

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

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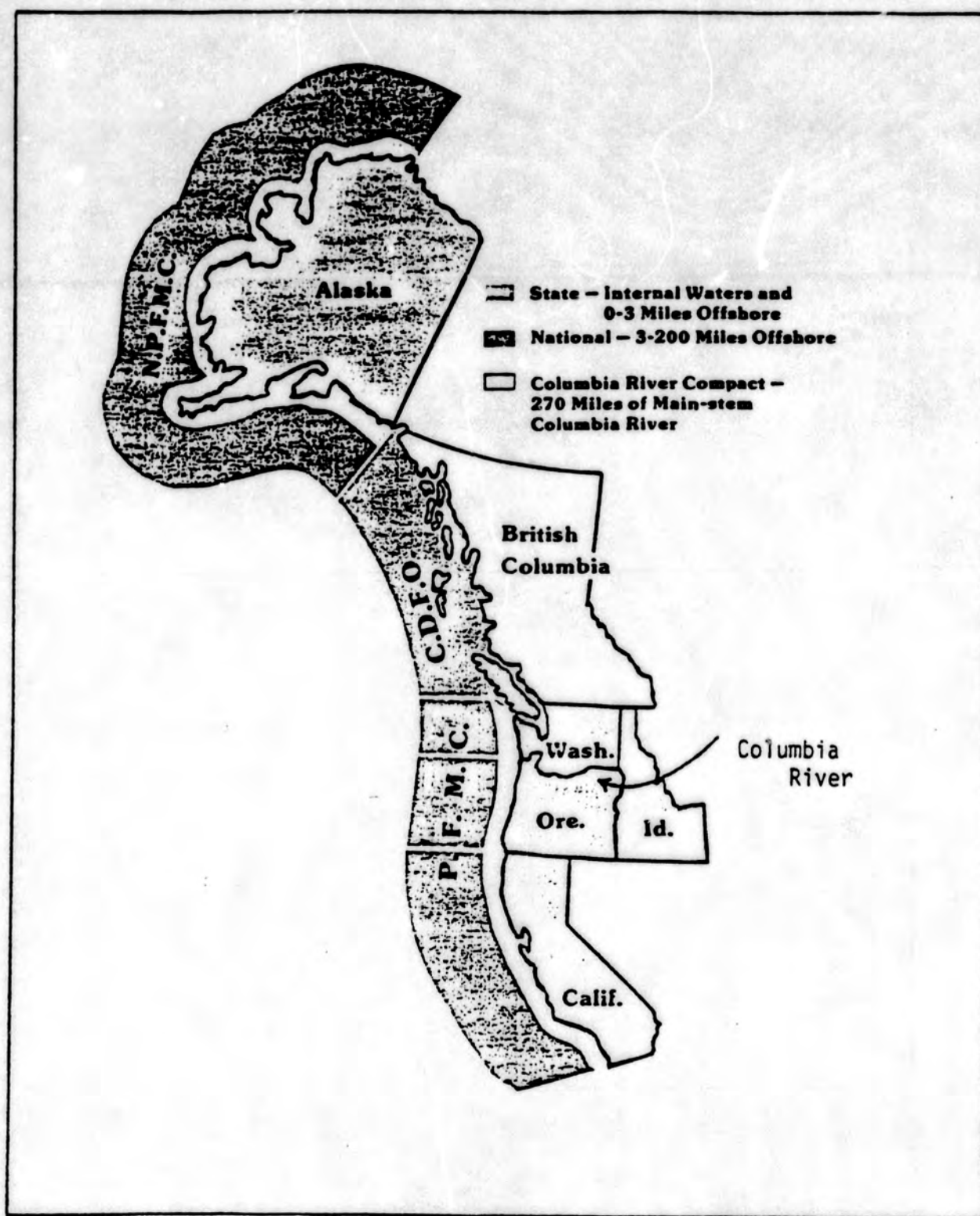


