HCR

38

(9)

HOUSE COMMITTEE REPORT

Date referred: 1/27/88 FURTHER REFERRALS:

DATE: 2-9-88

The Resources Committee has considered HCR 38

Requesting the Pacific Salmon Commission to increase Alaska's chinook salmon quota.

RECOMMENDS:

[X] replace with CS HCR 38 (Res) [X] the same title
[ ] attached amendment(s) [ ] a new title

[X] do pass
[ ] do not pass
[ ] no recommendation
[ ] individual recommendations
[ ] additional referral to the ______ Committee

ADOPTS: [ ] ______ letter of intent

ATTACHES NEW FISCAL NOTE(s):

[ ] fiscal impact
[X] zero fiscal note
[ ] zero with analysis
[ ] same as previous fiscal note published ______
[ ] same as previous zero fiscal note published ______

SIGNING DO PASS:

[signature]
Adelheid Herrmann
[signature]
Cliff Davidson
[signature]
[signature]
Mike [signature]

SIGNING OTHER RECOMMENDATIONS:

[signature]
Chairman's signature

Original sponsors: Sund, Grussendorf, Goll, et al.

IN THE HOUSE BY THE RESOURCES COMMITTEE

CS FOR HOUSE CONCURRENT RESOLUTION NO. 38 (Resources)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - SECOND SESSION

Requesting the Pacific Salmon Commission to increase Alaska's chinook salmon quota.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the abundance of chinook salmon in southeast Alaska waters has significantly exceeded the population-rebuilding projections of the United States-Canada Salmon Treaty; and

WHEREAS the southeast Alaska chinook salmon quota is based on these 1984 projections, which do not reflect the current abundance of chinook salmon; and

WHEREAS southeast Alaska has suffered substantial economic losses under treaty harvest quotas; and

WHEREAS area closures for chinook salmon have had disastrous economic effects on many southeast Alaska communities; and

WHEREAS each chinook salmon is worth $60 to $150 to a fisherman; and

WHEREAS staying within the quota imposes an unfair amount of social and economic loss to Alaska not experienced by other parties involved in the United States-Canada Salmon Treaty; and

WHEREAS the harvests of far-north migrating chinook salmon stocks in some Washington and Oregon fisheries has increased substantially, many above treaty levels; and

WHEREAS these Washington and Oregon stocks, which contribute to Alaska's salmon fisheries, are considerably above the treaty escapement goals, some by as much as 300 percent; and

WHEREAS the southeast Alaska summer chinook salmon troll season has

been reduced from 169 days in 1979 to only 23 days in 1987; and

WHEREAS reductions in the Southeast Alaska summer chinook salmon troll season first occurred in 1980 as part of the chinook salmon rebuilding program; and

WHEREAS treaty agreements have shortened the southeast Alaska troll season so much that Alaskan hatchery fish cannot be harvested to the level promised; and

WHEREAS longer seasons benefit the southeast Alaska fishing industry by ensuring higher quality fish products and higher market prices; and

WHEREAS a fair increase in the southeast Alaska chinook salmon harvest quota will not jeopardize the natural stock rebuilding program;

BE IT RESOLVED that the Alaska State Legislature respectfully requests the United States section of the Northern Panel of the Pacific Salmon Commission to work to substantially increase the chinook quota for Alaska.

COPIES of this resolution shall be sent to the Honorable Steve Cowper, Governor of the State of Alaska; and to Don Collinsworth, Alaska Commissioner, Pacific Salmon Commission.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HCR 38
PUBLISH DATE: 1/27/88

FISCAL NOTE

REQUEST:

Revision Date: January 27, 1988
Title: Requesting the Pacific Salmon to increase AK's chinook quota
Sponsor: Sund, et al
Requestor: House Resources Comm.

Agency Affected: Fish and Game
BRU: Commissioner's Office
Components:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

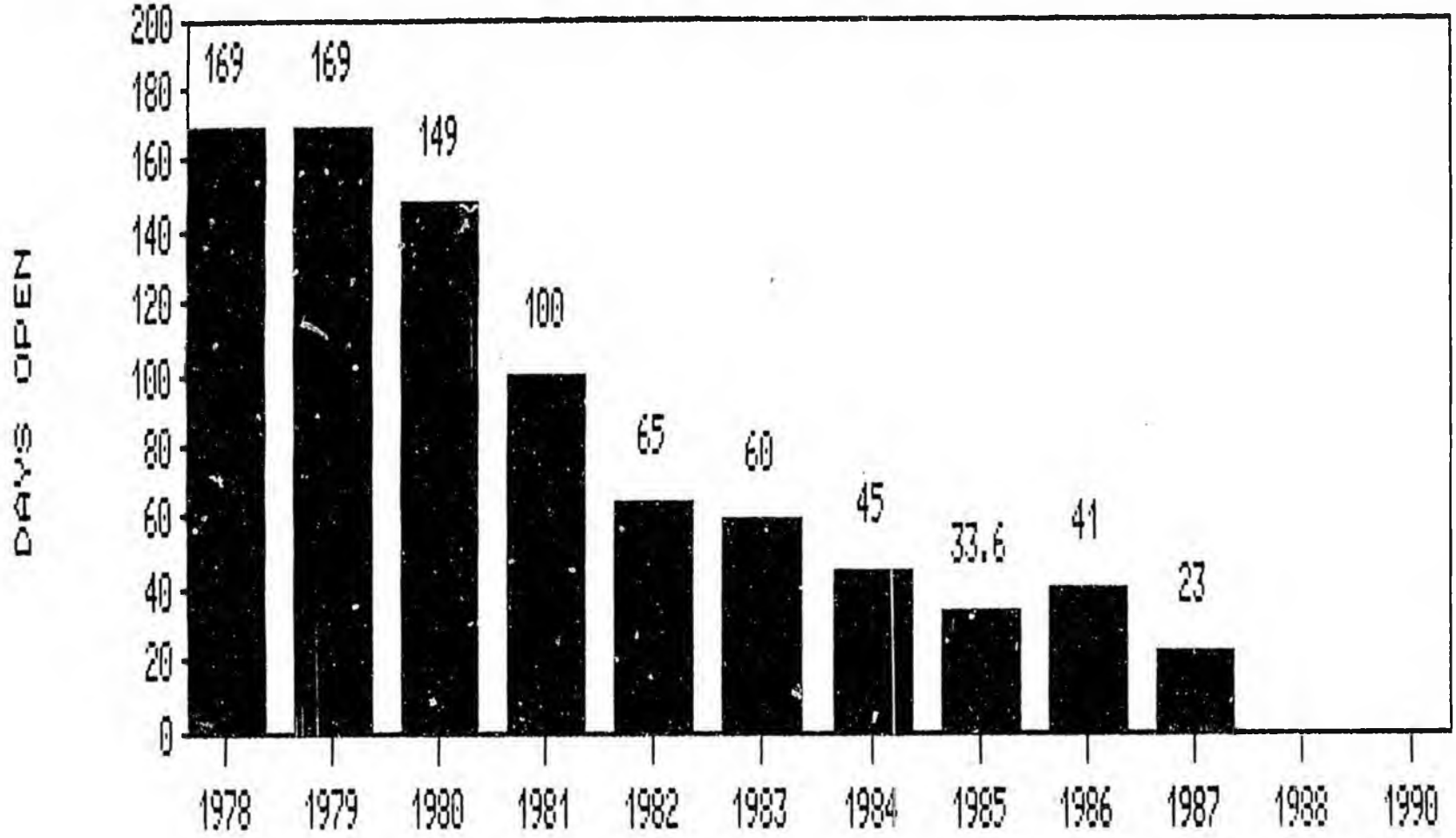
ANALYSIS : (Attach a separate page if necessary)

Prepared by: Roland Shanks
Phone: 465-4100
Division: Commissioner's Office
Date: 2/9/88

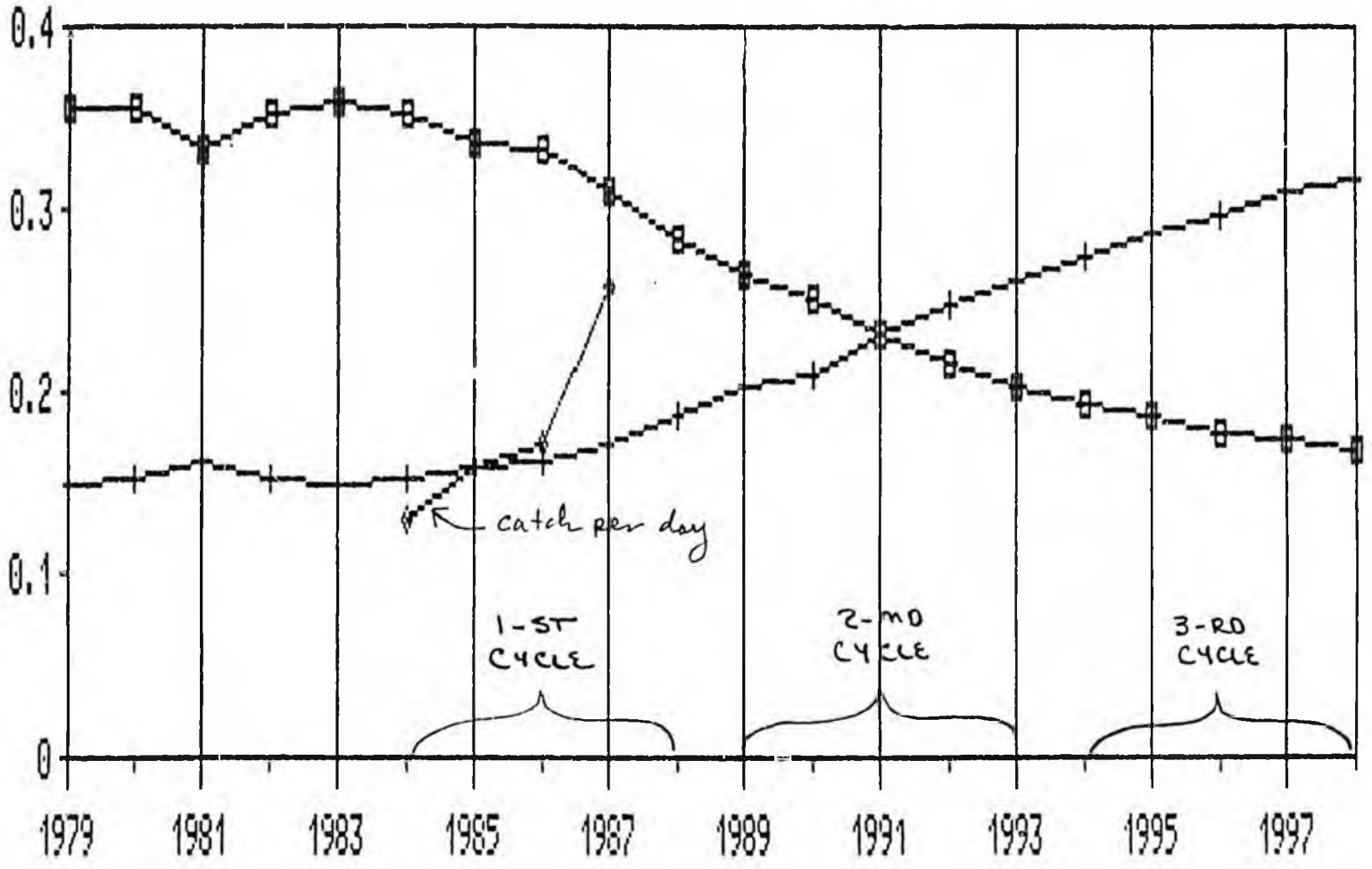
Approved by Commissioner:
Date: 2/8/88
Agency: Fish and Game

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

S.E. ALASKA SUMK.. TROLL SEASON
DAYS OPEN FOR CHINOOK FISHING



MODELED EFFECTS OF CHINOOK REBUILDING
S.E. AK OCEAN EXPLOIT. RATES AND ABUND.



