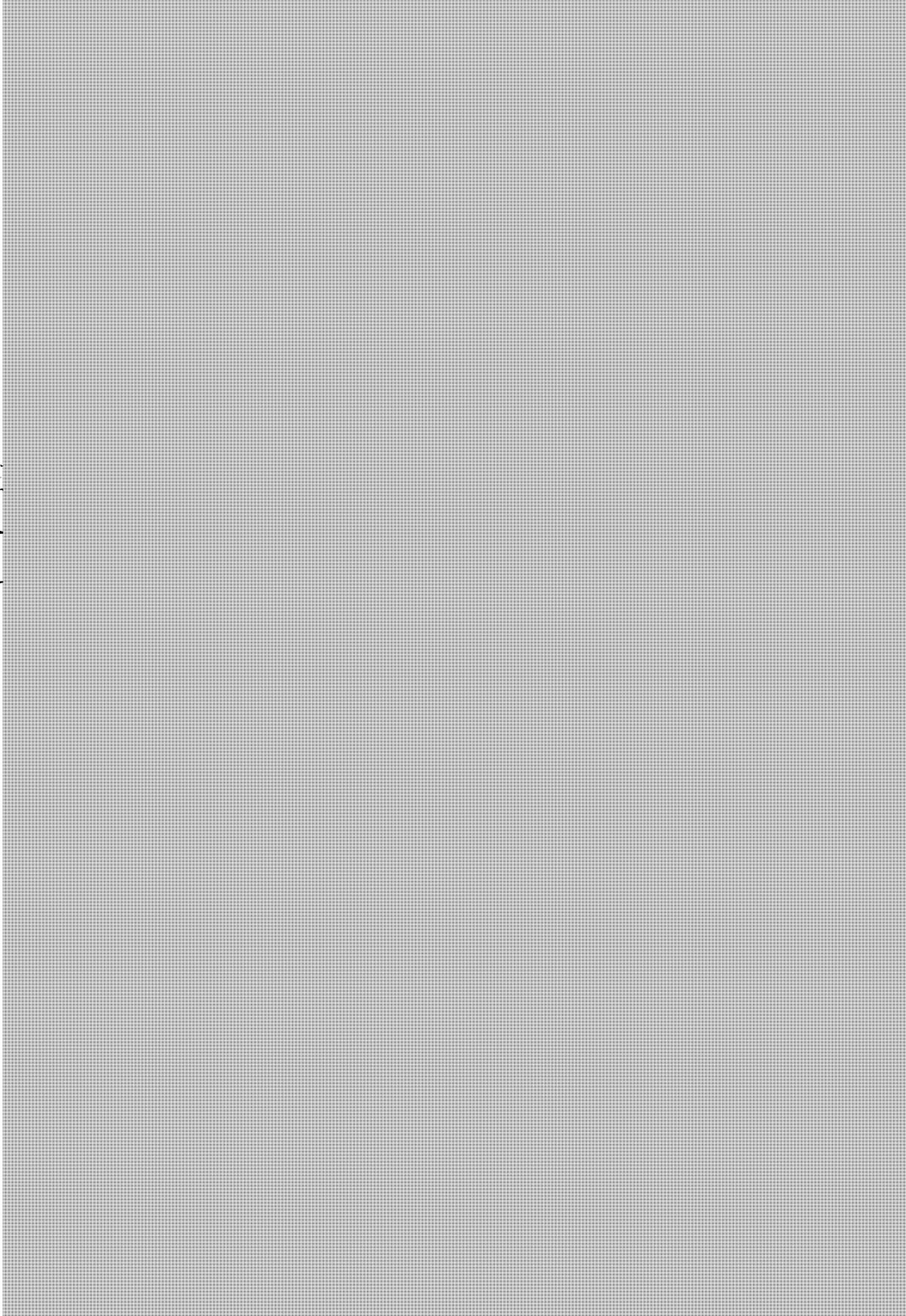
On October 14 - 18 Canadian and U.S. delegations met to discuss salmon interceptions on the Pacific Coast. The agenda was broken down as follows: review of the 1981 season, discussion of the 1982 season, and long-term arrangements. Lists ... of the Canadian and U.S. delegations are attached.



.../2

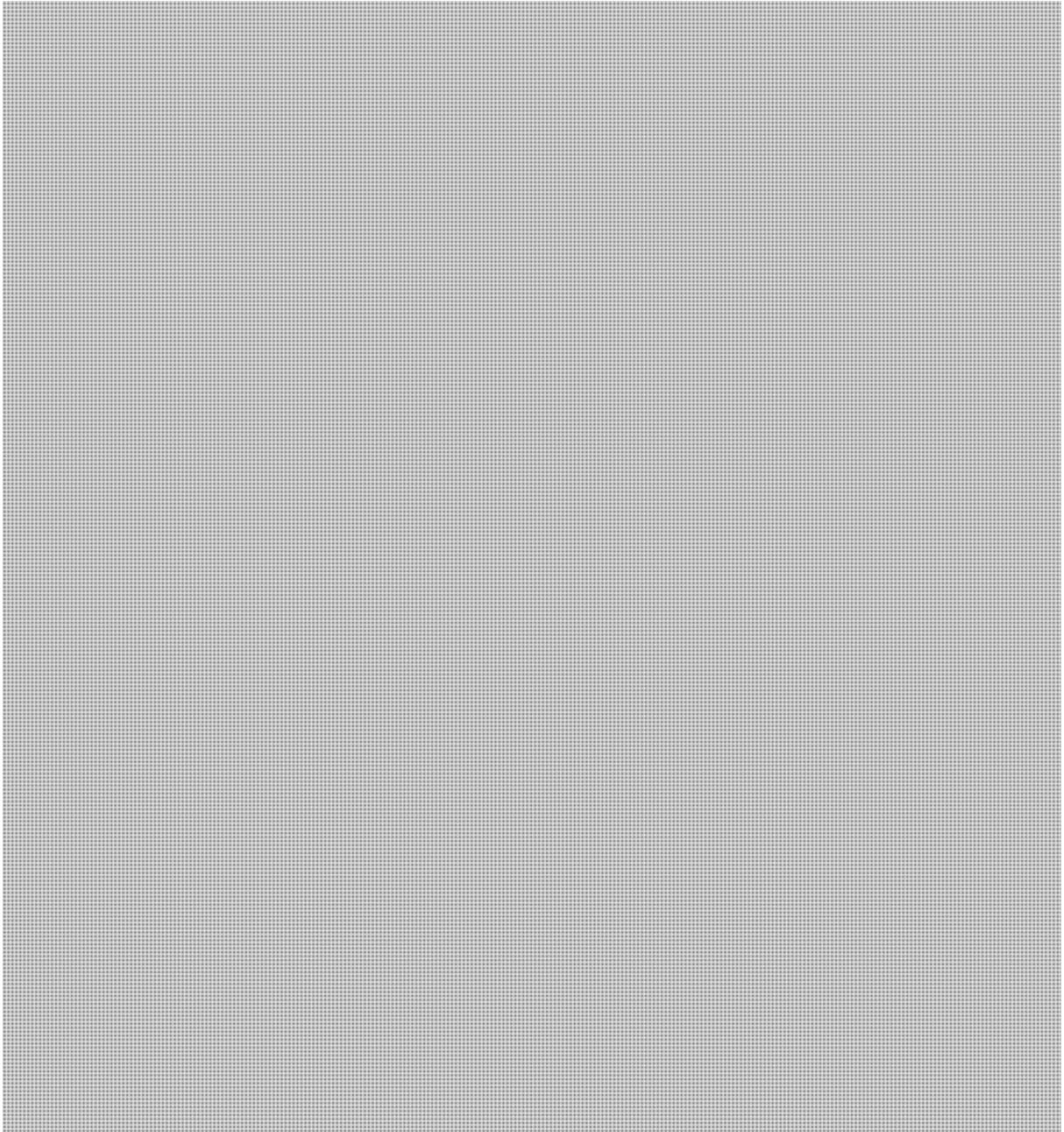
s.23

- 2 - CONFIDENTIAL



s.23

- 3 - CONFIDENTIAL



A handwritten signature in black ink, appearing to read 'H. Strauss', is written above the typed name.

H. Strauss
Legal Operations Division

U.S.-CANADA SALMON NEGOTIATIONS

U.S. DELEGATION

SEATTLE AIRPORT HILTON
SEATTLE, WASHINGTON

October 13-19, 1981

Head of Delegation

Alverson, D. Lee Natural Resources Consultants, Seattle

Delegation

Bergman, Pete Washington Dept of Fisheries, Olympia
Bergmann, William Alaska Dept Fish & Game, Petersburg
Bevan, Donald E. North Pacific Fishery Management Council
Brigham, N. Kathryn Columbia River Inter-Tribal Fish Comm.

Cantillon, David Alaska Dept Fish & Game, Juneau
Collier, Barry Purse Seine Vessel Owners Association
Culpus, Harold Confederated Tribes of Warm Springs
Danaher, Michael Department of State, WA., D.C.
Dawson, Christine Department of State, WA., D.C.
Denmert, Joe North Pacific Fishery Management Council

Eagle, Bruce Stikine River Gillnetters
Edwards, Jean Columbia River Inter-Tribal Fish Commission
Enge, Steve Petersburg Gillnetters

Fitch, David Allan National Marine Fisheries Service, WA., D.C.
Frank, Jr., Billy Northwest Indian Fisheries Commission

Graves, Gary

George, Levi

Giard, Jack

Glock, Jim

Haynes, Ole

Henry, Kenneth

Hvalsoe, Sue

Jacobsen, Jake

James, Jewell

Johnson, Fred

Kerns, Jr., O.E.

Kimble, Gary

Kruse, Gene

Larkins, Bert

Lockwood, Walt

Lokken, Harold

Loomis, Lorraine

Martin, James

Martinis, John

McMinds, Guy

McMullen, John

McVey, Robert

Meacham, Chuck

McDevitt, Herman

Northwest Indian Fisheries Commission

Columbia River Inter-Tribal Fisheries Comm

Washington Reefnet Owners Association

North Pacific Fishery Management Council

Southeast Seiners

National Marine Fisheries Service, Seattle

Coastal Tribes

Alaska

United Southeast/Gillnetters Association

Lummi Treaty Fisheries

National Bureau of Standards, D.C.