FIGURE 7. PACIFIC COASTAL FISHERY MANAGEMENT JURISDICTIONS

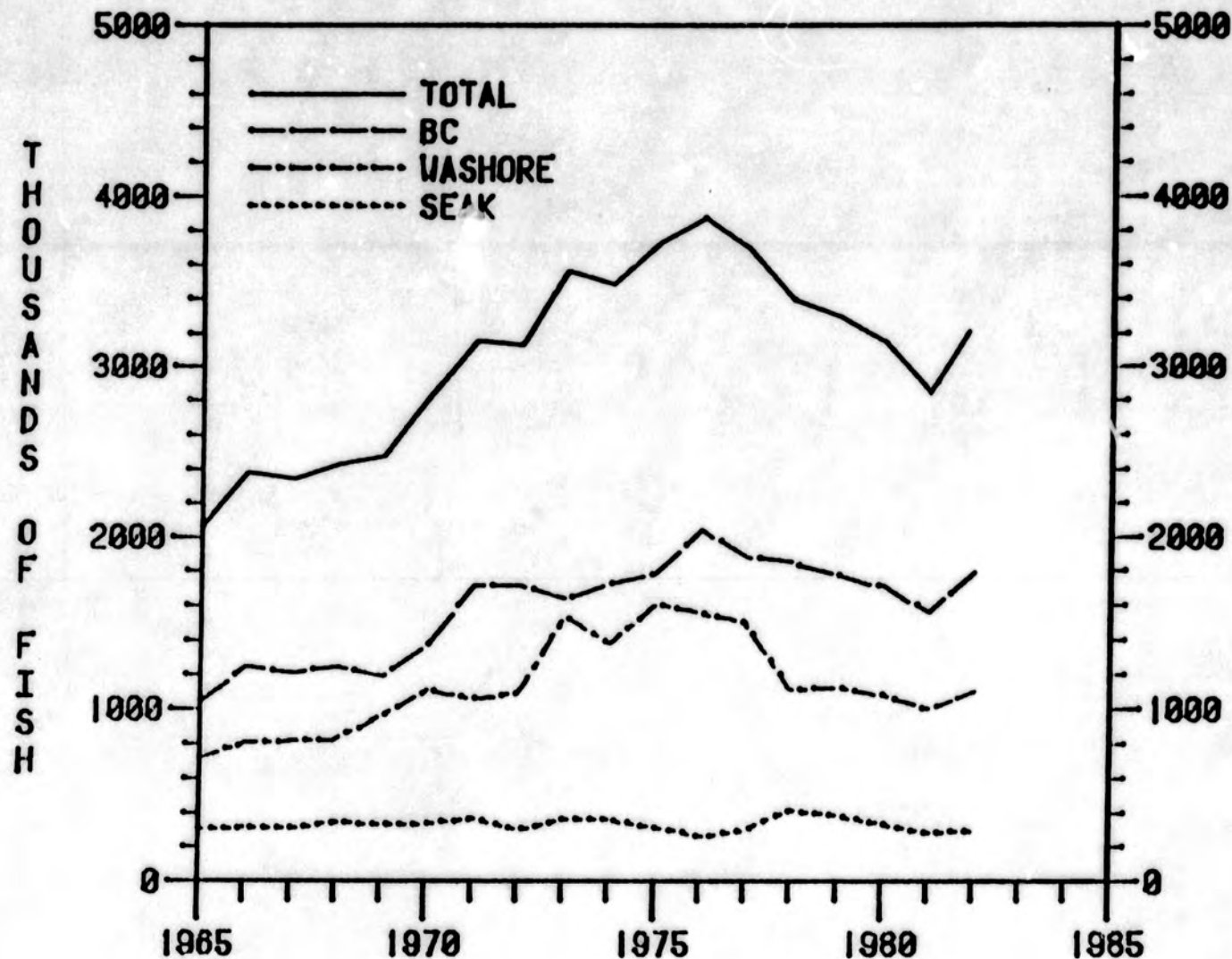


FIGURE 8 . TOTAL CHINOOK SALMON CATCHES BY ALL GEAR TYPE FISHERIES IN WASHINGTON AND OREGON (INCLUDING THE COLUMBIA RIVER), BRITISH COLUMBIA AND SOUTHEAST ALASKA, 1965-PRESENT