□ MODEL EXPLOIT RATE + MODEL REL ABUND ◊ S.E. AK REL ABUND

The equipment may be signed out for up to eight days and the booklet may be retained by novice fishermen. Members of the Herkimer Fishing Derby Committee will maintain equipment, and local sports shops have committed themselves to replace the articles as needed. It is anticipated that senior citizens and other groups will utilize this equipment for daily outings.

It is anticipated that the youth of the community will avail themselves of this program and, hopefully, develop a lifelong interest in fishing.

LAKE MEAD FERTILIZATION

According to an article "Fertilization Shows Signs of Success," published in the October 1987 issue of the *California Angler*, fertilization of the 20,000 acre Overton Arm of Lake Mead with 20,000 gallons of liquid fertilizer (amonium polyphosphate) this past spring shows promise of improving the sport fishery.

For many years, Lake Mead provided one of the most productive sport fisheries in the nation. However, productivity was substantially reduced after completion of two upstream reservoirs, Lake Powell and Flaming Gorge on the Colorado/Green River watershed, which acted as nutrient traps. Nutrients in Lake Mead were further reduced by the near total elimination in 1981 of phosphorous from effluents from the wastewater treatment discharged in the Las Vegas Wash Arm of the Lake. The adverse impact of the reduced nutrients on sport fishes was further aggravated by the virtual explosion of striped bass, introduced several years ago that had virtually decimated the already limited plankton feeding forage fish base (primarily threadfin shad).

Dr. Larry Paulson, of the University of Nevada, Las Vegas, who supervised the project, was quoted as saying "...there's no question that fertilization brought about a tremendous response in the threadfin shad population."

The fertilizer application was accomplished May 30, 1987, by over 1,000 volunteers in over 300 boats, and was timed to increase peak plankton production levels just as the larval threadfin shad were hatching. Trawl samples taken just 18 days after the application showed a significant increase in the number of shad compared to other, untreated areas of the lake. The number of larval shad collected were also higher than historical numbers in the same area. The project was working.

Then, as the shad grew, the striped bass began feeding on them. By mid-summer, the skinny stripers had begun to put on some weight, because they were feeding upon schools of shad throughout the upper part of the Overton Arm. Anglers reported catching 20 to 40 stripers per day that Paulson says were beginning to put a dent in the increased shad population.

The Lake Mead enrichment project is scheduled to be repeated both next spring (hopefully with two applications in 1988), and again the following year to completely test the fertilization's effectiveness.

According to Dr. Paulson, the road to restore that fishery has been uphill from day one. The final permit to complete the May 30 project was not received until the evening before the fertilizer was applied. And the National Park Service and Environmental Protection Agency continue to voice concerns over the experiment, which could still stall it before the three-year test is complete.

According to this experiment, large-scale lake fertilizations can be done without having any adverse affects on water quality. The Gregg Basin on Mead has been proposed for fertilization for next year, and the lower portion of Lake Powell, which is also suffering from a loss of nutrients, is another spot being targeted for an enrichment boost. Fertilization may be a key to keeping the sport fisheries of the Colorado River reservoirs productive in the future.

"YEAR OF THE CHINOOK"

As a current television ad says, "It just doesn't get any better than this." That's the way the Oregon Department of Fish and Wildlife is talking about chinook salmon this year.

Record-breaking ocean harvests and strong chinook returns to inland waters have biologists calling 1987 "The Year of the Chinook."

"I'm very pleased and a little bit surprised about the tremendous chinook production we have seen this year," says Oregon Department of Fisheries, Chief Harry Wagner. "Good things are happening just about everywhere we look, and prospects for next year appear excellent as well."

Wagner has good reason to be happy. So do a lot of commercial and sport fishermen. Some highlights include:

- Record chinook catches for ocean commercial salmon trollers off Oregon;
- Record chinook catches for ocean sport anglers;
- Outstanding recovery of fall chinook returns to the Columbia River;
- Record sport chinook catches at Buoy 10 on the lower Columbia;
- Excellent fall, lower Columbia commercial salmon gillnet fishery;
- Good prospects for sport chinook fisheries in Oregon's coastal bays, including fish weighing more than 60 pounds;
- Excellent in-river spring chinook returns on the Willamette, Rogue, and Umpqua rivers; and
- Strong fall chinook returns on the Rogue River.

Wagner attributes this strong showing to several factors. "It's a combination of excellent ocean survival, reduced harvests off Alaska and Canada, hatchery production improvements and expansion, and improved downstream smolt passage at dams," he said.

The big fish that started showing in coastal bays last fall are back again this year. "Credit for that belongs directly to the treaty between the United States and Canada that reduced catches in the Gulf of Alaska and off British Columbia," Wagner said.

OFF THE PRESS

STREAMBANK STABILIZATION AND MANAGEMENT GUIDE FOR PENNSYLVANIA LANDOWNERS, prepared by the Pennsylvania Department of Environmental Resource's Division of Scenic Rivers. Although prepared with Pennsylvania landowners in mind, much of the information contained in the guide is applicable everywhere.

The purpose of this handbook is to help owners of streamside property manage their streambanks in ways that result in increased benefits and fewer erosion problems. Information is presented which will allow the reader to more fully understand the behavior of streams and why streambank failure or erosion occurs. A summary of the advantages, disadvantages, effective-

■ NEWS CONTENT IN THIS SECTION WAS PREPARED BY THE SEA

SECTION **D**
Sunday, January 17, 1988
The Seattle Times
Seattle Post-Intelligencer

Northwes

Salmon comeback: 'big nest' in river

This year's Columbia run is greatest since dam-building era began

by Jim Klahn
Associated Press

VERNITA, Franklin County — Fisheries technician Rich Petit, draped over the stanchion in the front of the work boat, was at a loss to point out individual salmon nests as he peered into three feet of Columbia River water where the fish had come to spawn.

"It's all one big nest," he said, throwing up his hands.

Wild fall chinook salmon, at the end of a 350-mile odyssey from the Pacific Ocean, flashed back and forth in front of the boat as it floated over Vernita Bar on a cold, clear day.

Since 1982, there has been a steady increase in the salmon run, and this year's run of a half-million fish is the biggest since dams were built on the Columbia in the 1930s, when record-keeping began.

"It's like being in an aquarium," marveled Tony Floor, a spokesman for the state Department of Fisheries.

The department's 16-foot boat floated over a stretch of the 50-mile-long, free-flowing Hanford Reach, the last major spawning grounds on the heavily dammed Columbia. The reach, upstream from Richland, flows through the federal Hanford Nuclear Reservation.

Typically, says Joe Hymer, a biological technician, a chinook redd, or nest, is eight feet across and round. The rock and gravel are scrubbed clean of silt and algae by the spawning salmon.

On Vernita Bar, there were few round nests, just ridges of rocks where redds overlapped each other. All the gravel was swept clean.

"The gravel is full of eggs," Hymer said.

The scene was testimony to the success of this year's return of "upriver brights," the largest run of salmon returning to the Columbia and the largest run in the United States outside Alaska.

While 20 percent of the run is hatchery-produced, fully 80 percent remains wild — from the same stocks that have migrated to Columbia River gravel for thousands of years.

This year an estimated 540,000 chinook salmon returned to Washington waters. Nearly half of those fell victim, as planned, to commercial fishermen, 18,000 were caught in sports fisheries, and tens of thousands were caught in ocean fisheries. About 40,000 got past the four dams upriver from the ocean to spawn at hatcheries or in the gravel.

But Hymer and Floor realize salmon are more than just good eating, more than a moneymaker for fishermen and sports supply stores. Indians revere the salmon. The fish is not only food on their table but perhaps their greatest asset, since treaty rights entitle them to one-half the harvest.

Salmon are also part of the entire region's social fabric and identity.

"They're almost priceless in that way," said Hymer, as he guided the boat along the 600-foot-wide river, bordered by waist-high grasses and orchards, the dry Saddle Mountains to the west. "Genetically, they are unique. They range so far, but still return to spawn."

After 15 years of salmon runs ranging from 130,000 to 220,000 fish, the number of wild fish dropped below 100,000 in 1980 and 1981. Only a few thousand reached spawning grounds.

"Six years ago, our thinking was that we were going to have a funeral service for another wild salmon run," Floor said. "There wasn't a unified commitment to rebuilding a run that seemed to be headed for some kind of limited extinction."

Overfishing from Alaska to the Columbia, and death at the dams, also helped reduce the salmon numbers.

Many factors helped turn the fishery around, including the participation by a small army of fisheries biologists and favorable ocean conditions after a disastrous "El Nino" weather phenomenon.

Also:

■ The Northwest Power Act, passed by Congress, directed a rebuilding of fisheries damaged by dam-building.

■ A U.S.-Canada Salmon Treaty cut back Canada's take of fish along the British Columbia coast.

■ A new spirit of cooperation has emerged in the region, after years of contention when a 1974 federal court ruling held that Indians had rights to half of the salmon.

Floor says the effect was that the state was committed to protecting the run.

The goal, under the Northwest Power Act, is to double the output of the Columbia and its tributaries by the year 2000 to a total of about 5 million salmon and steelhead.

Much of the money paying for salmon conservation comes from electric utility customers. The rationale is that the dams producing electricity caused much of the decline in salmon runs.

Ten dams range along the Columbia: Grand Coulee Dam, 550 miles from the sea, bars any ocean-migrating fish.

Despite a growing conservationist ethic in the Northwest, there are still projects threatening the salmon run. One proposal is to dredge the Hanford Reach for a shipping channel so barges can carry cargo as far upriver as Wenatchee, 60 miles above the reach.

"This is one of the most damaging projects to come along in a long time," says Phil Peterson, regional habitat manager for the Department of Fisheries.

The Corps of Engineers had wanted to build an artificial spawning channel on the reach this year to determine whether salmon

Please see **SALMON** on D 2

Sh-h-h: Mount St. Helens may be taking another nap

Associated Press

LONGVIEW — Scientists are wondering if Mount St. Helens has entered another century of dormancy, now that it has slept through 1987.

Last year was the first time it has remained so quiet since it boomed to life cataclysmically in 1980

too, if St. Helens is dead or not," says Don Swanson, scientist in charge of the U.S. Geological Survey's Cascade Volcano Observatory in Vancouver, Wash.

The mountain rumbled to life on March 20, 1980, with an earthquake measuring 4.1 on the Richter scale.

Two months later, on May 18,

of timberland. Ash fell over much of the Northwest and a cloud of ash circled the globe.

Other eruptions followed, but the more recent ones have been nonviolent and merely increased the size of a lava dome in the crater.

Since September 1987, scientists have detected small earth-

ten rock to the surface, is empty and sagging. As this rock moves, it sends out shock waves that register as earthquakes.