Bumble Bee Seafoods

Columbia River Inter-Tribal Fisheries Comm

National Marine Fisheries Service, Seattle

National Marine Fisheries Service, Seattle

U.S. Consulate General, Vancouver

North Pacific Fishery Management Council

Northwest Indian Fisheries Commission

Columbia River Inter-Tribal Fisheries Comm

Pacific Fishery Management Council

Northwest Indian Fisheries Commission

Alaska Dept Fish & Game

National Marine Fisheries Service, Juneau

Consultant to Governor of Alaska

Pacific Fisheries Management Council

Moberly, Stan	Alaska Dept Fish & Game, Juneau
Morishima, Gary	Northwest Tribes
Pennoyer, Steve	Alaska Dept Fish & Game
Reifsnyder, Dan	National Marine Fisheries Service, WA., D.C.
Ringo, Robert D.	U.S. Fish & Wildlife Service
Robinson, Bill	National Marine Fisheries Service, Juneau
Roger, Phil	Columbia River Inter-Tribal Fisheries Comm
Saletic, William	Peter Pan Seafoods
Seibel, Mel	Alaska Dept Fish & Game, Juneau
Shelton, Jev	United Southeast Alaska Gillnetters Assoc.
Smits, Ted	Pacific Seafood Processors Association
Suggs, Bob	Pacific Southeast Gillnetters Association
Sundberg, Harry	Alaska Dept Fish & Game
Thompson, Bob	Oregon Dept Fish & Wildlife
Tillion, Clem	North Pacific Fisheries Management Council
Valentine, John	Alaska Dept Fish & Game
Warner, Joe	U.S. Dept of Interior, B.I.A., Portland
Wendte, Ronald W.	S.S.R.A.A., Ketchikan
Wilkerson, Bill	Washington Department of Fisheries, Olympia
Wojeck, Ed	Alaska Trollers Association
Zirges, Malcolm	Oregon Dept Fish & Wildlife
Severn, Phyllis B.	U.S. Secretariat, NMFS, Seattle

U.S./CANADA SALMON NEGOTIATIONS

CANADIAN DELEGATION

SEATTLE AIRPORT HILTON

SEATTLE, WASHINGTON

October 13-19, 1981

CANADIAN DELEGATION

ANDERSON, A.	Dept. of Fisheries & Oceans Prince Rupert
ARO, K.S.	Dept. of Fisheries & Oceans Biological Station, Nanaimo
FLETCHER, H.	Dept. of Fisheries & Oceans Vancouver
FRASER, F.	Dept. of Fisheries & Oceans Vancouver
FRASER, S.	Dept. of Fisheries & Oceans Vancouver
GOLDBERG, M.	Dept. of Fisheries & Oceans Legal Services, Ottawa
GOULD, AI	Dept. of Fisheries & Oceans Nanaimo
GRAHAM, B.	Dept. of Fisheries & Oceans Vancouver
HARRISON, R.	Dept. of Fisheries & Oceans Vancouver
HUNTER, M.	Dept. of Fisheries & Oceans Whitehorse
JOHNSTON, S.	Dept. of Fisheries & Oceans Whitehorse
JONES, G.	Dept. of Fisheries & Oceans Vancouver
KADOWAKI, R.	Dept. of Fisheries & Oceans Ottawa
KREMER, E.	Dept. of Fisheries & Oceans Prince Rupert
KOWAL, D.	Dept. of Fisheries & Oceans Ottawa

CANADIAN DELEGATION (CONT'D)

MARTENS, D.	Canadian Consulate General Seattle, Washington
MORLEY, R.	Dept. of Fisheries & Oceans Vancouver
PALMER, R.	Dept. of Fisheries & Oceans Vancouver
PERRY, T.	Dept. of Fisheries & Oceans Prince Rupert
PITRE, K.	Dept. of Fisheries & Oceans Vancouver
RIDDELL, B.	Dept. of Fisheries & Oceans Nanaimo
SCHUTZ, D.	Dept. of Fisheries & Oceans Vancouver
SHEPARD, DR. M. (Head of Delegation)	Dept. of Fisheries & Oceans Vancouver
SHINNERS, C.W.	Dept. of Fisheries & Oceans Vancouver
SMITH, D.	Dept. of Fisheries & Oceans Vancouver
STARR, P.	Dept. of Fisheries & Oceans Vancouver
STRAUSS, H.	Dept. of External Affairs Ottawa
SWAN, J.	Dept. of Fisheries & Oceans Ottawa
WOOD, A.	Dept. of Fisheries & Oceans Nanaimo
ZEALAND, G.	Dept. of Fisheries & Oceans Whitehorse

DELEGATION SECRETARIAT

SEYMOUR, J.	Dept. of Fisheries & Oceans Vancouver
-------------	--

CANADIAN DELEGATION (CONT'D)

ADVISORS

ATLEO, C.	Native Brotherhood of British Columbia Vancouver
CLIFTON, R.	Native Brotherhood of British Columbia Vancouver
COX, F.	United Fishermen and Allied Worker's Union
DICKENS, S.W.	Co-operative Fisherman's Guild Prince Rupert
DIXON, A.	Central Native Fisherman's Co-operative Association Vancouver
ENGLISH, H.	B.C. Wildlife Federation Victoria
FRALICK, J.	B.C. Marine Resources Branch Victoria
GARCIA, J.	Pacific Trollers' Association Bamfield
GOULD, B.	Stikine River Fisherman's Association
GREENE, P.	Co-operative Fishermen's Guild Prince Rupert
HALSEY, G.	B.C. Marine Resources Branch Victoria
HAUGAN,	Prince Rupert Fishermen's Co-operative Association
HILL, J.	Fisheries Association of B.C. Vancouver
IVERSON,	United Fishermen and Allied Worker's Union, Vancouver
KENDEL, R.	Taku River Fishermen
MARSHALL, N.	Pacific Gillnetters Assoc. Cloverdale, B.C.
MARTINOLICH, R.	Fishing Vessel Owners' Association

CANADIAN DELEGATION (CONT'D)

ADVISORS

OALFSON, G.

Prince Rupert Fishing Vessel Owner's
Association

WILLIAMS, R.

Pacific Trollers Association

WILSON, B.

Central Native Fishermans Co-op

FLO/H. Strauss/6-2643/dg

File

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
À FLP (through LSC and *[Signature]*)

SECURITY
Sécurité CONFIDENTIAL

FROM
De FLO/H. Strauss

DATE October 29, 1981

REFERENCE
Référence

NUMBER
Numéro FLO-2408

SUBJECT
Sujet Pacific Salmon Interception Negotiations

ACC	REF	DATE	DOSSIER
FILE			
OTTAWA			
FILE			
255-7.2-SALMON-1			
MISSION			

ENCLOSURES
Annexes

DISTRIBUTION

... Further to your request for background information on the Canada/USA Pacific salmon negotiations, I enclose herewith a copy of a report prepared by Michael Shepard that reviews the history of the discussions (para 12 - 33), and a copy of a draft memorandum to file that I prepared following a meeting in Seattle October 13-18 that provides an up-to-date description of the issues.

Howard Strauss

conduct of fisheries in 1982 and that implementaiton of such proposals would be of mutual benefit. In this light, negotiators believe that, pending efforts over the next year to develop a full comprehensive agreement, the positive momentum of the present discussions between governments should be maintained through practical actions in the fisheries in both 1981 and 1982. Therefore the governments entered into an interim agreement with respect to the conduct of the Pacific salmon fisheries of the two countries for the 1981 fishing season and throughout 1982. The elements of such an agreement are outlined in the attached Discussion Paper.

The Discussion Paper also reviews the benefits and costs of the interim measures implemented to date during the 1981 fishing season.

One of the important elements of the 1982 arrangement, agreed to in principle by both countries, involves the fish tagging program required for Northern British Columbia - Southern Southeast Alaska. X

The biological program will provide much needed information on salmon interceptions. The information is required to enable development of an accounting system to measure levels of interceptions. Interceptions in the boundary area have been a major issue to date that has kept both sides apart at the negotiating table. Approval of funds for the biological program will start the process of yielding credibilitiy to the data used in negotiations. X

*How does this
and work together?*

Even if the USA does not come forward with funds for tagging, the information gained in the proposed biological studies will greatly enhancement the Canadian negotiating position. X

FINANCIAL CONSIDERATIONS

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

The \$2,010,000 request is a minimum financial requirement and is a portion of the \$59M request submitted in Cabinet Memorandum of April 15, 1981. the remainder of the original request will be submitted as the Department, through a comprehensive agreement, strives to achieve maximum long term benefits with implementations of full research and monitoring programs as part of a comprehensive management plan. X

FEDERAL-PROVINCIAL CONSIDERATIONS

Since 1971 senior officials of the Province of British Columbia have actively participated in previous discussions with USA delegations, and have contributed fully to the development of Canadian positions.

The Province has to date been fully supportive of the Canadian negotiating objectives.

INTERDEPARTMENTAL CONSULTATIONS

This memorandum was prepared by officials of the Departments of Fisheries and Oceans and External Affairs, in consultation with the Ministry of State for Economic Development and Treasury Board.

PUBLIC CONSIDERATION

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

If commitments to the interim arrangement are not met, Canada's credibility both to our fishermen and the USA could be seriously reduced, effecting attainment of a long term agreement.

CONCLUSIONS

It is concluded that the request for \$2,010,000 and one person year will not only initiate the process to provide much needed current data on levels of interceptions and other biological data but also satisfy Canadian advisors and illustrate Canada's commitment to a comprehensive long term agreement.

RECOMMENDATIONS

It is recommended that Cabinet approve the provision of one person year and \$2,010,000 to implement tagging and recovery studies in Northern British Columbia and Southern Southeast Alaska as provided for in the interim Canada/US Pacific Salmon Arrangement.

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO / À FLP (through LSC and [signature])

FROM / De FLO/H. Strauss

REFERENCE / Référence

SUBJECT / Sujet Pacific Salmon Interception Negotiations

SECURITY / Sécurité CONFIDENTIAL

DATE October 29, 1981

NUMBER / Numéro FLO-240812	
FILE	DOSSIER
OTTAWA 25-5-7-2-Salmon-1	
MISSION	

ENCLOSURES / Annexes

DISTRIBUTION

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Howard Strauss

*Mr Strauss
 Cf we discuss
 pse
 T*

File

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
À FLP (through LSC and RJR)

SECURITY
Sécurité CONFIDENTIAL

FROM
De FLO/H. Strauss

DATE October 29, 1981

REFERENCE
Référence

NUMBER
Numéro FLO-2408

SUBJECT
Sujet Pacific Salmon Interception Negotiations

ACC FILE	RE	DATE	DOSSIER
OTTAWA			
FILE		25-5-7-2-Salmon-1	
MISSION			

ENCLOSURES
Annexes

DISTRIBUTION

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Howard Strauss

FLO/H. Strauss/6-2643/dg

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO
À FILE (through R. R. *Rochon*)

SECURITY
Sécurité CONFIDENTIAL

FROM
De FLO/H. Strauss

DATE October 26, 1981

REFERENCE
Référence

NUMBER
Numéro FLO-2380

SUBJECT
Sujet Yukon River

ACC	160800	DATE	
FILE		DOSSIER	
OTTAWA			
FILE 25-5-7-2 - SALMONSLEY			
MISSION			

ENCLOSURES
Annexes

DISTRIBUTION

LHL
FLP
GNG

On October 16, 1981 Mr. Hunter (DFO) ... gave me the attached paper outlining the reasons why he believed that the Yukon River should be included in any Canada/USA agreement dealing with salmon interception.

H. Strauss

YUKON RIVER CONSIDERATIONS

1. USA was advised 3-4 years ago that an agreement would have to address conservation and management issues on the Yukon.
2. U.S. delegation is now recommending that consultations with Yukon user groups begin, with no guarantees that USA would be prepared to negotiate a regime in January 1982.
3. Contribution of Yukon River is very high. Chinook and chum production in Canadian sections contribute to river mouth native fisheries (and to Japanese Benny Sea fishery). ($\frac{1}{2}$ million chinook, more chinook than Columbia produces, ? chums).
4. There is no reason to believe that U.S. would negotiate a separate Yukon deal if an agreement on Pacific coast salmon were concluded. Wrap up issue in current negotiations represents our only useful lever.
5. Canadian private sector is insistent on inclusion of Yukon arrangements. FANDO is insistent.
6. Native land claims issues are relevant.

Mike Hunter
October 16, 1981

OCT 28 1981

(867)

confd

Department of External Affairs



Canada

Ministère des Affaires extérieures

OTTAWA, K1A 0G2

FLO-2388

October 26, 1981

*Bob Rochon
by hand*

AC 460603	AIE
FILE 25-5-7-2-Salmon	DOSSIER 1

draft

Dear Mike,

I enclose herewith a copy of a memorandum to file prepared by Howard Strauss on October 14-18 salmon discussions in Seattle. If you agree, we will send a copy of it to the Canadian missions in Washington and Seattle.

Yours sincerely,

R.J. Rochon,
Deputy Director,
Legal Operations Division.

Mr. M. Hunter,
Associate Director,
International Fisheries
Relations Branch,
International Directorate,
Department of Fisheries and Oceans,
240 Sparks Street,
8th Floor,
OTTAWA, Ontario.

Bob
I have made some suggested changes.
We are preparing a full report for
LeBlanc which we will also ask you
to send to WshDC and Seattle.
Mike

FILE/DIARY/CIRC/DIV

FLO/H. Strauss/6-2643/dg

CONFIDENTIAL

October 27, 1981

FLO-2388

ACC	REF	DATE
FILE 25-5-7-2-SALMON-1 DOSSIER		

Dear Mike,

draft
I enclose herewith a copy of a memorandum to file prepared by Howard Strauss on October 14-18 salmon discussions in Seattle. If you agree, we will send a copy of it to the Canadian mission in Washington and Seattle.

Yours sincerely,



R.J. Rochon,
Deputy Director,
Legal Operations Division.

Mr. M. Hunter,
Associate Director,
International Fisheries
Relations Branch,
International Directorate,
Department of Fisheries and Oceans,
240 Sparks Street,
8th Floor,
OTTAWA, Ontario.

DRAFT

s.23

FLO/H. Strauss/6-2643/dg

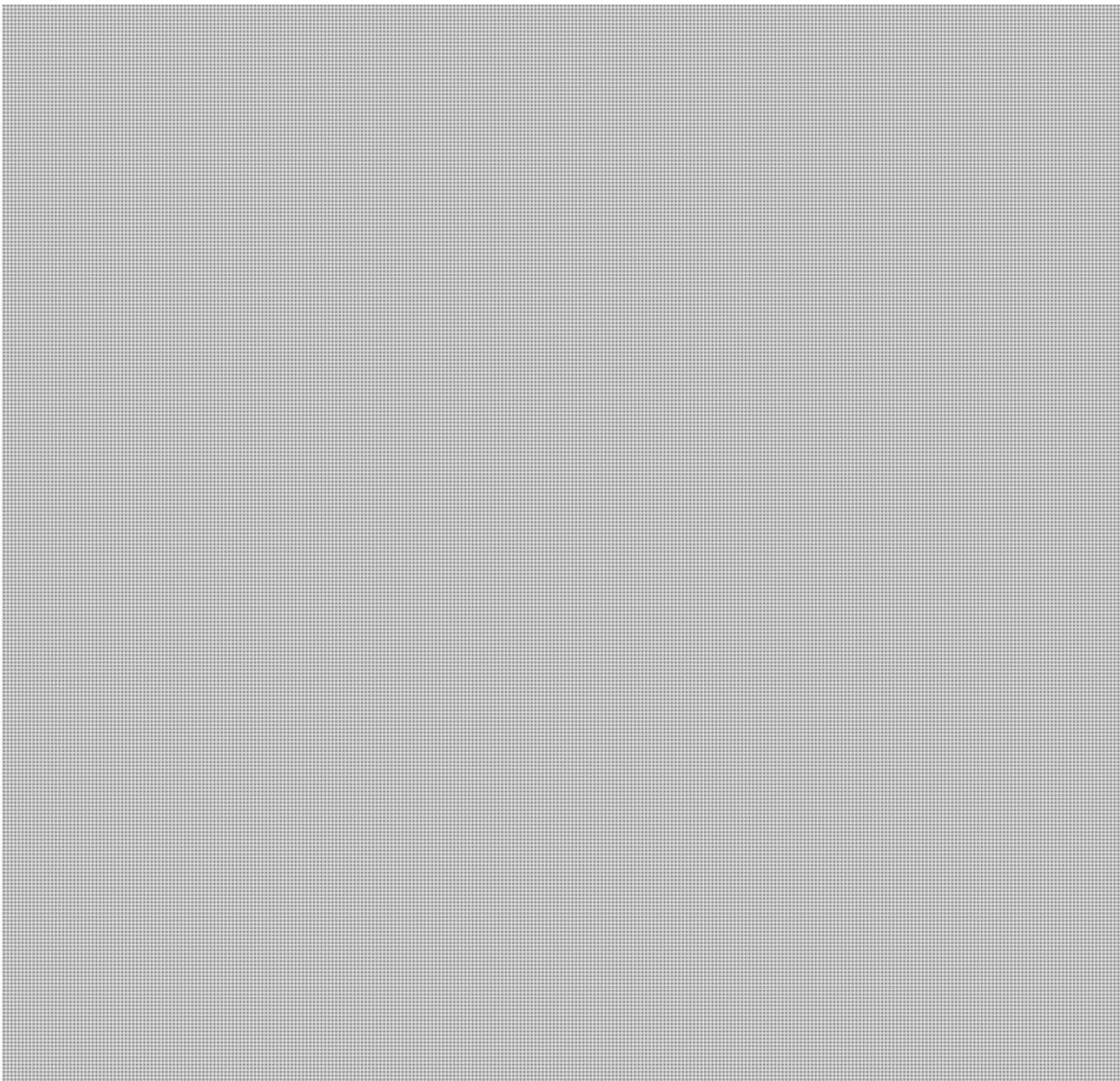
CONFIDENTIAL

MEMORANDUM

TO: FILE

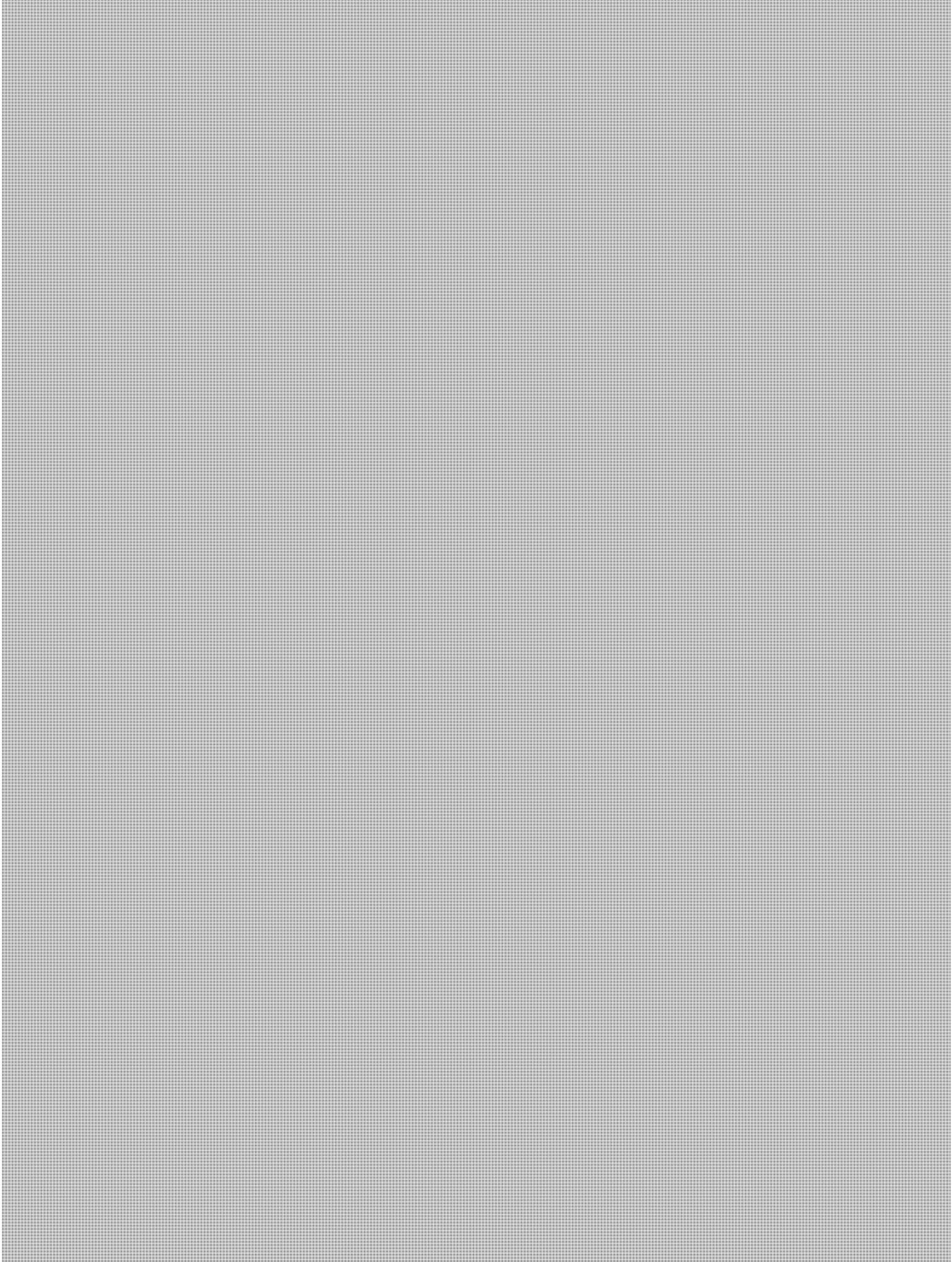
FROM: FLO/H. Strauss

DIST: ~~LHL PEP GNC ESO~~



s.23

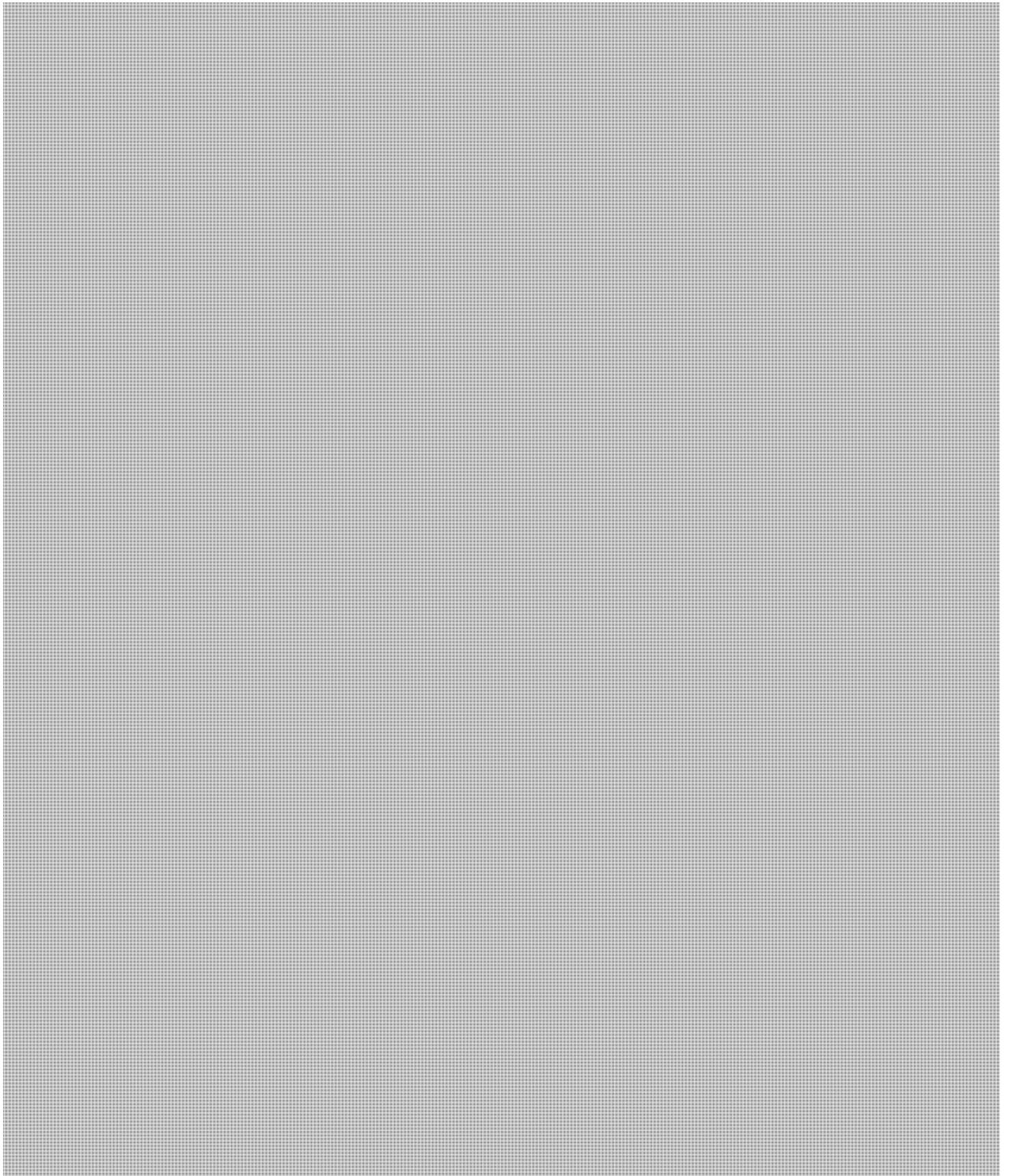
- 2 - CONFIDENTIAL



s.23

- 3 -

CONFIDENTIAL

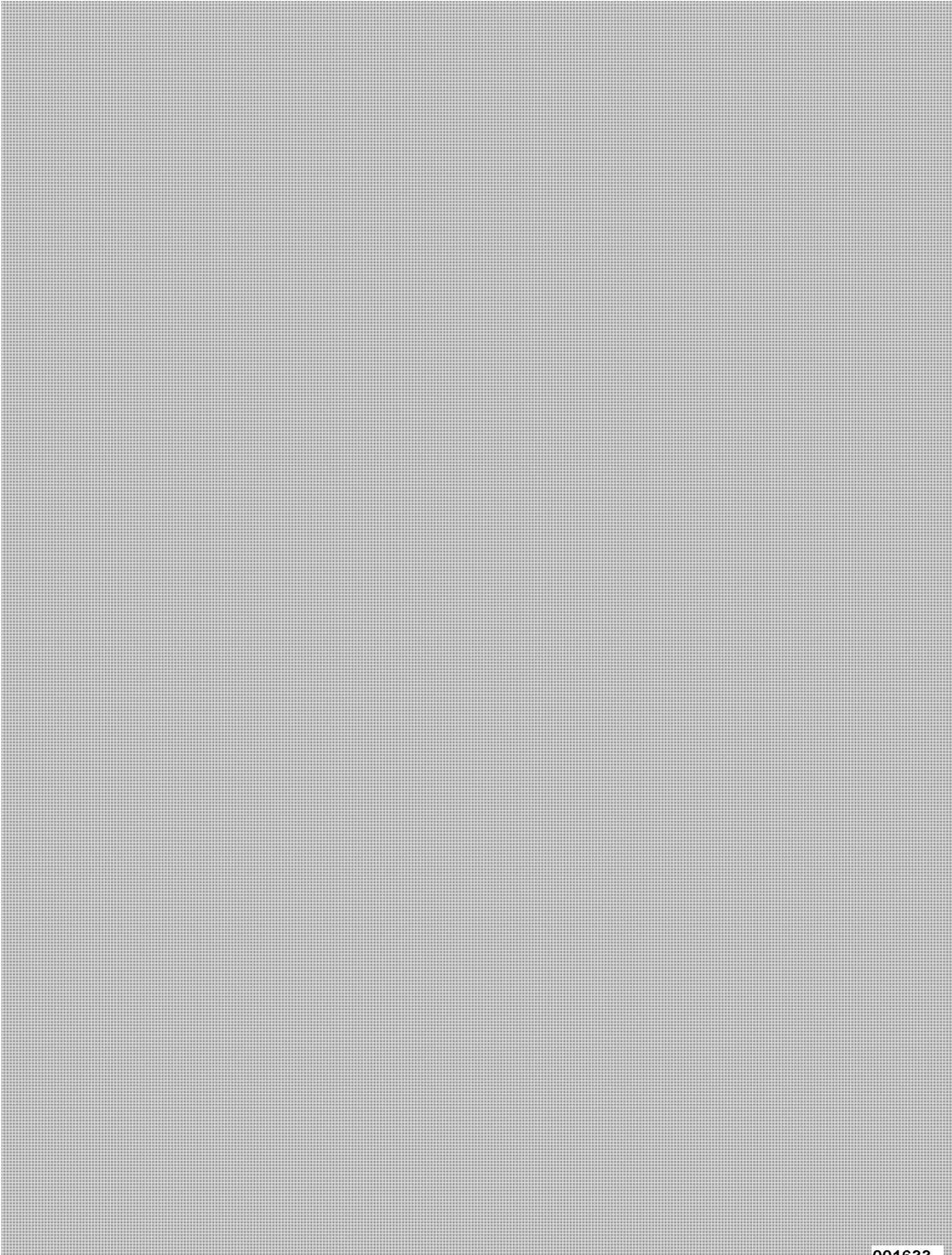


...14

s.23

- 4 -

CONFIDENTIAL



17

Government of Canada / Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

H.D. Johnston
Assistant Deputy Minister,
Pacific & Freshwater Fisheries

G. Jones
Advisor
Intergovernmental Affairs

ROOM
DE

SUBJECT
OBJET

Re: I.N.P.F.C. Annual Meeting - Vancouver, B.C.

CLASSIFICATION - DE RÉGIME	
OUR FILE / NOTRE RÉFÉRENCE	
YOUR FILE / VOTRE RÉFÉRENCE	
October 22, 1981	
DATE	
ACC 165406	
FILE 25-5-7-2 Pacific/W	DOSSIER
25-5-7-7-Sal/Dox-1	

During a recent U.S./Canada negotiating session, October 14 to 16, 1981, we formally raised the question of the Yukon River and its inclusion in a comprehensive salmon interception agreement. Although we were not able to pursue the issue to any degree it did create some unofficial discussions between sessions.

Mr. Clem Tillion, Director of International Fisheries (January 1st, 1982) presently Chairman of the North Pacific Fisheries Management Council, advisor to the President of the United States of America and former Senate Chairman suggested that during the up-coming I.N.P.F.C. meeting the U.S. would be asking for our support in having the Japanese reduce their catch of Alaskan bound salmon. Clem's idea is that the U.S. will take it away from Japan and then "give" it to Canada in the Yukon River. Although the general idea is attractive we must be careful not to tie any support we may provide to approval of his approach at solving U.S./Canada salmon problems.

Another point that the U.S. will be raising is the Japanese gillnet catch (approx. 20,000 tons) of albacore tuna, approximately 300 miles off the Oregon coast. In light of the fact that Canadian gillnet and seine fishermen have been inquiring into the possibility of fishing albacore tuna in U.S. waters under our U.S./Canada tuna agreement, this discussion will be of interest.

I raise these points only to make you aware of the U.S. intent.


G. Jones

c.c. W. Shinnars

TELETYPE TRANSMISSION MESSAGE
MESSAGE TRANSMISSION FACSIMILE

04.22/1
3:15

ADDRESSEE'S NAME
RECEPTIONNAIRE/NOM

Drew *J*

SERVICE & BRANCH
SERVICE ET DIRECTION

CITY/VILLE

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

*For H.D.T.'s info. I have a copy
here in case he does not get a
chance to focus on it*

*cc Strauss
+ file
INPPC*

SENDER'S NAME
EXPEDITEUR/NOM

Pam

SERVICE & BRANCH
SERVICE ET DIRECTION

FLOOR/ETAGE

TELEPHONE NUMBER

COLLATOR #
NO. D'INTERCLASSEMENT

NUMBER OF SHEETS TO FOLLOW

1

*For my INPPC to
file - to date to
Wam.
No York and may
file on INPPC with
sent your material
Also all new material
that has arrived since
annual meeting.*



Government of Canada
Gouvernement du Canada

*C.C. LHL
FLP
GNC
and file.*

MEMORANDUM

NOTE DE SERVICE

Handwritten signature and initials: FLP

TO
A

PARTICIPANTS OF THE CANADA/U.S.
SALMON NEGOTIATIONS - SEATTLE, WASHINGTON
OCTOBER 14-19, 1981

RECEIVED

OCT 30 1981

FLP

FROM
DE

G. JONES
ADVISOR
INTERGOVERNMENTAL AFFAIRS

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE / NOTRE RÉFÉRENCE
YOUR FILE / VOTRE RÉFÉRENCE
DATE: October 22, 1981
ACC: 160297

SUBJECT
OBJET

Re: Canada/U.S. Salmon Negotiating Session,
October 14-19, 1981

FILE: 25-5-7-2-Salmon
DOSSIER: Salmon

Attached please find a copy of the Agreed Summary Record of our recent October session. The Record outlines the technical work that will be undertaken over the next two months, in preparation for subsequent negotiating sessions.