Under the other theory, the conduit still contains molten rock that is blocked from reaching the surface "but is restless to get out," Swanson said.

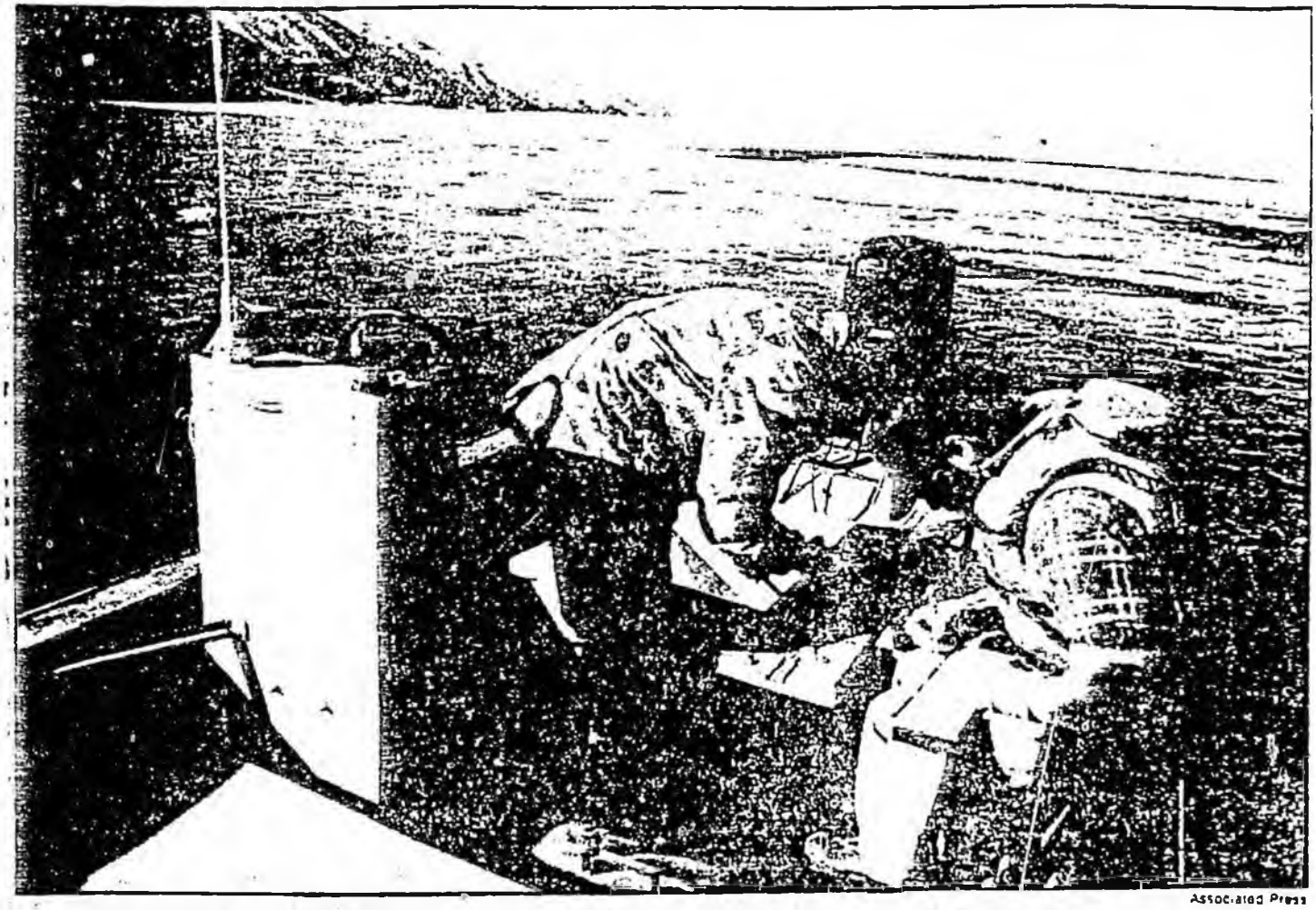
"People have to remember that we're looking three miles a

ton Fair Share, Washington State Grange), two of three state utility regulators (Sharon Nelson and Dick Casad) and the state Department of Information Systems. Independent phone companies are neutral.

■ **How can they be opposed to competition?** They say they aren't. Opponents say PNB wants [illegible] already must deregulate any services that phone companies can prove are truly competitive.

■ **So what's wrong with existing law?** PNB says it needs the flexibility its competitors have to respond to rapidly changing market conditions. Under current law, the phone company says, it has to [illegible] to collect any rate [illegible] million last year. This [illegible] says, is exactly the wrong time to scrap a tried and true system for one that allows automatic rate increases.

■ **What isn't covered by the cap?** Only basic residential and business rates are covered, according to the bill. So pay-phone rates probably are not limited by [illegible] up in a [illegible] If nothing happens, opponents are skeptical. In the 81 years since the break up of Ma Bell, [illegible] PNB has produced nearly $1.4 billion in dividends for its parent company, US West. But proponents say the statistic simply proves that existing regulations do nothing more than "guarantee profits."



Associated Press

Technicians Joe Hymer, left, and Rich Petit take scale samples from a salmon that has spawned at Hanford Reach.

This year's Columbia run is greatest since dam-building era began

SALMON

continued from D 1

could be enticed to use it instead of the river's gravel.

But the agency delayed the preliminary work on the plan in September. Corps spokesman Steven Foster says the corps lacked time to obtain permits, and that several animal and plant species in the area might be designated rare or endangered.

The outcry against construction of a channel has come from conservationists, Indian tribes, sportsmen and the state Fisheries and Wildlife departments. Washington's U.S. senators and Rep. Sid Morrison, whose district includes the Hanford area, have prepared legislation to make the reach a wild and scenic river.

North of the reach, above Priest Rapids Dam, the Army wants to expand its Yakima Firing Range and is proposing a river-crossing training area. Peterson says the Fisheries Department also opposes that project, in part because it would increase the possibility of oil spills into the Columbia.

But he thinks the dredging project is the biggest threat to the returning chinook.

"If we can't hold the [illegible] Hanford Reach [illegible] know where we can.

PRO

In all the years Vic and Tony fished the sturdy, double-ended, deep-drafted *Donnamae*, very little changed in the Southeast troll fishery. They drug hooks through the water along the craggy outside coast of Baranof Island year-round, catching kings. Vic and Tony are gone now, both the young Sitkan and the old Spaniard dying in separate incidents back in '83, and with them

Victor's last trip aboard the Donnamae, *fall of '83.*

seems to have gone the laid-back trolling lifestyle which initially drew so many to the fishery. One wonders if they would've adapted to the change.

"In the old days," says Alan Davis, troll biologist for the Alaska Department of Fish and Game, "we'd see boats spread out all up and down the beach. Now we just see these big peaks of boats." The pack atmosphere. First seen with the ominously efficient Seattle "clone fleet" spread out the entire length of Southeast testing the waters of each bay, coded calls would converge fiberglass clones on one drag to mop up a bite. If you can't beat 'em, join 'em: Today a complex of intertwining code groups fills an empty horizon with a swarm of boats thick as flies within just hours.

These increased rates of harvest yield higher catches sooner—eating the quota faster, compressing seasons further. The derby mentality. During the '80s trollers watched their traditional 180-day summer king season nearly evaporate to just 23 fast and furious days by 1987, compelling many to abandon yesterday's habits and routine to go hardcore, grinding the drag from the first hint of dawn till the last shard of light pierced the Panhandle's western horizon.

Petersburg troller Gary Slaven, chairman of the Alaska Board of Fisheries and vice-chairman, northern panel, U.S. section of the U.S./Canada salmon treaty team, says negotiators anticipated the Southeast fleet's average daily king catch to be 5,500 fish, a figure ADF&G agreed was "in the ball park." With about a 200,000-fish quota, the 1987 season should've stretched from its opening June 20 into late July.

"Well, we went out there and it never did drop that low," Slaven says. The average catch per day of 9,000 to 11,000 fish closed kings in short order at midnight July 12. With number of boats and lines fixed by limited entry and technological effort fairly stabilized since about 1985, he continues, fishermen, processors, and managers alike attribute the higher catch rates to a greater resource abundance.

"If there's not a new hootchie around," Davis surmises, "there must be more availability." More fish, in fact, than ever anticipated by population models for the coastwide, 15-year chinook stock rebuilding program undertaken with the 1984 signing of the U.S./Canada Pacific Salmon Treaty. ADF&G commissioner Don Collinsworth calls it a "flooding effect here in Southeast Alaska," and Slaven remarks that it "doesn't take a mathematical genius to figure (the season) might only be 15, 16 days next year."

Locked into a set quota by international treaty, Southeast Alaska's chinook abundance brings its own set of problems: short seasons and shaking kings during a coho-only fishery. Shaking kings, in turn, brings some level of associated mortality—a resource loss, Collinsworth points out, that neither adds to escapement goals nor accrues any kind of benefit to the fishermen. "In the great scheme of things," says the commissioner, "that doesn't make a helluva lot of sense."

As the National Marine Fisheries Service Auke Bay Lab analyzes data from its two-year study of chinook hook-and-release mortality, preliminary results lend harder numbers to indicate a lower mortality rate than sometimes previously assumed. The unique study involves sea pens—holding fish to observe delayed mortality—and seems to corroborate findings from earlier tag recovery studies, according to Alex Wertheimer, task leader for the NMFS Early-Ocean Salmon Research Project. Results suggest an overall mortality rate of about 25.5% for sublegal chinook hooked and released and 22.5% for legals.

With shaking kings, Wertheimer says, it appears "nuances of technique (are) not as important as wound location." If gill-hooked, "That fish is going to die." Post-mortem examination of larger fish dying from apparently minor injuries usually revealed hidden gill damage.

One of four U.S. negotiators on the Pacific Salmon Commission, Collinsworth notes that some interests along the coast would like to see the Alaskan troll quota reduced for this incidental chinook mortality. Such a penalty, he says, would only fuel the situation by

reducing quotas further—causing even shorter king seasons, thus longer periods of non-retention, and yet higher incidental mortality: "A death spiral for our troll fishery and something we cannot allow to happen." Collinsworth calls such fish accounting a "total mortality quota" rather than a harvest quota.

This management problem doesn't look like it'll just go away. Troll biologist Davis expects good king returns to continue (barring some natural disaster that would severely affect escapements on a coastwide basis), especially since 1989 will be the first year to see the direct results in escapements from the treaty. Davis adds that if we *didn't* see more kings while continuing to increase production from both hatcheries and wild stock enhancement, then something's wrong. And trollers saw more kings, caught more kings, then shook more kings than they can remember.

"It was really neat to see 'em back," says fisherman Eric Jordan, a representative on the Sitka Fish and Game Advisory Committee raised in the Southeast troll fishery. Jordan recounts that each year of the last five he's had a day when he caught more kings than the biggest score his father, "Skip," ever had before his death in 1965. "So big, so many of 'em," Jordan says, "it just made it all the harder to release them."

"I guess I'll never get used to shaking these kings," comments longtime troller Jake Phillips of Pelican. Many Southeast trollers echo his sentiment, often becoming frustrated and disillusioned with the politics of a treaty they see as rigid and unresponsive to a changing situation.