If you have any queries regarding any of the meetings, their intent, results etc. please don't hesitate to contact me.

G. Jones
G. Jones

RECEIVED

OCT 30 1981

FLP

*FLP
Mr. Shoens
Cd we discuss
the last point
on the Yukon
Salmon*

AGREED SUMMARY RECORD OF DISCUSSIONS BETWEEN

CANADA AND THE UNITED STATES OF AMERICA ON AN AGREEMENT

FOR THE MANAGEMENT AND DEVELOPMENT OF PACIFIC SALMON STOCKS

SEATTLE, WASHINGTON

OCTOBER 14-18, 1981

Delegations of Canada and the United States of America, including Advisors from the fishing industry, Provincial and State Governments, and domestic U.S. Fishery Management agencies, met in Seattle, Washington, October 14-18, 1981 to review the current interim arrangements for stock interception and to continue discussions for a proposed long-term comprehensive agreement of Pacific Salmon stocks of mutual concern. This document records the Negotiators' assessment of the results of the discussions and provides detail on the technical work that is to be jointly undertaken prior to the next negotiating sessions.

With respect to the interim arrangements that were agreed to for 1981, both negotiators feel that to the extent practicable both countries have lived within the spirit of the arrangements. To ensure effective implementation of the arrangements in 1982 and to provide analysis and information for the next negotiating session the negotiators recommend that officials from Canada and the United States meet to:

- 1) Review, by December 7th, the salmon stock expectations for, and the fishing regimes that will apply in the fisheries along northern B.C. Southeast Alaska boundary, specifically the chum fishery throughout the Portland channel area, and

the Canadian troll fishery in District 1.

(Contacts: United States, Steve Pennoyer; Canada, Don Anderson).

2. Chinook and coho stocks: Management authorities will exchange data from the 1981 season by early November. A working group comprised of officials from the management agencies involved will meet in early December to review the data, discuss any technical problems that arise and develop possible options. By December 15, the United States will present specific proposals for the conservation of the chinook stocks. (Contacts: United States, Pete Bergman; Canada, Garnet Jones).
3. Southern British Columbia - Washington: The exchange and review of data on chum, coho, and chinook stocks will follow the same schedule as above and will have the same contacts.
4. Transboundary River stocks: Management authorities of both sides will continue to review information on the 1981 season and beginning in December should develop fishing arrangements for the 1982 season. Continuation of consultations between fishermen's groups of the two countries are encouraged and hopefully will provide helpful advice with respect to the development of detailed plans for the 1982 season and for possible approaches for long-term arrangements for fisheries on the transboundary stocks.

5. Equivalencies: At the earliest date possible the technical specialists of the two sides will exchange the latest information on salmon landings and prices. They further agreed to proceed independently to develop positions on equivalencies by December 15. In developing their positions the two sides will remain in close contact to ensure comparability of approaches.
(Contact: Canada, Sandy Fraser; United States, Fred Johnson).

6. Institutional Arrangements: The United States will forward a draft detailing the institutional arrangements to Canadian officials by the end of October. Officials of both Governments will meet in late November to prepare a joint draft for presentation to the delegations in January.
(Contact: Canada, Mike Hunter; United States, Christine Dawson).

7. Research: Research programs for Southeast Alaska - Northern British Columbia was developed during the October 1981 session. Work necessary to finalize and implement these programs will continue.
(Contact: Canada, Brian Riddle; United States, Bill Robinson).

8. With respect to conservation issues the United States will attempt to develop a definition that more clearly identifies the conservation issue. The United States will attempt to provide a discussion paper on this subject to Canada in advance of the next negotiating session (such paper would not necessarily reflect the final United States position regarding this matter).