"We're seeing a little faster turnaround than everyone expected," admits Davis. "One of the problems with the treaty is that it's fairly inflexible to react to a sudden population increase." Although the treaty's 15-year rebuilding plan officially went into effect in 1985 (and unofficially in '84 with a "gentlemen's agreement"), Alaskans had already enacted some self-imposed restrictions back in 1980 to counteract coastwide environmental degradation and over-harvesting trends of the '70s.

Next issue...

Features

Tuna Update plus Directory

Along with many other Pacific fisheries, tuna is exhibiting a resurgence. This timely feature explains what's behind this turnaround and how long we can expect it to last. Also includes a complete directory of the U.S. high-seas tuna fleet.

Why Fish Goes Bad

Seafood quality is increasingly important to your prosperity. In 1988 Technical Editor Dennis Lodge is writing a series on fish quality. His first article explains how a fish deteriorates once it's aboard a vessel.

Alternate Gear in California

California gillnetters are beset by opponents who want to get rid of their gear. Diane Pleschner explores this controversy and looks at possible alternatives.

Also features on a possible new hagfish fishery and Oregon's new marine management plan.

Plus

Seafood Report
Fish Tips
Who's Doing What
Japan Update
Tech Talk by Dennis Lodge
New Vessels
Opinion
...and Classifieds
...and more Classifieds
...and more Classifieds

Statement of Ownership

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Valerie A. McNeil (Office Manager)

"Just like it takes a long time to rebuild," Davis continues, "it took a long time to knock 'em down." He concedes fishermen's frustrations, but explains the intent of rebuilding stocks is to let more fish go to ultimately spawn and die. He adds that if fishing had been halted altogether during the process—admittedly an economically unfavorable option—the same incidence of seeing kings you couldn't catch would occur: "As the rebuilding schedule is in progress you're going to have more fish around and the catch limits will be low to maximize escapement. ...s."

But on the heels of this year's chinook abundance, Davis tempers premature postulations that "the fish are rebuilt" by suggesting population increases might be short-lived, a "little bump" which might fall back down again in a couple more years rather than a trend. "There's a lot of fish around, there's no doubt about that."

Commissioner Collinsworth agrees when he says, "I guess one year does not a trend make." Yet he points to the broad distribution of chinook and the continued population highs throughout the year as "empirical evidence" that there's more fish than anticipated, a situation in Alaska more durable than just "fish on the bite" or kings "taking the bait better," as some might suggest.

"If stocks are in fact in better condition and are rebuilding more rapidly, there should be an opportunity for the present generation of fishermen to harvest those fish," he says. But the commissioner also cautions that the 15-year process is broken into threes, a "3-year rebuildi[illegible] program," that some experts sa[illegible] quires completing the first cycle after the 1988 season before developing a trend analysis.

Fifteen years is a long time for fishermen tightening their belts to conserve a resource—fishermen understandably disgruntled when those same fish swim south to others' hooks and profits down the line. Collinsworth maintains that "it seems a reasonable and fair thing" to allow some marginal increase in quota "as long as we meet objectives of the program by 1988." Conservative departmental management of the fishery, too, saw the 1986 Southeast [illegible] season opening and closing like a revolving door trying to prevent going over-quota, and kept the catch in 1987 to within 1% of the quota although granted a 7% margin by the commission.

"When they negotitated the treaty," Jordan says, "the emphasis was on rebuilding depressed stocks. There was so much political effort into proving the stocks were so low and needed so much help," he adds, most negotiators from down south worried about even meeting the rebuilding schedule.

"So now (we're) in a situation of an unanticipated surplus and no plan to allocate the surplus," Jordan charges. "So what's happening is the last people downstream—Washington, Oregon, the Indians—are having a bonanza while Alaska and Canada are having a real difficult time living within the quota."

Indeed, early evidence of catch returns indicates more chinook upriver brites harvested in the Columbia this season than the whole of the Alaskan troll quota. "I think that the Columbia River is rebuilt," Slaven says. Canadian trollers, too, faced the problems inherent to single-species, coho-only fisheries when the west coast of Vancouver Island first closed to kings last year, northern British Columbia joining them this year. Managers worry what this increased effort in directed fishing for cohos will do to those stocks; some runs already troubled from poor escapements in 1983 suffered heavy pressure this summer from a hungry fleet fishing harder and ever farther offshore.

Alaska Board of Fisheries Chairman Slaven stresses that Alaska is serious about rebuilding chinook stocks to the "viable runs" of the '60s, and says that any further treaty negotiations necessarily relate directly back to the rebuilding schedule: the "appropriateness of current harvest ceilings;" incidental mortality coastwide and in all gear groups; transboundary river disagreements; and the definition of the so-called "Pass-Through Provision" which directs the

Trollers ani Sealing Cove, one of four Sitka harbors viewed by Mt Edgecumbe Volcano 15 miles distant.

bulk of fish saved by conservation efforts to escapement and not reallocation.

"Right now we're negotiating how we share the pain of rebuilding," says Slaven and he warns that post-treaty negotiations determining how West Coast fishermen "share the fruits" promise to be equally controversial.

"I think we can meet our commitment and catch more fish," he ventures, a view he admits may yet be peculiar to Alaska. "We're trying to cope with an availability we've never seen before."

"The whole purpose," Collinsworth agrees, "was to rebuild the stocks on a coastwide basis and then have a management program to keep stocks from being over-harvested." He calls pre-treaty harvest levels (10 years ago about twice today's) "not sustainable."

[illegible] conceited effort. [illegible] their enhancement [illegible] initiate the quick [illegible] stocks. Only Alaska has [illegible] ed for its carefully [illegible] and recovery program—[illegible] hatchery-production [illegible] "hatchery add-on" [illegible] commission: a [illegible] year grew to [illegible] jections indicating perhaps [illegible] 40,000 kings next [illegible] long after.

Still, accelerated fleet [illegible] and competition [illegible] rates will remain high in these [illegible] resource abundance. Even a substantial increase in quota would [illegible] into only modest gains of a few [illegible] days in the tightly compressed, intense fishery. Slaven speculates that the traditional lifestyle [illegible] Southeast Alaskan salmon [illegible] unlikely to return unless the [illegible] again fall to their depressed [illegible]

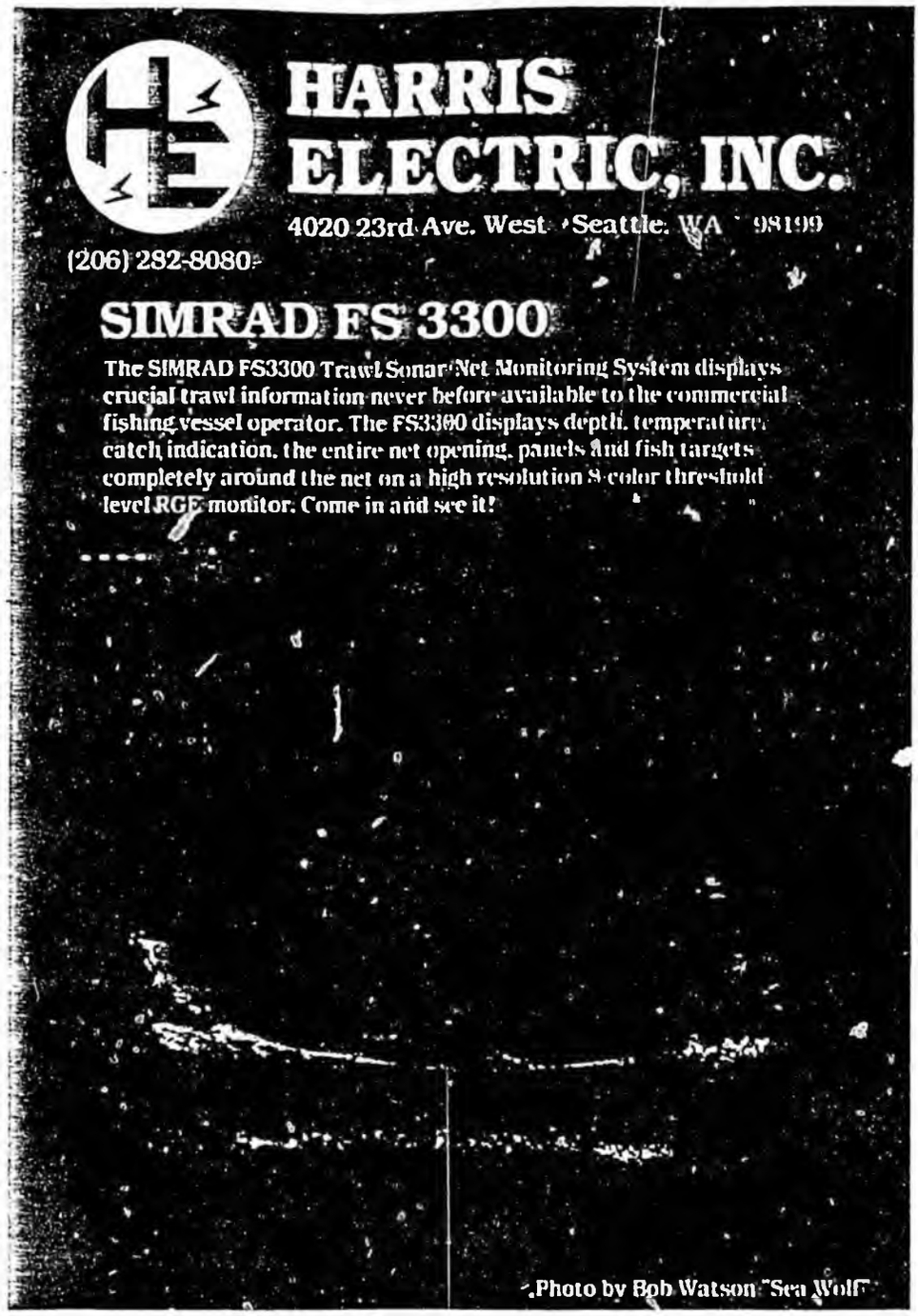


Photo by Bob Watson "Sea Wolf"

1976 to '78. "I just don't see any new innovative ways to turn the clock back on trolling, anymore than we can on black cod." He says he's listening if anyone's got any "creative ideas."

"The best thing we can hope for," he says, is to help rebuild stocks and "get our fair share." Perhaps political pressures will press harder to account for undetermined chinook losses to foreign high-seas interception and the unmonitored domestic trawl industry. "We don't know whether it's 10 or 19 million fish that are bound for Alaska" taken on the high seas, Jordan says, with little more known about domestic trawl bycatch in the absence of observers.

Even so, the future of troll-caught Southeast salmon may very well hinge on the outcome of the state's finfish mariculture debate, temporarily on hold for a year's moratorium of study before the legislature takes action on the controversial issue. Jordan likens the bitterly divided battle to the "fencing of the open range sort of thing." One wonders if the Western cowboy and the Alaskan troller might both suffer the same fate?

Regrettably, the good old days of the Alaskan troller are slipping away. It's a new age, new rules, a new fishery—what biologist Davis calls "a totally different ball game . . . also just the nature of the beast of change."

Once known as the gentlemen's fishery, "It's getting to be a very, very, very professional fishery now," Slaven says. The last bastion of a lifestyle tuned to seasonal rhythms of the sea may well be the winter troll fishery—short days, less pressure, and long seasons still stretching the six-month distance. One wonders, too, if the locals will long enjoy it.