9. With respect to arrangements for Yukon River salmon stocks, the two negotiators agreed to ask their respective Governments to clarify their instructions with respect to the forum in which such arrangements would be developed.



Government of Canada
Gouvernement du Canada

L.P.L.
Done 29/10/81
ma file.

Done 29/10/81

H. Strauss

MEMORANDUM

NOTE DE SERVICE

TO
À

PARTICIPANTS OF THE CANADA/U.S.
SALMON NEGOTIATIONS - SEATTLE, WASHINGTON
OCTOBER 14-19, 1981

FROM
DE

G. JONES
ADVISOR
INTERGOVERNMENTAL AFFAIRS

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE / NOTRE RÉFÉRENCE
YOUR FILE / VOTRE RÉFÉRENCE
DATE October 22, 1981

ACC / 60297	DATE
FILE 25-5-7-2 - SALMON	DOSSIER
	DATE

SUBJECT
OBJET

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BICO A-4

CANADA AND THE UNITED STATES OF AMERICA ON AN AGREEMENT
FOR THE MANAGEMENT AND DEVELOPMENT OF PACIFIC SALMON STOCKS

SEATTLE, WASHINGTON

OCTOBER 14-18, 1981

cc Johnston
MacLeod
Kinnear

DEAD
subject to
review by
Shepard &
Associates

Plan
copy to
KMG/W. Wilson
and to [unclear]

ACC	REF	ATL	Handwritten initials
FILE 25-5-7-2-SPAR [unclear]			

Delegations of Canada and the United States of America, including Advisors from the fishing industry, Provincial and State Governments, and domestic U.S. Fishery Management agencies, met in Seattle, Washington, October 14-18, 1981 to review the current interim arrangements for stock interception and to continue discussions for a proposed long-term comprehensive agreement of Pacific Salmon stocks of mutual concern. This document records the Negotiators' assessment of the results of the discussions and provides detail on the technical work that is to be jointly undertaken prior to the next negotiating sessions.

With respect to the interim arrangements that were agreed to for 1981, both negotiators feel that to the extent practicable both countries have lived within the spirit of the arrangements. To ensure effective implementation of the arrangements in 1982 and to provide analysis and information for the next negotiating session the negotiators recommend that officials from Canada and the United States meet to:

- 1) Review, by December 7th, the salmon stock expectations for, and the fishing regimes that will apply in the fisheries along northern B.C. Southeast Alaska boundary, specifically the chum fishery throughout the Portland channel area, and

- the Canadian troll fishery in District 1.
(Contacts: United States, Steve Pennoyer; Canada, Don Anderson).
2. Chinook and coho stocks: Management authorities will exchange data from the 1981 season by early November. A working group comprised of officials from the management agencies involved will meet in early December to review the data; discuss any technical problems that arise and develop possible options. By December 15, the United States will present specific proposals for the conservation of the chinook stocks. (Contacts: United States, Pete Bergman; Canada, Garnet Jones).
3. Southern British Columbia - Washington: The exchange and review of data on chum, coho, and chinook stocks will follow the same schedule as above and will have the same contacts.
4. Transboundary River stocks: Management authorities of both sides will continue to review information on the 1981 season and beginning in December should develop fishing arrangements for the 1982 season. Continuation of consultations between fishermen's groups of the two countries are encouraged and hopefully will provide helpful advice with respect to the development of detailed plans for the 1982 season and for possible approaches for long-term arrangements for fisheries on the transboundary stocks.

5. Equivalencies: At the earliest date possible the technical specialists of the two sides will exchange the latest information on salmon landings and prices. They further agreed to proceed independently to develop positions on equivalencies by December 15. In developing their positions the two sides will remain in close contact to ensure comparability of approaches.
(Contact: Canada, Sandy Fraser; United States, Fred Johnson).

6. Institutional Arrangements: The United States will forward a draft detailing the institutional arrangements to Canadian officials by the end of October. Officials of both Governments will meet in late November to prepare a joint draft for presentation to the delegations in January.
(Contact: Canada, Mike Hunter; United States, Christine Dawson).

7. Research: Research programs for Southeast Alaska - Northern British Columbia was developed during the October 1981 session. Work necessary to finalize and implement these programs will continue.
(Contact: Canada, Brian Riddle; United States, Bill Robinson).

8. With respect to conservation issues the United States will attempt to develop a definition that more clearly identifies the conservation issue. The United States will attempt to provide a discussion paper on this subject to Canada in advance of the next negotiating session (such paper would not necessarily reflect the final United States position regarding this matter).
9. With respect to arrangements for Yukon River salmon stocks, the two negotiators agreed to ask their respective Governments to clarify their instructions with respect to the forum in which such arrangements would be developed.

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Department of External Affairs

Ministère des Affaires extérieures

Canada

No. FLO-3353

ACC	160620	ALC
FILE	25-5-5-CDA-USA	DOSSIER
	25-5-7-2-SALMON-1	

The Department of External Affairs presents its compliments to the Embassy of the United States of America and has the honour to refer to the Embassy's Aide-Memoire of August 27, 1981.

The Department agrees that both Canada and the United States should exercise restraint in fisheries enforcement in the Dixon Entrance area, and that efforts should be made to resolve any difficulties through bilateral discussions. The Department expresses the hope that through such discussions incidents of the kind experienced this past year will be avoided.

In order to prevent any misunderstanding, the Department takes this opportunity to re-state some elements of the Canadian position in respect of Dixon Entrance, in response to comments made in the Embassy's Aide-Memoire.

It has always been the Canadian position that the A-B Line constitutes the international boundary between Canada and the United States in the Dixon Entrance region. Thus the Department cannot accept either the Embassy's contention that Dixon Entrance waters south of the A-B Line constitute U.S. waters, or the corollary that the United States is free to conduct in these waters such fisheries as it sees fit, including new fisheries. It is also the Canadian position that

any understanding on flag state enforcement in Dixon Entrance includes, as an integral, necessary and logical element, the requirement that there be no change in fishing patterns in this region. It is this combination that constitutes the regime accepted by both Canada and the United States in the exchange of Notes of June 2, 1978 and provides the basis for maintaining a positive climate in the fisheries relationship in the region of the British Columbia-Alaska boundary and for the negotiation of a Pacific salmon agreement.

The Department expresses the hope that Canadian and U.S. officials will be able to reach, in the coming months, an accommodation on the issues which have arisen in Dixon Entrance. To this end the Department is prepared to host discussions between Canadian and U.S. officials in November of this year.

The Department of External Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

OTTAWA, October 21, 1981.

ACTION
SUITE A DONNER

MESSAGE

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FM/DE	PLACE	DEPARTMENT	ORIG. NO.	DATE	FILE/POSITION	SECURITY
	LIEU	MINISTÈRE	N ^O D'ORIG.		35-11-12	SÉCURITÉ
	SHATL	UAAG	5922	02OCT81		U/C

TO/A EXTOTT/FLO *310005/02*

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INFO B.H. PANDOTT/HUNTER DE OTT

REGAM FANDO VNCVR/JONES DE SEA

[Signature]

DISTR. CNG

REF OURTEL UAGR 5741 OF 05AUG81

SUBJECT ---PACIFIC SALMON NEGOTIATIONS

25-5-7-2-SALMON-1

ATTACHED AS BACKGROUND IS A COPY OF AN ARTICLE FROM THE SEATTLE POST-
INTELLIGENCER OCTOBER 2, 1981 CONCERNING/US FEDERAL FINANCIAL SUPPORT FOR
COLUMBIA RIVER HATCHERIES AND THE POSSIBLE NEGATIVE IMPACT THIS MAY HAVE
ON THE PACIFIC SALMON NEGOTIATIONS.

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

See 004

SEATTLE P-I

OCT 2 1981

Salmon hatcheries funding cuts could tangle up treaty

By Bruce Sherman
P-I Reporter

A plan by the Reagan administration to cut off funding for Columbia River salmon hatcheries would have a "tremendous" impact on Washington fishermen and could throw a pending U.S.-Canada fisheries treaty on the rocks, officials said yesterday.

Bill Wilkerson, deputy director of the Washington Department of Fisheries said the move would close six Columbia hatcheries operated by the state with \$1.8 million in federal funds. They produce 29 million coho and chinook salmon annually, which translates into about 1 million harvestable adult fish for Washington sport and commercial fishermen.

And Dayton L. Alverson, chief U.S. negotiator on a fisheries treaty with Canada that has been in the works for about two decades, said he

was so concerned about the cuts that he is writing to President Reagan.

"It may mean the end of my career as a negotiator," said Alverson, pointing out that numerous Columbia River fish migrate across international boundaries and play an important part in the treaty negotiations.

In addition to the Washington hatcheries, there are a number on the Oregon side of the river which would be shut down without the funds, and a total of 24 federally funded hatcheries in the region.

Impact on hatcheries

Word of the administration's plans — part of Reagan's second wave of budget cuts, came to the state fisheries agency through Washington's congressional delegation.

Wilkerson said he had been informed only of cuts in the Columbia programs, but further cuts could have

an impact on hatcheries the state runs which feed fish into Puget Sound and Ocean streams.

He said the Fisheries Department is working with the state's congressional delegation "on a daily basis" in fight the cuts. Legal action also is being considered, he said, because the federal hatchery funds are intended to mitigate the loss of fish caused by federal hydroelectric projects.

Alverson said migratory fish have been a "very large area of grievance" between the United States and Canada and added: "There is a lot more at stake, in my view, in terms of effort to bring the two countries together than there is in dollars for the hatcheries."

The nearly sealed treaty, he said, depends on balancing the harvest of the two countries, and optimal fish production by each country is an important part of it.

October 19, 1981

→ RW

DRAFT NOTE

The Department of External Affairs presents its compliments to the Embassy of the United States of America and has the honour to refer to the Embassy's Aide-Memoire of August 27, 1981.

25-5-7-2-SALMON-1

The Department agrees that both ~~Canada and the~~ United States should exercise restraint in fisheries enforcement in the Dixon Entrance area, and that efforts should be made to resolve any difficulties through bilateral discussions. The Department expresses the hope that through such discussions incidents of the kind experienced this past year will be avoided.

In order to prevent any misunderstanding, the Department takes this opportunity to re-state some elements of the Canadian position in respect of Dixon Entrance, in response to comments made in the Embassy's Aide-Memoire.

It has always been the Canadian position that the A-B Line constitutes the international boundary between Canada and the United States in the Dixon Entrance region. Thus the Department cannot accept either the Embassy's contention that Dixon Entrance waters south of the A-B Line constitute U.S. waters, or the corollary that the United States is free to conduct in these waters such fisheries as it sees fit, including new fisheries. It is also the Canadian position that any understanding on flag state enforcement in Dixon Entrance includes, as an integral, necessary and logical element, the requirement that there be no change in the fishing

- 2 -

patterns in this ^{REGION.} ~~area~~. [It is this combination that constitutes the regime accepted by both Canada and the United States in the exchange of Notes of June 2, 1978 and provides the basis for maintaining a positive climate in the fisheries relationship in the region of the British Columbia-Alaska boundary and for the negotiation of a Pacific salmon agreement.]

The Department expresses the hope that Canadian and U.S. officials will be able to reach, in the coming months, an accommodation on the issues which have arisen in ~~the~~ Dixon Entrance. To this end the Department is prepared to host discussions between Canadian and U.S. officials in November of this year.

The Department of External Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

October 19/81

DRAFT NOTE

The Department of External Affairs presents its compliments to the Embassy of the United States of America and has the honour to refer to the Embassy's Aide-Memoire of August 27, 1981.

~~The Department shares the concern of the Embassy that the present positive climate for the negotiation of a Pacific salmon agreement should be maintained.~~ *PP The Department*

agrees that both Canada and the United States should exercise restraint in the ^{fishery} ~~salmon fishery~~ ^{on the Pacific coast} and that all ^{EFFORTS SHOULD BE MADE TO SOLVE ANY} difficulties with respect to the prosecution ~~of this fishery should be resolved~~ through bilateral discussions. The Department expresses the hope that through such discussions incidents of the kind experienced this past year will be avoided.