When tragedy twice struck the double-ender *Donnamae* that sad year, Tony's ashes were scattered in her wake off Biorka, Victor's down at Snipe. Wherever those two Southeast trollers are today—probably still arguing—the slab king salmon are surely on the bite, and the season never closes. PF

Beth McGinley

Making Hay While the Sun Shines

BY BETH McGINLEY

A red hot seafood market made this year's ANUGA food show a bonanza for U.S. seafood companies. Salmon in particular fueled the frenzied buying and selling.

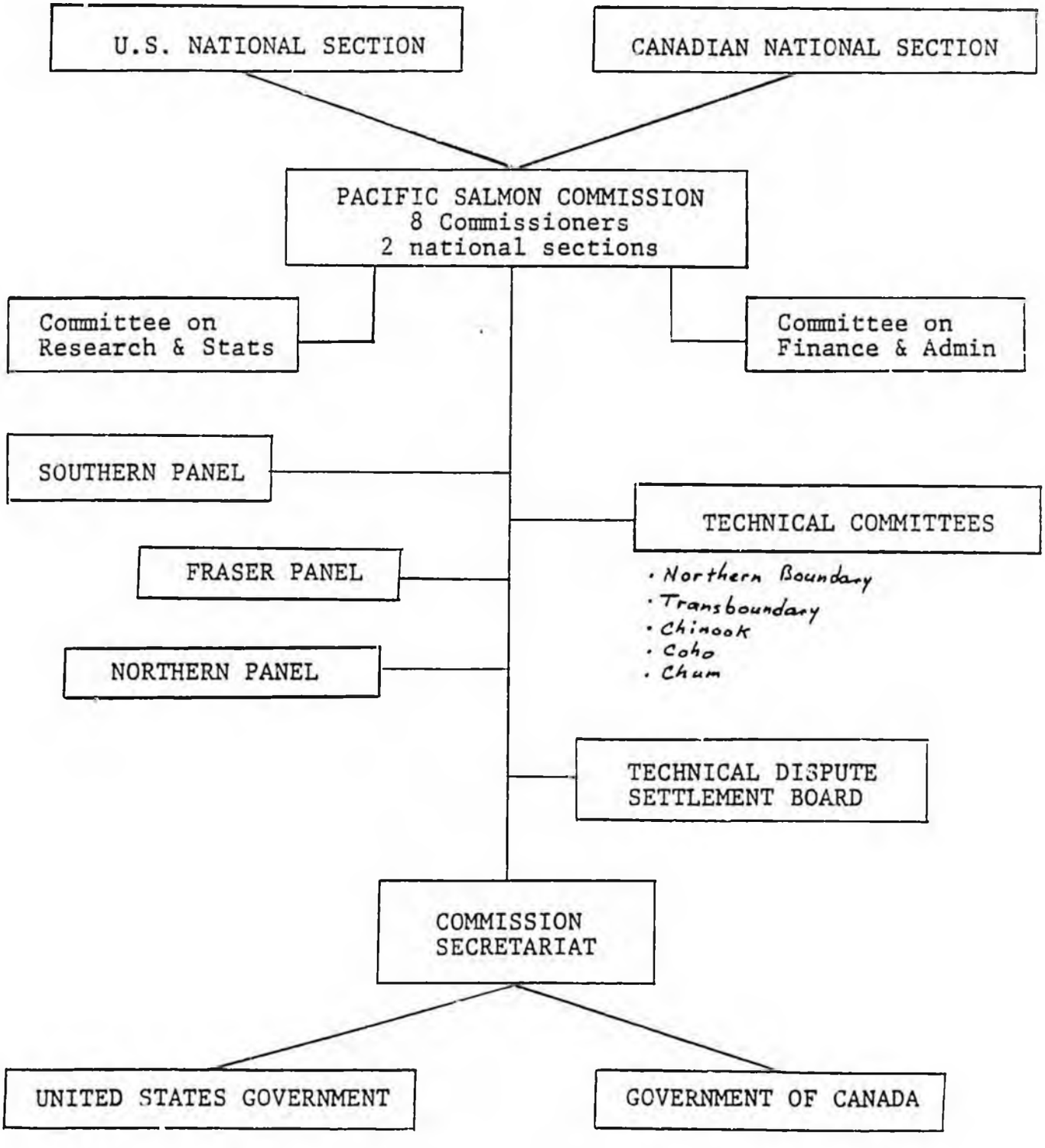
A sizzling seafood market boiled over into ANUGA '87, the world's largest food show, and sent prices and sales of U.S. product to record highs. American companies sold over $6 million worth of seafood at the show itself and expect to sell nearly $70 million over the next year.

Colorful booths, shining display cases, and crowds filled the

Seafood displayed at this year's ANUGA food show.

ORGANIZATION CHART

PACIFIC SALMON COMMISSION



M E M O R A N D U M

Date: February 8, 1988

To: Nevette Bowen: Rep Sund's Office

From: Laird A. Jones, Special Assistant
Pacific Salmon Commission
Alaska Department of Fish & Game

Subject: Pacific Salmon Commission

I have updated the February 6th Memorandum to provide clearer appointment and decision making structure of the commission. Enclosed are two documents for additional background.

(P.L. 99-5) [enclosed]
Pacific Salmon Commission - Commissioner Appointment:
[Established by: P.L. 99-5; Sec. 3; (a) & (b).]
- The Governor of Alaska submits at least six qualified individual names to the President of the United States. The appointed commissioner serves at the pleasure of the president. The Alaskan commissioner was appointed for a four year term. The term expires September 30, 1989. Each commissioner is eligible for reappointment.
- The alternate commissioner is designated by the Secretary of Commerce and the Secretary of Interior from the above governor's list. The alternate serves the same time period as the member and is also eligible for reappointment.

Representing Alaska on the Pacific Salmon Commission:
Don Collinsworth as the member and Ken Parker as his alternate.

[VOTING REQUIREMENT NOTE (P.L. 99-5; Sec. 3; (g)(1)): The United States Section shall operate with the objective of attaining consensus decisions in the development and exercise of its single vote within the commission. A decision of the United States Section shall be taken when there is no dissenting vote.]

Pacific Salmon Commission - Northern Panel Appointments:
[Established by: P.L. 99-5; Sec. 3; (d) & (f)]
- The governor appoints the State representative. The appointment began on October 1, 1987 and the term is four years.
- The fishing industry representatives are appointed by the Secretary of Commerce from a list provided by the governor. These appointments expire on September 30, 1989. All panel members shall be eligible for reappointment.
-The alternate members are selected in the same manner and by the same appointing authority as the member. Alternates also serve the same time period as the member and are also eligible for reappointment.

The U.S. Section of the Northern Panel members and alternates are listed on the end of the December 14, 1987 "Open Letter to Southeast Alaska Fishermen" by Don Collinsworth [enclosed].

[ADDITIONAL NOTES ON THE PACIFIC SALMON TREATY TO SUPPLEMENT THE BRIEFING DOCUMENT ENCLOSURE]
The Northern Panel geographical area is for salmon originating in rivers with mouths situated between Cape Caution (Central British Columbia) and Cape Suckling (Southeast Alaska).

The Southern Panel's geographical areas of for salmon originating in rivers with mouths situated south of Cape Caution, except for the Fraser River Panel area.

[VOTING REQUIREMENT NOTE (P.L. 99-5; Sec. 3; (g)(2)&(4)): All decisions and recommendations of the United States section of the Northern and Southern Panels shall require the concurring vote of the majority of the United States Panel members present and voting, except that decisions and recommendations of the Southern Panel shall require the concurring vote of the State of Washington and Oregon members and one of the two treaty indian members. All decisions and recommendations of any joint panel shall require the concurring votes of each panel under rules specified in each sperate panel.]

The Fraser River Panel is established specifically for the Fraser river sockeye and pink salmon harvested in the area specified in the treaty. Only the Fraser River Panel has in-season management authority.

PACIFIC SALMON COMMISSION - TECHNICAL COMMITTEES
Reporting to the Northern Panel are the Northern Boundary and Transboundary technical committees.
- For issues regarding coho salmon originating in the Northern Panel geographical area, the Coho Technical Committee reports to the Northern Panel.
- On chinook salmon, the Chinook Technical Committee reports to the Joint Northern/Southern Panel. All members and alternates of the Northern and Southern Panel comprise the joint panel.

[Membership on the technical committees are from the management agencies of the panel region, i.e. the department, N.M.F.S. AK Region and S.S.R.A.A. have members on the technical committees which report to the Northern Panel]

Other enclosures:
- The U.S./Canada Pacific Salmon Treaty: What It Means to Alaskan Fishermen
- 1987 Treaty Annex IV amendments
- 1986 Treaty Annex IV amendments
- Original Treaty, MOU and Letter of Transmittal

Enclosures

TREATY REPORTING REQUIREMENTS

1. Annual Post-season Report

   - Required under Treaty Article IV, paragraph 1.
   - "Each Party shall submit an annual report on its fishing activities in the previous year to the other Party and to the Commission. The Commission shall forward the reports to the appropriate Panels. "
   - Panels review & provide comments to Commission.
   - Commission reviews & provides views to Parties.
   - NOTE: It is proposed that this report be prepared by the joint technical committees.

2. Annual Pre-season Report

   - Required under Treaty Article IV, paragraph 3.
   - "Each year the State of origin shall sumbit preliminary information for the ensuing year to the other Party and to the Commission, including:"
     - estimated run size
     - interrelationship between stocks
     - spawning escapements required
     - estimated total allowable catch
     - intentions re. management of its own fisheries
     - relevant domestic allocation objectives
   - Panels review & provide report to Commission.
   - Commission review & recommend fishery regimes (where appropriate) to Parties.

3. Annual Enhancement Report

   - Required under Treaty Article V.
   - "Each year each Party shall provide to the other Party and to the Commission . . ."
     - operations of & plans for existing projects
     - plans for new projects

- views concerning the other Party's salmon enhancement projects

- Commission forwards to appropriate Panels.

- Panels review and report views to the Commission in light of obligations in Treaty.

- Commission reviews, and may provide recommendations to Parties.

OTHER TREATY ACTION REQUIREMENTS

1. Fraser Area Regulation and In-season Management

   - Required by Treaty Article VI.

   - Fraser Panel performs regulation & management functions.

   - Fraser Area for Panel regulation described in Annex II.

2. Development of new fishing regimes

   - To comply with Article III

3. Research

   - General obligation of Parties to conduct research relevant to migration and harvest patterns, stock productivity, & extent of interceptions.

   - Authority in Treaty Article X.

4. Payment of Costs

   - Each Party pays the costs of its own national section

     - Treaty Article II, paragraph 11.

   - Parties equally contribute to pay the costs of the Commission itself.

     - Treaty Article II, paragraph 12.

PRINCIPLES OF THE PACIFIC SALMON TREATY

The principles of the Pacific Salmon Treaty are found in Article III. These principles are relatively broad and susceptible of implementation by a wide variety of means, measures and methods. The principles are, however, intended to provide a general guide for decision making in the Commission and are restated below for reference.

ARTICLE III

" 1. With respect to stocks subject to this Treaty, each Party shall conduct its fisheries and its salmon enhancement programs so as to:

(a) prevent overfishing and provide for optimum production; and

(b) provide for each Party to receive benefits equivalent to the production of salmon originating in its waters.

2. In fulfilling their obligations pursuant to paragraph 1, the Parties shall cooperate in management, research and enhancement.

3. In fulfilling their obligations pursuant to paragraph 1, the Parties shall take into account:

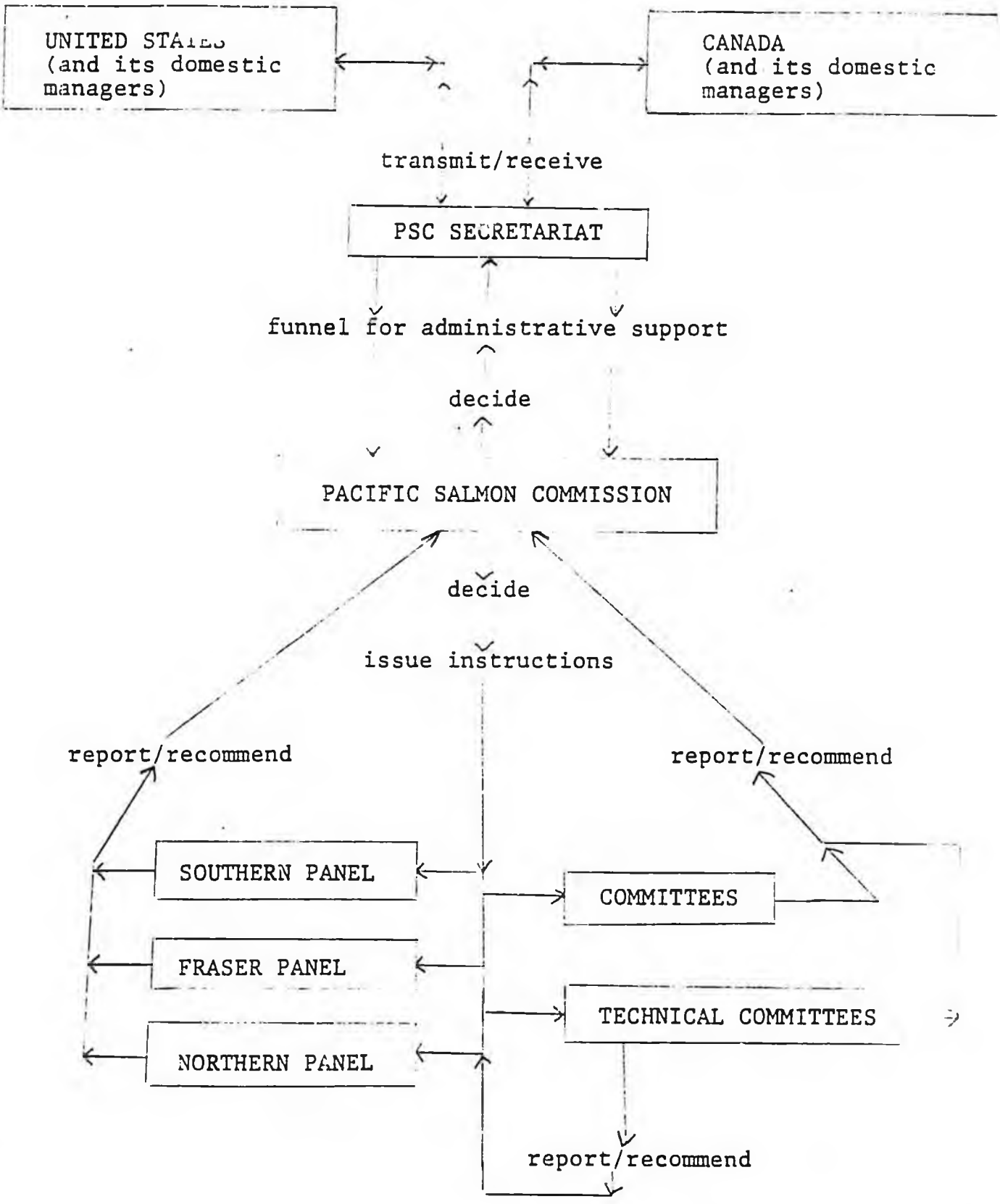
(a) the desirability in most cases of reducing interceptions;

(b) the desirability in most cases of avoiding undue disruption of existing fisheries; and

(c) annual variations in abundance of the stocks. "

skh115

DECISION STRUCTURE CHART



GENERAL COMPARISON OF RESPONSIBILITIES

PACIFIC SALMON COMMISSION

AND ITS

SUBSIDIARY BODIES

Commission Level:

- Decision-makers
- Primary place for negotiation
- Final approval of all recommendations to Parties
- Guidance & assignments to Panels, Committees, Joint Technical Committees
- Reconciles difference within and between Panels
- Manage technical dispute resolution process
- Recommendations to Parties
- Administrative control
- Liason with Party governments

Panel Level, All Panels:

- Work groups
- Review reports & relevant proposals for fishing regimes
- Provide views & recommendations to Commission
- Identify problems
- Minimize conflicts referred to Commission
- Monitoring
- Carry out negotiations and other duties as assigned by Commission

Fraser Panel Only:

- Proposes annual regulations
- Conduct in-season management

Committees:

- Carry out duties as assigned by Commission
- Report and recommendations to Commission

Technical Committees:

- Work groups
- Provide analytical support to Commission and Panels
- Prepare post-season report (proposed joint report)
- Prepare technical reports as assigned by Commission
- Review management regimes and recommendations provided by Commission or Panels
- Prepare guidelines for Commission and Panel use in the development of fishing regimes that comply with Annexes and Article III

Commission Secretariat:

- Provide administrative support for Commission and its subsidiary bodies
- Manage finances consistent with Commission decisions and Commission Bylaws
- Manage staff consistent with Commission decisions and Bylaws (Staff Regulations)
- Receive and transmit reports and correspondence between Parties and Commission

UNITED STATES-CANADA SALMON TREATY NEGOTIATIONS: THE ALASKAN PERSPECTIVE

By
Ted Stevens*

The final ratification of the 1985 United States-Canada Pacific Salmon Treaty came as a result of Alaska's support for the Treaty. The initial Treaty, while tentatively approved, was opposed by Alaskan fishermen in general and Senator Stevens in particular. The Treaty as ultimately accepted by Canada and the United States provides for Alaska's fishery conservation practices and addresses the concerns of Alaskan fishermen regarding intercepting fisheries near the Canadian-Alaskan transboundary rivers. Senator Stevens explains his opposition to the draft 1982 Treaty, his support for the 1985 Treaty, and concludes that the final Treaty is a fair, reasonable document that equitably spreads the burdens of Pacific salmon restoration amongst Canada, the Northwest, and Alaska.

In December 1982, both the United States and Canada initialed a draft of the United States-Canada Pacific Salmon Treaty signifying their tentative approval of the Treaty.[1] While the Treaty negotiations were designed in large measure to revamp the 1930 Fraser River Convention,[2] the scope of the 1982 Treaty was extended to include all intercepting salmon fisheries. Many Alaskans criticized the detailed chinook provisions in the Treaty because if enacted, they would have had a devastating impact on southeast Alaska fishermen. Moreover, at the time of the 1982 draft, there was no implementing legislation available to consider in conjunction with the Treaty and Alaska fishermen faced the threat of treaty fishing rights litigation from Pacific Northwest

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*United States Senator, State of Alaska. LL.B. 1957, Harvard Law School; B.A. 1947, University of California at Los Angeles.

1. Treaty Between the Government of Canada and the Government of the United States of America Concerning Pacific Salmon (Negotiators Draft) (Dec. 22, 1982) [hereinafter cited as 1982 Agreement].

2. United States-Canada Convention for the Protection, Preservation and Extension of the Sockeye Salmon Fishery in the Fraser River System, signed May 26, 1930, 50 Stat. 1355 (1930), 8 U.S.T. 1058, T.I.A.S. No. 3867 [hereinafter cited as Fraser River Convention].

Indian tribes.[3]

When it became apparent that the concerns of Alaskan fishermen were not addressed in the Treaty, Alaska's congressional delegation opposed final approval and ratification.[4] The delegation wanted both the Canadian and United States Governments to reconsider the Treaty's impact upon Alaska. The ultimate result was a modified and improved Treaty, ratified in March 1985,[5] in conjunction with the enactment of implementing legislation,[6] and settlement of the pending treaty fishing rights litigation.[7]

The proposed 1982 Treaty provided some protection for Washington and Oregon fishermen operating in the Fraser River System by including the waters outside of the Fraser River Convention area in the management structure of the Treaty.[8] But there was no guarantee that United States fishermen could continue fishing at reasonable levels for an appreciable period of time. The 1982 version of the Treaty also contained an accelerated rebuilding cycle for Columbia River chinook salmon which favored the fishermen of Canada and the Pacific Northwest United States.[9] However, many of the concessions which formed the basis of the initialed 1982 agreement were burdens on Alaskan fishermen. The 1985 Treaty, while not perfect, has corrected this imbalance.[10]

During the many long years of negotiations with Canada, Alaskan fishermen made many unilateral sacrifices in conjunction

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3. The tribes would have sued the State of Alaska to restrict Alaska harvest of Pacific Northwest salmon, particularly chinook. *See* Confederated Tribes and Bands of the Yakima Indian Nation v. Baldrige, 605 F. Supp. 833 (W.D. Wash. 1985).

4. My colleagues in the Alaska congressional delegation are Senator Frank Murkowski and Representative Don Young.

5. Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, Treaty Doc. No. 99-2 (*ratified* Mar. 7, 1985) (*entered into force* Mar. 18, 1985) [hereinafter cited as 1985 Treaty].

6. Pacific Salmon Treaty Act of 1985, Pub. L. No. 99-5, 99 Stat. 7 (1985) (codified at 16 U.S.C.A. §§ 3631-3644 (West 1985)).

7. Confederated Tribes and Bands of the Yakima Indian Nation v. Baldrige, 605 F. Supp. 833 (1985).

8. *See* 1982 Agreement, *supra* note 1, at Annex IV, ch. 4, para. 1.

9. *See* 1982 Agreement, *supra* note 1, at Annex IV, ch. 3 (entitled *Conservation Measures for Chinook Salmon*).

10. *See* 1985 Treaty, *supra* note 5, at Annex IV, ch. 3.

with the State of Alaska's effort to reverse the decline of the chinook salmon.[11] This was exemplified by the Alaska Department of Fish and Game's actions in 1980-1984 to reduce catch ceilings for southeast Alaska trollers and the incidental catch rates for other fisheries.[12] During that period, however, Canadian fishermen actually increased their harvest of southbound chinooks, thereby negating Alaska's attempts to enhance escapement for the benefit of all Pacific coast salmon fishermen.