In order to prevent any misunderstanding the Department takes this opportunity to re-state some elements of the Canadian position in respect of Dixon Entrance, in response to comments made in the Embassy's Aide-Memoire. *PP* It has always been the Canadian position that the A-B Line constitutes the international boundary between Canada and the United States in the Dixon Entrance region. Thus the Department cannot accept either the Embassy's contention that Dixon Entrance waters south of the A-B Line constitute U.S.

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waters, or the corollary that the United States ~~can initiate~~
~~CONDUCT SUCH FISHERIES AS IT DEES FIT INCLUDING~~
new fisheries, in these waters. It is also the Canadian posi-
tion that ~~there is~~ an integral, necessary and logical ~~relationship~~ ^{ANY UNDERSTANDING ON FLAG STATE ENFORCEMENT IN BOUNDARY} ~~that~~
~~relationship between the principle that no new fisheries~~ ^{REQUIREMENT THAT}
~~shall be established in this area, and the principle of flag~~
~~state enforcement.~~ It is the ~~combination of these principles~~

INCLUDES AS AN

that constitutes the regime accepted by both Canada and the
United States in the exchange of Notes of June 2, 1978
and provides the basis for maintaining a positive climate
in the fisheries relationship in the region of the British
Columbia-Alaska boundary, and for the negotiation of
a Pacific Salmon agreement.

~~The Department is of the view that current~~
~~differences should not be allowed to impede the development~~
~~of practical measures on the Pacific coast to the benefit~~
~~of both Canadian and U.S. fishermen.~~ The Department
~~therefore~~ expresses the hope that Canadian and U.S. officials
will be able to reach ^{in the coming months} an accommodation on these ^{issues} ~~in~~
~~the coming months.~~ ^{have arisen in the coming months} To this end the Department is prepared
to host discussions between Canadian and U.S. officials on
these issues in November of this year.

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The Department of External Affairs avails itself
of this opportunity to renew to the Embassy of the United
States of America the assurances of its highest consideration.

*Strauss's draft
As amended by
Legault
Comments*

*Myself, I'm
not sure we should
be proposing
talks -
maybe
the U.S.
will just
drop the
matter.*

DRAFT NOTE

The Department of External Affairs presents its compliments to the Embassy of the United States of America and has the honour to refer to the Embassy's Aide-Memoire of August 27, 1981.

The Department shares the concern of the Embassy that the present positive climate for the negotiation of a Pacific salmon agreement should be maintained. It also agrees that both Canada and the USA should exercise restraint in the salmon fishery on the Pacific coast and that all difficulties with respect to the execution of such fishery should be resolved through bilateral discussions. The Department expresses the hope that through such discussions incidents of the kind experienced this past year will be avoided.

The Department takes this opportunity to restate some elements of the Canadian position in respect of the Dixon Entrance in response to comments made in the Embassy's Aide-Memoire.

First, it ^{has always been} is the Canadian position that the "A-B Line" constitutes the international boundary between Canada and the USA in the Dixon Entrance region. Thus the Department ^{cannot accept either} ~~rejects~~ the Embassy's contention that

.../2

Dixon Entrance waters south of the "A-B line" constitute U.S. waters, ^{or} as well as the corollary that the U.S.A. can initiate new fisheries in these waters.

Secondly, it is the Canadian position that ~~the Canada-USA fisheries relationship in the area of the~~

~~British Columbia-Alaska boundary is based on a regime incorporating both the principle of not establishing any new fisheries and the principle of flag state enforcement.~~ *there is an integral, necessary and logical relationship between the principles that no new fisheries shall be established in this area,*

~~The Department considers that there is an integral and necessarily logical relationship between these two~~

It is the combination of these principles that constitutes the ~~principles as part of an agreed regime which was accepted~~

by both Canada and the U.S.A. in the exchange of notes of

June 2, 1978, *and that provides the basis for maintaining a positive climate in the fisheries relationship in the*

The Department is of the view that current differences should not be allowed to impede the development of ^{practical} ~~pragmatic~~ measures on the Pacific coast to the benefit of both Canadian and U.S. fishermen. The Department, therefore, expresses the hope that Canadian and U.S. officials will be able to reach an accommodation on these issues in the coming months. To this end the Department is prepared to host discussions between Canadian ^{and} ~~and~~ the U.S. officials to discuss these issues ⁱⁿ ~~during~~ November of this year.

The Department of External Affairs...(etc.).

copy of the B.C. - Alaska boundary



October 08, 1981

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25-5-7-2-Salmon-1

Discussion Paper
Document de travail

Canada/USA Pacific Salmon Arrangement

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 consider the allocation of resources to complete Canada's commitment to the interim US/Canada salmon interceptions arrangement and to proceed to development of a long-term agreement of salmon interceptions.

BACKGROUND

2. A paper was presented to Cabinet in April 1981 which sought the financial and manpower resources required to carry out the work program necessary to meet Canadian obligations with respect to a proposed convention ~~between Canada and the United States~~ regarding management and development of the Pacific Salmon Resource. The paper also sought guidance and instructions with regard to the negotiation of the proposed Convention. Much of the background information and factors discussed in the earlier paper is still relevant and can be referred to for factual information regarding such items as:
 - (1) history of the negotiations;
 - (2) the fish stocks;
 - (3) management problems and compromises resulting from lack of an agreement;
 - (4) value of the fishery;
 - (5) relationship of an agreement to Salmonid Enhancement;
 - (6) general information regarding the complexity of the Pacific salmon fishery.
3. The most recent negotiating session was held in Vancouver from April 27 to May 2, 1981 and ended without any of the long standing issues being resolved. One of the main reasons for the dissolution of the negotiating session was the continuing dispute over statistics including interception rates. This outstanding issue continues to provide a road block to settling a comprehensive long term agreement.
4. The Cabinet Memorandum in April sought funds (\$59M) and manpower to carry out a long term management and development plan for the Pacific salmon fishery. This document will discuss and will temporarily abandon the long term management plan in favour of funds (\$2M) to provide biological data which will allow negotiations to proceed beyond one major stumbling block - the provision of adequate biological data in certain key discussions areas, namely Northern British Columbia and Southern South East Alaska.

FACTORS

5. In technical meetings of officials that followed the May negotiating session, in Juneau Alaska on May 11 to 13 and in Vancouver on May 18 to 20, a number of new options for solutions of the outstanding issues were developed, which were subsequently discussed with industry groups within each country.
6. Following these technical sessions the Canadian and U.S. negotiators:
 - (a) Strongly reaffirmed their belief that a long term agreement for cooperative management and development of the Pacific salmon resource is urgently required to ensure adequate conservation, enhancement and optimum utilization of the stocks and that the fishing communities on both sides are deeply committed to reaching an accord.

- (b) Agreed that the technical clarification achieved during the May negotiations had been sufficient to warrant further attempts to reach a comprehensive agreement and therefore recommended that formal negotiations toward a long term agreement be resumed in the autumn of 1981.
- (c) Reaffirmed their agreement (with respect to a comprehensive agreement) on the principles for cooperative management and development and on the approaches to implementation of these principles as outlined in the record of the October, 1980 negotiating session held in Lynnwood, Washington, (Annex III ^{March} 1981 Cabinet Submission).
- (d) Indicated that due to the complex and time consuming technical exercise of negotiating a comprehensive agreement, coupled with the present inadequacy of the data base that approximately one year of consultation and negotiations would be required to develop formal arrangements that would ensure full and effective implementation of the principles to which both sides now subscribe. Such an agreement therefore could not come into force until 1983.
- (e) Recommended that the two governments enter into an interim arrangement with respect to the conduct of the Pacific Salmon fisheries of the two countries for the remainder of the 1981 fishing season and throughout 1982. The elements of the interim arrangement agreed to and implemented by Canada and the USA are outlined in the following paragraph.
- (f) ~~Recommended~~ that, with a target date for completion by May 31, 1982, technical consultations and formal negotiations be conducted to develop a comprehensive long-term agreement regarding the management and development of Pacific Salmon stocks of mutual concern; such negotiations to be based on the principles and to take into account the general approaches to implementation outlined in the record of the negotiating session held in Lynnwood, Washington in October 1980.
7. On the basis of the negotiators recommendations for 1981/82 an interim arrangement that included the following elements was implemented:
- i) During 1981 and 1982, interception in the United States fishery in Alaska District 104 (i.e. Noyes Island) would be limited by adjusting fishing effort in a manner which would result in an average annual harvest of sockeye totalling approximately 160,000 fish.
 - ii) All other fisheries in Alaska would be conducted in a manner pursuant to the understandings recorded in the record of the October 1980 Lynnwood meeting.
 - iii) In 1981, with respect to fisheries on stocks bound for Canadian sections of the Taku River, the two sides would establish escapement target for each species. Canadian authorities would regulate the fisheries under their jurisdiction to ensure that the percentage of the allowable catch for each

species taken by Canadian fishermen in 1981 would be somewhat less than the percentages of the catch of each species taken in 1979. United States authorities would regulate fisheries under their jurisdiction to allow sufficient salmon to enter the river to provide for required spawning escapements and the Canadian entitlement.

- iv) In both 1981 and 1982, Canadian authorities would limit the catch by Canadian fishermen on the Stikine River in the same manner as for the Taku River in 1981, subject, however, to conservation adjustments that may be agreed upon through consultations between the two sides. United States authorities would regulate fisheries under their jurisdiction to allow sufficient salmon to enter the river to provide for required spawning escapements and the Canadian entitlement.
- v) With respect to Fraser sockeye and pink salmon, the IPSFC regime would continue to apply in 1981 and 1982.
- vi) All other Canadian intercepting fisheries and all United States intercepting fisheries in Washington, Oregon and California would be conducted in conformity with the general interception limitation scheme under discussion in the negotiations (i.e. limited to 1971 - 74 base levels).

8. As part of the Interim Arrangement on salmon interceptions both Canada and the U.S.A. agreed to adjustments in some key fisheries. In 1981 these adjustments have resulted in numerous benefits to Canadians with relatively fewer costs, as the following evaluation of benefits and costs indicates:

The benefits include:

- a) Curtailment of U.S. fishing at Noyes Island and Cape Fox (Alaska) has provided for a much higher catch of sockeye by Canadian fishermen on the approaches to the Nass and Skeena Rivers.

	<u>Area 3 (Nass)</u>	<u>Area 4 (Skeena)</u>	<u>Noyes Island</u>
1980	150,000	300,000	410,000
1981	380,000	1,375,000	230,000

- b) Looking at past years' exploitation rates of Skeena Sockeye at Noyes Island it is likely the U.S. fishermen would have caught approximately 750,000 sockeye. (an additional take of 500,000) if effort had not been curtailed. It should be noted that 1981 was an exceptional year and an unusually large population of sockeye existed.
- c) Curtailment of the U.S. fishing at Cape Fox increased both the Canadian catch and Nass River escapements. The 1981 catches have been classed as above average with good escapements. Without the U.S. curtailment, Canadian escapement would likely have been average, with little or no fishery.