The 1982 agreement did not reflect the conservation efforts already being carried out by Alaska. A two cycle rebuilding period of ten years for chinooks to enhance the Columbia River stocks was contemplated by the 1982 agreement,[13] but there was no reasonable transition for southeast Alaska fishermen. Reductions in catch levels for the southeast troll fishery necessary to sustain such a short rebuilding period, in addition to the limits already imposed by the Alaska Department of Fish and Game,[14] would

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11. For example, the Alaska Department of Fish and Game implemented many conservation measures to protect chinook salmon in southeast Alaska. These measures included: closure of waters west of Cape Suckling to trolling (1974); limited entry for power trollers (1975); restrictions on sport fishing bag and possession limits (1975); elimination of directed net fisheries for chinook (1975-1977); closure of terminal areas to trolling (1975-1977); closures of inside areas to protect immature chinook (1975-1977); a 28-inch minimum size limit for chinooks (1977); closure of outside waters to hand trolling (1978-1980); establishment of eight-day opening six-day closure fishing periods (1979); prohibition of sport fishing from commercial vessels (1979); reduced line limits for power and hand troll fisheries (1980); moratorium on entry into the hand troll fishery (1980) and limited entry for hand trollers (1981); establishment of a guideline harvest level of 329,000 chinook (1980) and then reduction of the guideline harvest level to 285,000 chinook (1981); prohibited use of any hooks other than single hooks (1981); reduced chinook fishing seasons in coastal and offshore waters from April 15 - October 20 to May 15 - September 20 (1981); closed entire troll fishery from April 15 to May 15 (1981); closed the troll fishery in-season to protect chinook and coho twice during 1980 and three times during 1981; and required fishermen to report catches before transporting fish out of state (1981). Alaska Dep't of Fish and Game, Commercial Fisheries Div., Conservation Measures Taken by Alaska to Protect Chinook Salmon in Southeast Alaska (unpublished data) (Mar. 12, 1982).

12. *See* Alaska Dep't of Fish and Game, Southeast Region Fisheries Div. Staff, Draft Preliminary Report on 1985 Southeast Alaska Chinook Salmon Catch and Escapement (unpublished report prepared for U.S.-Canada Pacific Salmon Comm'n) (Jan. 1986) [hereinafter cited as Alaska Salmon Catch Report].

13. *See* 1982 Agreement, *supra* note 1, at Annex IV, ch. 3 (entitled *Conservation Measures for Chinook Salmon*).

14. *See supra* note 9.

have forced almost all southeast Alaska fishermen out of the fishery, resulting in severe economic dislocations for Alaskan coastal communities.[15]

The 1985 Treaty, in contrast, takes into account the long Alaskan commitment to conservation. It allows for an extended rebuilding period with protection against a sudden reduction of Alaskan harvests in order to achieve a gradual recovery of the Columbia River chinook stock without destroying the troll fishery.[16]

Although the 1982 agreement would have imposed restrictive quotas on all facets of the United States intercepting chinook fisheries, it did not include comprehensive restrictions on the Canadian fishery off of the west coast of Vancouver Island. As a practical matter, this "loophole" would have allowed Canadian fishermen to shift their efforts from restricted fisheries to the Vancouver Island fishery. The 1985 Treaty closed this loophole by imposing specific quotas on all significant Canadian intercepting chinook fisheries.[17]

Alaska's continuing effort to bolster the declining chinook stocks was incorporated into the 1985 Treaty. While the 1982 agreement would not have credited Alaskan fishermen for any future gains derived from the State of Alaska's restoration programs, the Treaty as adopted takes into account demonstrated contributions of enhancement activities.[18] This is particularly relevant to Alaska, because the State has embarked on a comprehensive enhancement program which will provide over 200,000 additional chinooks by 1990.[19]

The establishment of a fishery regime in the northern boundary region between British Columbia and southeast Alaska was

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15. Almost all communities in southeast Alaska rely on salmon for economic sustenance. *See, e.g.*, G. ROGERS & R. COOLEY, ALASKA'S POPULATION AND ECONOMY: REGIONAL GROWTH, DEVELOPMENT AND FUTURE OUTLOOK [illegible] (Mar. [illegible]) (salmon account for 50% of total value of commercial fisheries; southeast Alaska generally produced the largest portion of the total commercial fishery values during the decade [illegible]).

16. *See* 1985 Treaty, *supra* note 5, at Annex IV, [illegible] (entitled [illegible] *Salmon*).

17. *See* 1985 Treaty, *supra* note 5, at Annex IV, [illegible] and discussion.

18. *Id.* at Annex IV, para. 2.

19. *See* ALASKA DEP'T OF FISH AND GAME, PRE-SEASON MANAGEMENT PLAN, 1985 SOUTHEAST ALASKA CHINOOK FISHERIES 2 (Apr. [illegible]). *See also* Alaska Salmon Catch Report, *supra* note 12, at 10-11.

also an integral element of the negotiations.[20] The critical issue involved the need to limit fishing effort in a way that would prevent high incidental catches of each Nation's salmon stocks by the other Nation. Early in the negotiations it was recognized that unreasonable limitations on United States harvests of Canadian sockeye would significantly impede the ability of southeast Alaska fishermen to harvest the Alaskan pink salmon resource. In spite of these concerns, the 1982 agreement imposed strict limitations on the sockeye catch at Noyes Island and Tree Point.[21] These limitations would have forced United States fishermen to forego harvesting millions of pink salmon of United States origin.

The 1985 agreement moderated this adverse impact by permitting United States fishermen an incidental catch of 480,000 sockeye at Noyes Island for a four year period and 130,000 sockeye per year at Tree Point.[22] The principle is clearly established that interception limits will not prevent the United States from harvesting its own fish.[23] The agreement does permit a larger Canadian incidental harvest of pink salmon, but the Canadian troll fishery will close down in the northern part of the boundary area upon reaching an incidental catch of 300,000 pinks.[24]

The key feature of the Treaty which resulted from the prolonged negotiations on the northern boundary area,[25] is the recognition by all parties that the fish stocks should be managed to permit fishermen of each nation to continue "targeting" on stocks originating in their own waters.[26] The specific restrictions embodied in the 1985 agreement reflect that understanding.

The transboundary river controversy was another issue of

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20. *See* 131 Cong. Rec. S2687 (daily ed. Mar. 7, 1985) (statement of Sen. Lugar referring to the 1985 Treaty, *supra* note 5, at Annex IV, ch. 2).

21. *See* 1982 Agreement, *supra* note 1, at Annex IV, ch. 2 (entitled *Northern British Columbia-Southeastern Alaska Boundary Area*), para. 2(a) & (d).

22. *See* 1985 Treaty, *supra* note 5, at Annex IV, ch. 2 (entitled *Northern British Columbia Southeastern Alaska*), paras. 2 & 3.

23. *Id.* at para. 4 ("the Parties shall implement appropriate management measures which will take into account the expected run-sizes and permit each country to harvest its own stocks").

24. *Id.* at para. 3(c).

25. This is the boundary between the United States and Canada in southeast Alaska. *See supra* note 19 and accompanying text.

26. *See* 131 Cong. Rec. S2687 (daily ed. Mar. 7, 1985) (statement of Sen. Lugar).

concern for Alaska during the negotiations. Canada's increased harvests on the transboundary rivers located in southeast Alaska, especially the Stikine and the Taku Rivers, appear to have been promoted for the purpose of Canada's obtaining additional leverage in the overall negotiations. There were no traditional or viable commercial Canadian fisheries on these rivers before the negotiations. In fact, the Canadian Government had to subsidize the Taku River fishery to maintain a claim for future Canadian fishery development there.

The 1982 agreement called for an allocation regime that might have established an economically viable Canadian fishery for sockeye and coho on the Stikine and Taku Rivers.[27] For the years 1983 and 1984, the Canadians would have been allowed a sockeye harvest approximating fifty percent of the total allowable catch.[28] There was a dispute over whether Canada would be allowed thirty-five percent of the catch or fifty percent of the catch after 1984. That coho harvest was included at the last minute in the allocation scheme.[29]

Many southeast Alaskan fishermen have traditionally depended on Stikine and the Taku River harvests. In the 1982 agreement, the benefits of the State of Alaska's strict conservation regime designed to restore these runs would have passed on to a previously non-existent Canadian fishery. The final Treaty moderates the impact of a transboundary allocation scheme on Alaskan fishermen. It expressly provides that the Canadians will be entitled to only thirty-five percent of the sockeye on the Stikine River,[30] and fifteen percent of the sockeye on the Taku River.[31] The Canadians are also limited to 2000 coho on the Stikine and an incidental catch on the Taku.[32]

The 1985 Treaty and agreed understandings largely resolved the questions presented by the "equity" principle.[33] The Canadi-

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27. *See* 1982 Agreement, *supra* note 1, at Annex IV, ch. 1 (United States-Canada Transboundary Rivers).

28. *Id.* at Annex IV, ch. 1, para. 3.

29. *Id.* at para. 3(b).

30. *See* 1985 Treaty, *supra* note 5, at Annex IV, ch. 1, para. 3(a).

31. *Id.* at para. 3(b).

32. *Id.* at para. 3.

33. *See* Jensen, *The United States-Canada Pacific Salmon Interception Treaty: An Historical and Legal Overview*, 16 Envtl. L. [illegible], [illegible] n.[illegible]; Memorandum of Understanding, para. A, accompanying the 1985 Treaty, [illegible]

ans were, and still are demanding that they receive disproportionate compensation for Canadian fish caught by United States fishermen. It was contemplated that this compensation would come in the form of increased fishery allocations to be decided by the Commission. The 1985 Treaty allows the United States to assert its position forcefully, although Canada will doubtless keep up the pressure to obtain its claimed share.

The process of implementing the Treaty into domestic law has also served to protect United States interests. The Reagan Administration recognized the need to restore the salmon stocks by enhancement as soon as resources permitted in order to mitigate any economic dislocation resulting from the Treaty fishing limits.[34] The United States Department of State specifically stated that it would support funding for an enhancement program in Alaska.[35] The implementing legislation also mandates Commission positions[36] and provides veto authority for northern and southern delegations as a safeguard against unjustifiable tradeoffs between the north and the south.[37]

The implementing process also put to rest the issue of whether the fishery allocation regime, established by Judge Boldt in *United States v. Washington*[38] applies to chinook harvests off Alaska. The "Boldt decision" held that the Pacific Northwest Indian Tribes, which are protected by the Stevens and Palmer Treaties, are entitled to fifty percent of all harvestable anadromous fish passing through their traditional fishing grounds.[39] Due

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note 5.

34. *See Hearings Before the Subcomm. on Fisheries and Wildlife Conservation and the Environment of the House Comm. on Merchant Marine and Fisheries*, 99th Cong., 1st Sess. 102-03 (1985) (colloquy between U.S. Negotiator Krommiller, Rep. Lowry, and State Dep't Counselor Derwinski).

35. *See* Letter from Secretary of State George Shultz to Senator Ted Stevens (Mar. 7, 1985) (discussing the United States-Canada Salmon Treaty), *reprinted in* 131 CONG. REC. S2675 (daily ed. Mar. 7, 1985).

36. *See* 16 U.S.C.A. § 3632(a)-(b).

37. *Id.* § 3632(g). It should be noted that "north" means Alaska and "south" means everyone else except Canada.

38. 384 F. Supp. 312 (W.D. Wash. 1974), *aff'd*, 520 F.2d 676 (9th Cir. 1975), *cert. denied*, 423 U.S. 1086 (1976). *See* Washington v. Washington State Commercial Passenger Fishing Vessel Ass'n, 443 U.S. 658 (1979).