- d) Curtailment of U.S. fishing activities on the approaches to the Stikine River resulted in the highest sockeye escapement on record and virtually all the fish the Canadian fishermen could handle (35,500 pieces).
 - e) Curtailment of U.S. fishing activities on the approaches to the Taku River provided for a modest Canadian catch of 30,500 pieces (all species) and adequate escapement.
9. The cost to Canadian fishermen included:
- a) During the later stages of the pink salmon run Canadian troll effort in the northern portion of Area 1 and net effort in Area 3 were curtailed. This curtailment reduced the Canadian take of American pinks by approximately 400,000 pieces.
 - b) On the Taku River there were limited restrictions placed on Canadian fishermen. These limited restrictions, although reducing catches, did provide for escapement needs.
10. Benefits that can indirectly be attributed to the interim arrangement because of better working relationships with the U.S.A. include:
- a) Reduction of the Alaskan Troll fishery by 15%, a reduction which will assist Canadian chinook escapements as well as re-allocating some fish from American to Canada fishermen. It is estimated that the reduction has contributed 30,000 chinook to Canadian fishermen and 12,000 chinook to the spawning grounds.
 - b) Elimination of the U.S. directed Fraser River chinook fisheries and reduction of incidental chinook catches in U.S. fishing areas adjacent to Canada, especially at Point Roberts.
 - c) For the first time it has allowed Canada to implement conservation measures in the west coast troll fishery and obtain the benefits both in terms of assisting Canadian stocks directly and receiving reciprocal action from the U.S.A. on Canadian stocks elsewhere.
 - d) The interim arrangement has assisted in rationalizing our approach to the fall chum and coho fisheries on the approaches to the Fraser River. The U.S.A. has agreed to assist in conservation measures as necessary to provide for escapement.
- ? 11. The interim arrangement entered into by the Governments also included agreement in principle to a number of elements to be implemented in 1982 which included:
- i) In 1982, the troll salmon fishery in B.C. Statistical Area 1 and in salmon fisheries by all gear in B.C. Statistical sub-areas 3X, 3Y, 5-1 and the western portion of Sub-area 3Z shall be regulated in a manner which would limit the aggregate catch of pink salmon to approximately 1.49 million fish. The portion of this aggregate total taken in the troll fishery in Area 1 shall be limited to the approximate level taken in even numbered years during 1971-74

- ii) In 1982, the percentages of the total allowable catch by species taken by Canadian fishermen in the Taku River shall be reduced to approximately 15% of the 1979 levels.
 - iii) In 1982, in the event of migratory diversion of sockeye through Johnstone Strait, Canada shall exert restraint in its fisheries outside the Fraser River Convention Area taking into account proposed future sharing arrangements for Fraser River sockeye salmon under discussion in the negotiations.
 - iv) In 1982, the two governments shall conduct a large scale tagging program in the southern Southeast Alaska - Northern British Columbia area and other programs as may be agreed in order to provide improved information on the composition of the runs in intercepting fishing areas.
12. A spirit of cooperation has developed during the 1981 phase of the interim arrangement. Commitment to the tagging program would give the industry representatives in each country confidence that governments are committed to a comprehensive long term agreement. The support of these industry representatives is crucial to the negotiation of such an agreement.
 13. The costs to government to implement Canada's tagging program commitment under the interim arrangement is \$2,010,000 (detailed under financial considerations).
 14. The \$2,010,000 request is a minimum financial requirement and is a portion of the \$59M request submitted in Cabinet Memorandum of April 15, 1981. The remainder of the original request will be submitted as the Department, through a comprehensive agreement, strives to achieve maximum long term benefits with implementation of full research and monitoring programs as part of a comprehensive management plan.
 15. Two approaches are being followed in Washington D.C. to attain funds for the U.S. portion of the biological studies.
 - a) a supplementary request to the NMFS '82 budget has been submitted
 - b) a Congressional Sub-Committee has already addressed the possibility of an "add-on" to the previously approved NOAA/NMFS appropriation for 1982.

ALTERNATIVES

16. There are two possible alternatives respecting the request for funds to carry out the biological program set out as an element of the interim salmon interceptions arrangement. x
 - a) Provision of funds to allow biological programs to be carried out in northern British Columbia and southern South-east Alaska as set out in the interim salmon arrangement.

Advantages:

The biological program will provide much needed information on salmon interceptions. The information is required to enable development of an accounting system to measure levels of interceptions. Interceptions in

the boundary area have been a major issue to date that has kept both sides apart at the negotiating table. Approval of funds for the biological program will start the process of yielding credibility to the data used in negotiations.

An indication of commitment to all aspects of the interim arrangements will set the atmosphere for upcoming comprehensive negotiations.

Even if the USA does not come forward with funds for tagging the information gained in the proposed biological studies will greatly enhance the Canadian negotiating position.

Disadvantages:

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

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

Advantages:

Does not require a commitment of resources as outlined.

Disadvantages:

Data presently available has been questioned due to the inadequacy of the data base. The question arises as to the merit of proceeding with further negotiations when the data base, which caused the breakdown in negotiations in ^{May}May, is suspect.

Interception problems, which are resulting in steady declines in natural production, would continue and probably worsen.

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

Canada's credibility both to our fishermen and the US would be seriously reduced affecting the future long term agreement.

FINANCIAL CONSIDERATIONS

- ? 17. Under the terms of the Interim (two year) U.S./Canadian Salmon Arrangement the two parties have agreed to carry out various investigations to ensure that the implementation of the principles of a long-term agreement are fulfilled in a timely manner. To this end one element of the interim arrangement states: "in 1982, the two governments shall conduct a large scale tagging program in the southern southeast Alaska and northern British Columbia area and other programs as may be agreed in order to provide improved information on the composition of the runs in intercepting fishing areas".
18. In the major intercepting fisheries it is intended that the biological research studies should be designed to provide as much information as possible on stock compositions including: population estimates, estimate of escapements, timing, migration routes, etc. In order to obtain this information three types of studies will be required:

- 1) Adult tagging and recovery programs
- 2) Electrophoresis
- 3) Scale identification

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

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

20. The above programs have been previously identified in the 10 year cost projection for the U.S./Canada Salmon agreement, as submitted to Cabinet in late March. When submitted in the March document the cost of related biological programs totaled 2.825 million; however as the area of concern is somewhat more restricted in 1982 the total dollar requirement is smaller.

21. The need for a project co-ordinator has been identified and is the only person year required in the request. All other personnel requirements can be covered by contract and existing personnel. With the increasing amount of workload for specific project co-ordination and negotiating position analysis a "co-ordinating position" is required to work out of the International Directorate Office in the DFO Pacific Region.

PUBLIC INFORMATION CONSIDERATIONS

22. Throughout the course of the negotiations over the last 15 years, the various interest groups (16 in total), through their representatives, have actively participated in developing negotiating positions and

strategies. The representatives in turn have reported back to their member organizations to keep them apprised of developments. This in itself provides coverage of a significant portion of the "public" as there is representation at negotiating sessions from all segments of the public that will be directly affected by an agreement.

- Kevin*
23. Following completion of the next round of negotiations, assuming considerable progress is made, an expanded public information program would be required. This program would be accomplished through present communication channels like D.F.O.'s "Fishermen's Newsletter", open line radio and television programs and Departmental representation at public and special interest group meetings.

FEDERAL/PROVINCIAL CONSIDERATIONS

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

INTERDEPARTMENTAL CONSIDERATIONS

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

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

RECAPITULATION

26. There is an urgent need to develop a comprehensive agreement with the USA that will create a formal structure within which co-operation in the management, development and research of salmon stocks can be carried out.
27. Negotiations have been ongoing for several years, with considerable progress being achieved in recent discussions. It now appears that a framework comprehensive agreement is within our grasp, as both parties are determined to address mutual conservation and management problems as outlined in the interim agreement.
28. Considerable biological research and assessment work will be required in order to make the proposed agreement operative. The lack of up-to-date biological information has been a continuing road block in recent negotiating sessions.

29. A number of important Canadian salmon fisheries cannot be regulated adequately without cooperation with the USA, and full benefits cannot be achieved from Canadian enhancement activities without catch-sharing arrangements with the USA. For these reasons, conclusion of a satisfactory agreement with the USA is essential to ensuring the full success of both the Canadian Pacific Salmon Management Program and the Salmonid Enhancement Program.
30. The present interim arrangements have allowed Canada to implement conservation measures on the West Coast and obtain benefits both in terms of assisting Canadian stocks directly and receiving reciprocal actions from the U.S. or Canadian stocks elsewhere.

The request for \$2,010,000 will not only initiate the process to provide current data on levels of interceptions and other biological data but also satisfy Canadian advisors and illustrate Canada's commitment to a comprehensive long term agreement.



MEMORANDUM

NOTE DE SERVICE

TO / À

FILE

FROM / DE

J. Swan
International Directorate

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE / NOTRE RÉFÉRENCE 25-5-7-2-SALMON-1
YOUR FILE / VOTRE RÉFÉRENCE
DATE September 29, 1981

SUBJECT / OBJET Pacific Salmon Meeting, Shepard and DFO Officials, Vancouver, 15-16 September 1981

The purpose of the meeting was to review the fishing season in terms of the interim agreement and to plan for the October negotiations with the USA. In addition to the technical information on the 1981 landings, the principal issues discussed are as follows:

1. Interim Agreement

(a) Other Meetings:

Shepard reported on his meeting with Alverson in August, and noted that a Canada-USA technical meeting on the tagging program is scheduled in Ketchikan on 22 September.

(b) Broad Issues Arising from Catch Statistics:

(i) Catch statistics were reviewed in terms of the interim agreement. The issue of the U.S. sockeye catch off Noyes Island was raised, since the U.S. took 232,317 sockeye although the interim agreement provides for a maximum catch of 160,000. (The U.S. had, however, cut the allowable fishing time in half.) Shepard noted he would approach this issue in October in the "spirit" of the interim agreement - i.e. to keep the lid on the fishery while a long term agreement was being negotiated - and ask the U.S. to adjust next year so that an average of 160,000 sockeye will be taken over two years.

(ii) In terms of Canadian performance generally, since our net fisheries did well this year but the trollers' catch dropped off, Shepard anticipates the U.S. will say that the troll restriction is too difficult, and intends to take the position that we will exceed limits in the troll fishery but cut back in pinks in 1982.

(c) Tagging Program:

Kowal and Swan will work on prioritizing the tagging program in order to receive the \$2.3 million required.

(d) Presentations:

Designated regional officials will produce flip-charts to present 1981 Canadian and U.S. landings to Canadian advisors and the U.S. government.

2. Equity

Shepard intends to raise the equity issue for definition before discussing the Fraser, since he wants to tie U.S. long term presence in the Fraser to equity sharing. To this end, Sandy Fraser distributed statistics on prices (landed and whole-sale), which Shepard intends to review for use in October. He rejected the suggestion that different approaches to the equity question should be developed and favoured talking numbers with Alverson at this stage.

3. Definition of Conservation

Brian Riddell will work out an appropriate definition, taking into account economic factors. Shepard noted that the definition should "trigger proportionality action".

4. Transboundary Rivers

Shepard noted the need for more specificity, and particularly noted that:

- (a) the USA will have to accept that the Yukon must be part of the agreement and;
- (b) the "real problem" will be the USA future on the Fraser.

5. New Theory in Relation to Base Years

Shepard drew attention to a new theory equating six-year warming trends to high diversions in Johnstone Strait. He noted that if we are now at the peak of the warming period, then 1971-74 would represent the trough, and adjustments may have to be made in the base years to reflect the middle of the period.

6. Long Term Agreement

The issues relating to the long term agreement will not be dealt with in October. Shepard summarized his view of the LTA as follows:

- (a) for the first three years, intercepting will be limited to 1971-74 levels or otherwise as may be agreed subject to reduction where conservation is necessary;

- 3 -

- (b) during the first two years the Commission will consider plans and make recommendations for cooperation to increase stocks and improve conservation and bring about adjustments to achieve equity;
- (c) in the third year the Government will consider proposals and the program will begin in the fourth year;
- (d) the exceptions to 1971-74 base period catch involving transboundary panhandle rivers are:
 - (i) for transboundary panhandle rivers: Stikine: 1979 catch proportion - Taku: 15% of 1979 catch;
 - (ii) Northern Canadian pinks for even years will start with 1.4 million quota and add according to U.S. transboundary catch;
 - (iii) the Taku will phase in to reach 1979 levels in 1983;
 - (iv) we will propose maintaining a percentage share for the Stikine, which will have the effect of increasing the catch;
 - (v) an immediate move to reduce interceptions should be made in northern B.C. and southeast Alaska fisheries.



J. Swan

c.c. M. Hunter
D. Kowal
R. Roberts
M. Goldberg
H. Strauss ✓
G. Jones

FLO/H. Strauss/6-2643/dg

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

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TO
À FILE

FROM
De FLO/H. Strauss

REFERENCE
Référence

SUBJECT
Sujet Pacific Salmon Negotiations

SECURITY
Sécurité CONFIDENTIAL

DATE September 22, 1981

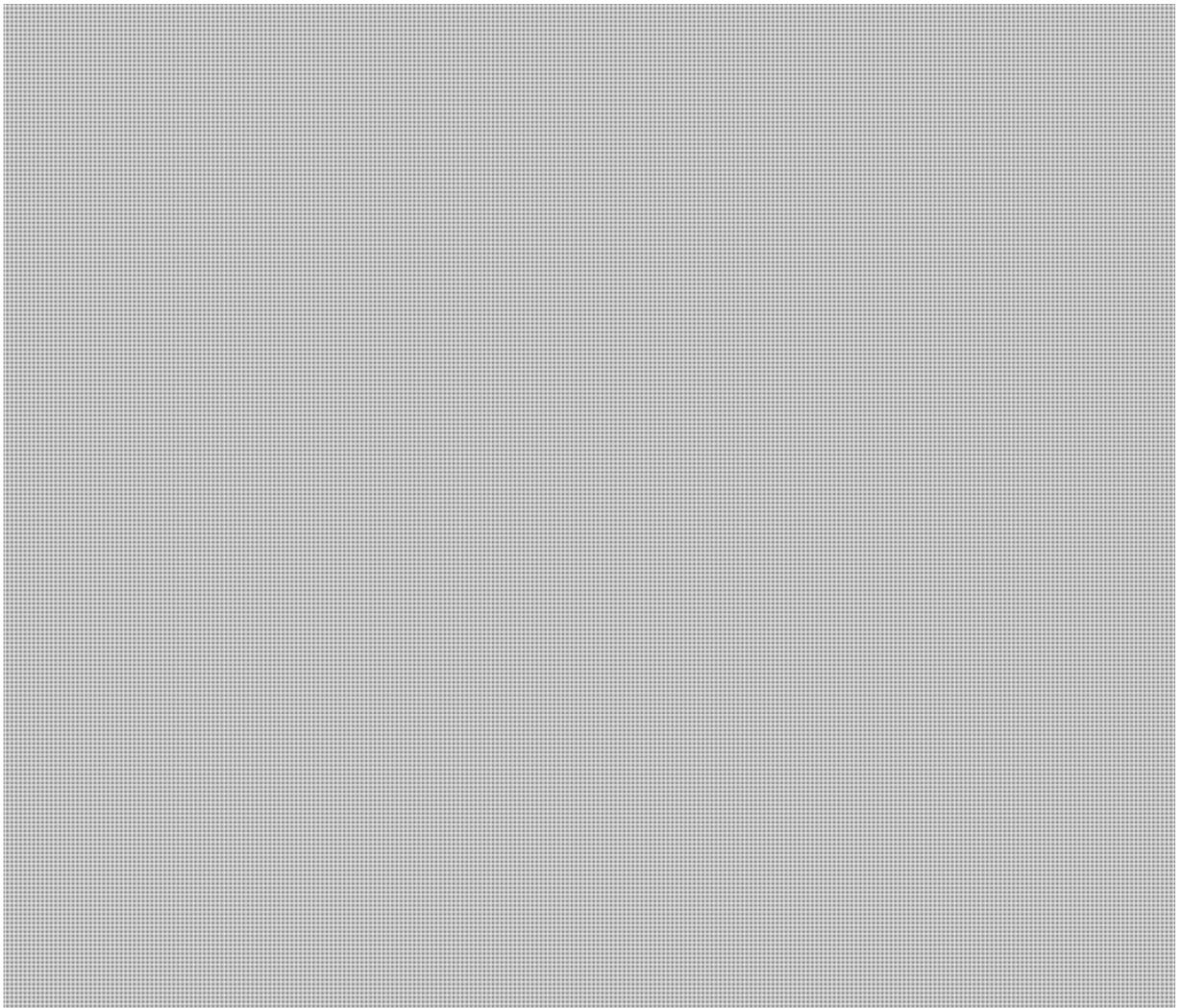
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055-7-2-SALMON-1	
MISSION	

ENCLOSURES
Annexes

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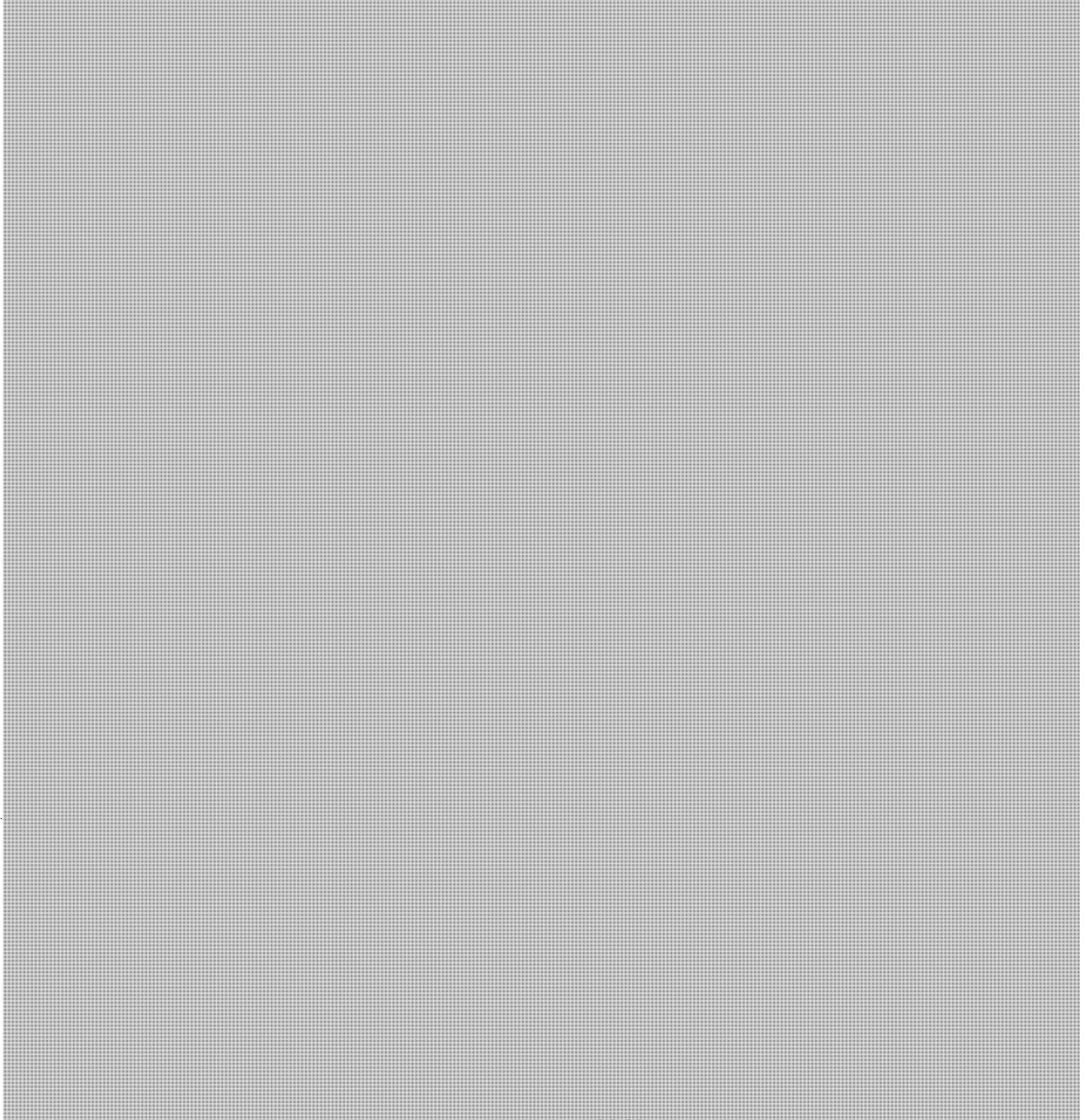


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- 2 -

CONFIDENTIAL



A handwritten signature in black ink, appearing to be 'H. Strauss', is written over the bottom edge of the redacted area.

H. Strauss

MEMORANDUM

NOTE DE SERVICE

TO
A

DISTRIBUTION LIST

FROM
DE

G. JONES

SUBJECT
OBJET

RE: THE U.S./CANADA SALMON PLANNING SESSION SEPT. 15 AND 16TH

021893		SEP 25 1981		SECURITY CLASSIFICATION DE SECURITE	
FILE NUMBER		DATE		OUR FILE / NOTRE REFERENCE	
25-5-7-2-SALMON-1		September 18th, 1981		YOUR FILE / VOTRE REFERENCE	

Handwritten notes:
 - Top right: *Strandberg*
 - Middle right: *Ms cc Swan Kowal*
 - Bottom right: *Goldberg M.H. & PA file*

Further to the above mentioned meeting this note will serve as a reminder to those individuals, that have been asked to prepare information for the next round of negotiations in October. In addition to the assignments I would ask that you consider the positions that were put on the table by Mike Shepard and be prepared to discuss them along with the possible alternatives at our session in Seattle in October.

Presentation to Canadian advisors and U.S. government on the results of 1981 fishing activities.

- 1) Transboundary rivers and U.S. fisheries off the Stikine and Taku - Sandy Johnston
- 2) The Fraser River especially the chinook situation - Fred Fraser
- 3) Northern B.C. and southeast Alaska - Don Anderson
- 4) The Alaska and Canadian Troll fisheries - Ken Petrie
- 5) Johnston Straits - Al Gould

Don Kowal and Judy Swan are to start a strong push for 1982 research funds as a commitment is required now if we are to be prepared for next year.

Brian Riddell is to work on an acceptable definition of "conservation". In developing an appropriate definition the following points should be considered:

- 1) escapement targets that provide optimum yields over a long term.
- 2) yearly escapement targets and catches by each country proportionate to the base year.

G. Jones to review diversion rate problem and how it affects the Canadian position now on the table, with a view to developing a "rider clause" that will protect our interests.

...2/...

Page Two

Memorandum from G. Jones

Re: The U.S./Canada Salmon Planning Session Sept. 15 and 16th

Sandy Fraser is to match the various price series that he has developed with the differences in interceptions by category, in order to get a rough idea of the value and balance of interceptions.

The following is our position that is to be considered for proposal at the next round. It is very similiar to that included in the Lynwood Agreement.

Two phases to the agreement are:

- 1st phase, one to three years - the 1971 to 74 levels of catch will apply, or as may be agreed to, subject to reductions when conservation needs may dictate otherwise.
- In the first two years of the agreement the commission will recommend to the parties a long term program of cooperative management and enhancement and a program of fisheries adjustments in order to bring about an equitable balance in interception.

The two parties will consider the proposals in the third year and begin implementation of same in the fourth year.

Exceptions to 71 and 74 base period catch

- 1) Transboundary panhandle rivers - 1979 percentage catch to apply on the Stikine and 15% on the Taku for 1982.
- 2) Northern Canadian Pink fisheries (even years) will start with 1.4 million quota and add (x) on the basis of transboundary production that is being harvested by U.S. fishermen.
- 3) Taku to phase back to 1979 levels in 1983.
- 4) An immediate move to reduce interceptions will be made in northern B.C. and southeast Alaska fisheries.

Reflecting on the Sept. 15 and 16 meeting I would like to thank you for your participation. This was the first meeting in which the field staff on a broad basis were considering the agreement and how it would affect their area of responsibilities, and the problems it may create administratively. This is the kind of dialogue that is necessary if we are to "ferret out" the concerns of fishermen and staff alike. I trust this involvement will continue in Seattle.

c.c. C.W. Shinnors
D. Wilson
E. Kramer