39. *See, e.g.*, Comment, *Empty Victories: Indian Treaty Fishing Rights in the Pacific Northwest*, 10 ENVTL. L. 113 (1980); Harrison, *The Elimination of a New Comprehensive Plan for Managing Chinook in River Anadromous Fish*, 10 ENVTL.

to the ongoing, managerial nature of *United States v. Washington*, the issue of the tribal right to protection of the fishery resource throughout its range remained unresolved in 1982. In an effort to promote their positions in the Salmon Treaty negotiations, the Treaty tribes threatened to seek a court ruling which would have included Alaskan harvests under the Boldt decision.

In the final analysis, that tactic proved beneficial for both Alaska and the tribes. The tribes extracted a provision for equal representation on the United States Section of the Pacific Salmon Commission.[40] In exchange for supporting ratification of the Treaty and participation by the tribes, the State of Alaska obtained a legal commitment on the part of the Tribes not to seek inclusion of Alaskan harvests of Pacific Northwest salmon in the *United States v. Washington* allocation scheme as long as the 1985 Treaty remains intact.[41]

The 1985 Pacific Salmon Treaty imposes harsh burdens on many of southeast Alaska's fishermen, but there is a widespread perception in Alaska that sacrifices must be made in order to rebuild the salmon resources. Alaskans are willing to share part of this burden; however, it was necessary to ensure that the burden was spread fairly among all parties. The 1985 Treaty succeeded in achieving this goal.

L. 705 (1986) (discussion of equal shares). *See generally* F. COHEN, HANDBOOK OF AMERICAN INDIAN LAW 220-28 (1982). The various Stevens Treaties are given Holt, *Can Indians Hunt in National Parks? Determinable Indian Treaty Rights and* United States v. Hicks, 16 ENVTL. L. 207, 217 n.66 (1986).

40. *See* 16 U.S.C.A. § 3632(e)(3).

41. *See* Confederated Tribes and Bands of the Yakima Indian Nation v. Bruce, 605 F. Supp. 833, 836-37 (1985).

RESOLUTION NO. 1118-R (a)

A RESOLUTION OF THE CITY OF PETERSBURG URGING THE GOVERNOR TO INSTRUCT THE TREATY COMMISSION TO PUT A HIGH PRIORITY ON INCREASING THE CHINOOK QUOTA FOR ALASKA THIS WINTER.

WHEREAS, there is a high availability of Chinook salmon in Southeast Alaska waters; and

WHEREAS, Southeast Alaska has suffered an economic loss due to the U.S.-Canada Salmon Treaty quotas; and

WHEREAS, Alaska and Canada are presently on a maximum quota, while Washington and Oregon have tremendously increased their harvest of Chinook salmon; and

WHEREAS, Washington and Oregon indicator streams are 300% above the treaty escapement goals; and

WHEREAS, in light of the above facts, there is no biological reason not to increase the Southeast Alaska quota.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Petersburg to request Governor Cowper to instruct the Treaty Commission to put a high priority on increasing the Chinook quota for Alaska for this winter.

PASSED and APPROVED by the City Council of the City of Petersburg, Alaska this 5 day of October 1987.

Mayor

ATTEST:

City Clerk

THE CITY OF KETCHIKAN ALASKA

RESOLUTION NO. 87-1519

A RESOLUTION OF THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, URGING THE GOVERNOR TO INSTRUCT THE TREATY COMMISSION TO PUT A HIGH PRIORITY ON INCREASING THE CHINOOK QUOTA FOR ALASKA THIS WINTER, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, there is a high availability of Chinook salmon in Southeast Alaska waters; and

WHEREAS, Southeast Alaska has suffered an economic loss due to the U.S.-Canada Salmon Treaty quotas; and

WHEREAS, Alaska and Canada are presently on a maximum quota, while Washington and Oregon have tremendously increased their harvest of Chinook salmon; and

WHEREAS, Washington and Oregon indicator streams are 300 percent above the treaty escapement goals; and

WHEREAS, in light of the above facts, there is no biological reason not to increase the Southeast Alaska quota.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA AS FOLLOWS:

Section 1. The City Council hereby requests Governor Cowper to instruct the Treaty Commission to put a high priority on increasing the Chinook quota for Alaska this winter.

Section 2. This resolution is effective immediately upon passage and approval.

PASSED AND APPROVED THIS 15th day of OCTOBER, 1987.

Ted Ferry
Mayor

ATTEST:

Karen Miles, CMC
City Clerk

CITY OF WRANGELL, ALASKA

RESOLUTION NO. 10-87-285

A RESOLUTION OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA URGING THE GOVERNOR TO INSTRUCT THE ALASKAN REPRESENTATIVES ON THE PACIFIC SALMON TREATY COMMISSION TO PLACE THEIR HIGHEST PRIORITY ON INCREASING THE CHINOOK SALMON QUOTA FOR SOUTHEAST ALASKA DURING THE PENDING WINTER NEGOTIATIONS.

WHEREAS, there is a high availability of chinook salmon in Southeast Alaska waters; and

WHEREAS, a majority of the chinook stock that populate our Southeast Alaska fisheries are very healthy; and

WHEREAS, Southeast Alaska has suffered an economic loss due to the United States-Canada Pacific Salmon Treaty quotas; and

WHEREAS, Alaska and Canada are presently constrained by maximum quotas, while Washington and Oregon experienced a large increase in their harvest of chinook salmon; and

WHEREAS, many Washington and Oregon indicator streams are as much as 300% above treaty escapement goals; and

WHEREAS, the Columbia river brights are so healthy (450,000 returned in 1987) that they are flooding our fisheries; and

WHEREAS, the facts set forth above indicate there is no biological reason to maintain the existing quota limitations in Southeast Alaska.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA:

1. The council requests Governor Cowper to instruct Alaska's representatives on the Pacific Salmon Treaty Commission to place their highest priority on increased quotas for chinook salmon in Southeast Alaska waters during this winters Treaty negotiations.

PASSED AND APPROVED OCTOBER 27, 1987

MAYOR

ATTEST: CITY CLERK

Certified a true and correct copy of the original filed in my office.

10-29-87

1 page

SPONSOR: Anderson

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 87-358

A RESOLUTION OF THE ASSEMBLY OF THE
CITY AND BOROUGH OF SITKA
URGING THE GOVERNOR TO INSTRUCT THE TREATY
COMMISSION TO PUT A HIGH PRIORITY ON INCREASING
THE CHINOOK QUOTA FOR ALASKA THIS WINTER

WHEREAS, there is a high availability of Chinook salmon in Southeast Alaska waters; and

WHEREAS, Southeast Alaska has suffered an economic loss due to the U.S.-Canada Salmon Treaty quotas; and

WHEREAS, Alaska and Canada are presently on a maximum quota, while Washington and Oregon have tremendously increased their harvest of Chinook salmon; and

WHEREAS, Washington and Oregon indicator streams are 300% above the treaty escapement goals; and

WHEREAS, in light of the above facts, there is no biological reason not to increase the Southeast Alaska quota,

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the City and Borough of Sitka requests Governor Cowper to instruct the Treaty Commission to put a high priority on increasing the Chinook quota for Alaska this winter.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 9th day of SEPTEMBER, 1987.

_____
Dan Keck, Mayor

ATTEST:

_____
Dolores Ingwersen,
Municipal Clerk

A great year for salmon

The Associated Press

ASTORIA, Ore. — Gill netters on the lower Columbia River this year enjoyed their best fall chinook salmon catch in nearly 30 years, and a state biologist said they fetched top prices for both chinook and coho.

A large share of this year's chinook catch took place during the first 12 hours of the 27-day season, when an estimated 109,700 chinook were taken. Landings dropped off considerably during late October and early November, said Jim Galbreath of the Oregon Department of Fish and Wildlife.

Gill netters fishing the main stem of the Columbia landed an estimated 261,560 fall chinook in the season that ended Nov. 12, by far the best catch on the lower river since 1960. In 1973, the next best season, 165,300 chinook were caught during a 56-day fall season.

The coho catch was down drastically from 1986, however. Gill netters landed an estimated 121,580 coho — compared with nearly a million last year — as well as 1,080 chum salmon, 3,270 white sturgeon and 510 green sturgeon.

Youngs Bay, south of Astoria, also provided gill netters a record chinook catch. An estimated 22,290 chinook were landed during 89 days of fishing.

"(That's) about four times what we've ever gotten before," said Galbreath, who said an abundance of chinook and the fish that strayed into the bay from the main stem of the Columbia probably explained the big catch.

Treaty Indian fishermen above Bonneville Dam landed an estimated 128,040 fall chinook, 2,140 coho, 66,280 summer steelhead and 4,400 white sturgeon during 46 days of fishing that ended Oct. 15, department figures showed.

Gill netters were paid $2.10 a pound for both coho and upriver bright chinook, an amount Galbreath called "unheard of." Last fall, fishermen were paid roughly $1 a pound for coho and between $1 and $1.50 for upriver chinook.

Galbreath said this year's higher prices were the result of reduced production of Atlantic salmon reared in Norwegian net pens and disappointing Alaskan salmon catches.

Prices for lower river "tule" fall chinook were also high, ranging from 55 cents to 65 cents a pound compared with the 30 cents to 40 cents a pound paid last year. Tules fetch a lower price for gill netters because their meat quality is generally poorer than other salmon species when caught in the river.

IN THE HOUSE BY THE RESOURCES COMMITTEE

CS FOR HOUSE CONCURRENT RESOLUTION NO. 38 (Resources)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - SECOND SESSION

Requesting the Pacific Salmon Commission to increase Alaska's chinook salmon quota.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the abundance of chinook salmon in southeast Alaska waters has significantly exceeded the population-rebuilding projections of the United States-Canada Salmon Treaty; and

WHEREAS the southeast Alaska chinook salmon quota is based on these 1984 projections, which do not reflect the current abundance of chinook salmon; and

WHEREAS southeast Alaska has suffered substantial economic losses under treaty harvest quotas; and

WHEREAS area closures for chinook salmon have had disastrous economic effects on many southeast Alaska communities; and

WHEREAS each chinook salmon is worth $60 to $150 to a fisherman; and

WHEREAS staying within the quota imposes an unfair amount of social and economic loss to Alaska not experienced by other parties involved in the United States-Canada Salmon Treaty; and

WHEREAS the harvests of far-north migrating chinook salmon stocks in some Washington and Oregon fisheries has increased substantially, many above treaty levels; and

WHEREAS these Washington and Oregon stocks, which contribute to Alaska's salmon fisheries, are considerably above the treaty escapement goals, some by as much as 300 percent; and

WHEREAS the southeast Alaska summer chinook salmon troll season has

been reduced from 169 days in 1979 to only 23 days in 1987; and

WHEREAS reductions in the Southeast Alaska summer chinook salmon troll season first occurred in 1980 as part of the chinook salmon rebuilding program; and

WHEREAS treaty agreements have shortened the southeast Alaska troll season so much that Alaskan hatchery fish cannot be harvested to the level promised; and

WHEREAS longer seasons benefit the southeast Alaska fishing industry by ensuring higher quality fish products and higher market prices; and

WHEREAS a fair increase in the southeast Alaska chinook salmon harvest quota will not jeopardize the natural stock rebuilding program;

BE IT RESOLVED that the Alaska State Legislature respectfully requests the United States section of the Northern Panel of the Pacific Salmon Commission to work to substantially increase the chinook quota for Alaska.

COPIES of this resolution shall be sent to the Honorable Steve Cowper, Governor of the State of Alaska; and to Don Collinsworth, Alaska Commissioner, Pacific Salmon Commission.