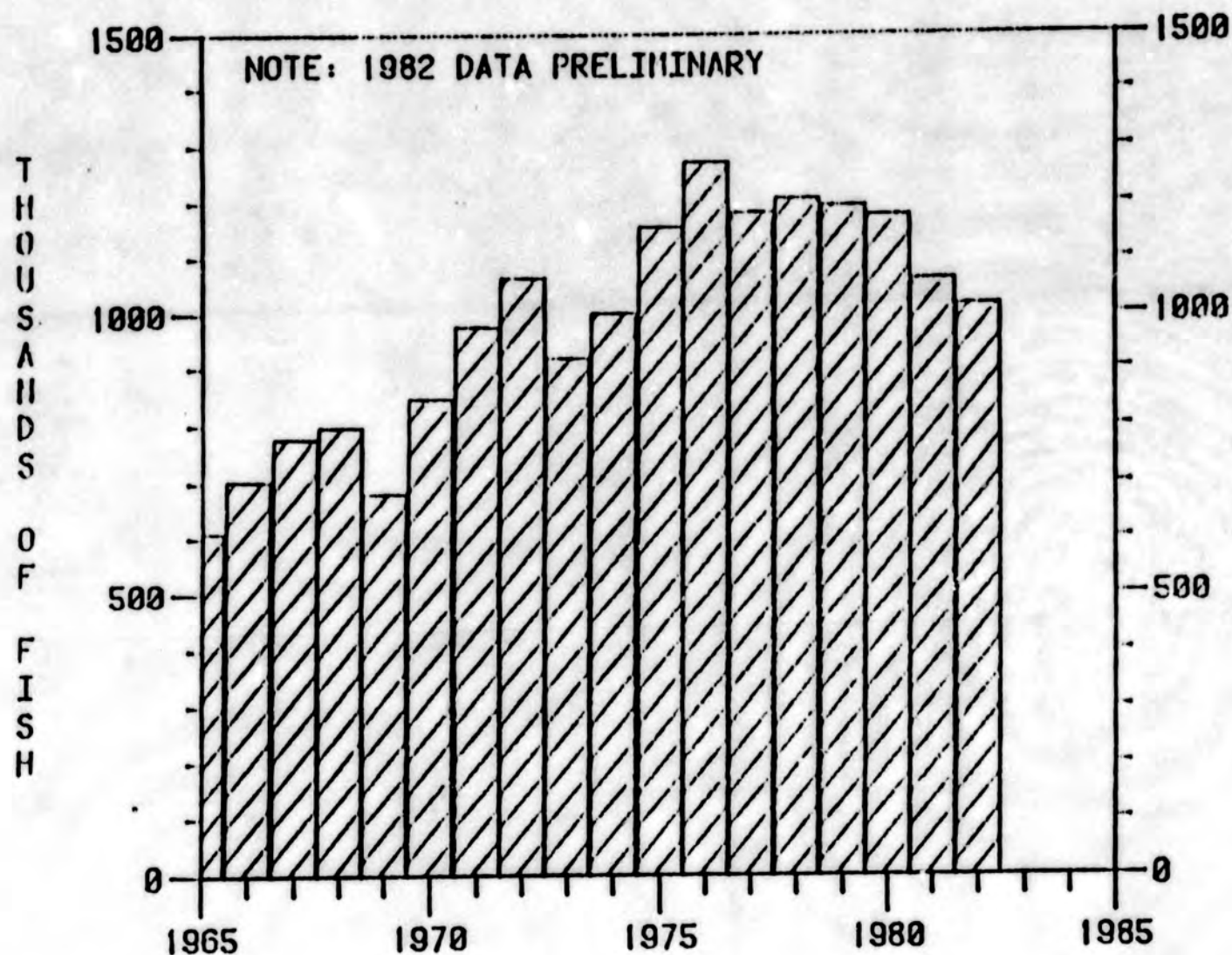


FIGURE 9 . CHINOOK SALMON CATCHES BY ALL GEAR IN BRITISH COLUMBIA AREAS EXCLUDING WEST COAST VANCOUVER IS. (STAT. AREAS 20-27), 1965-82

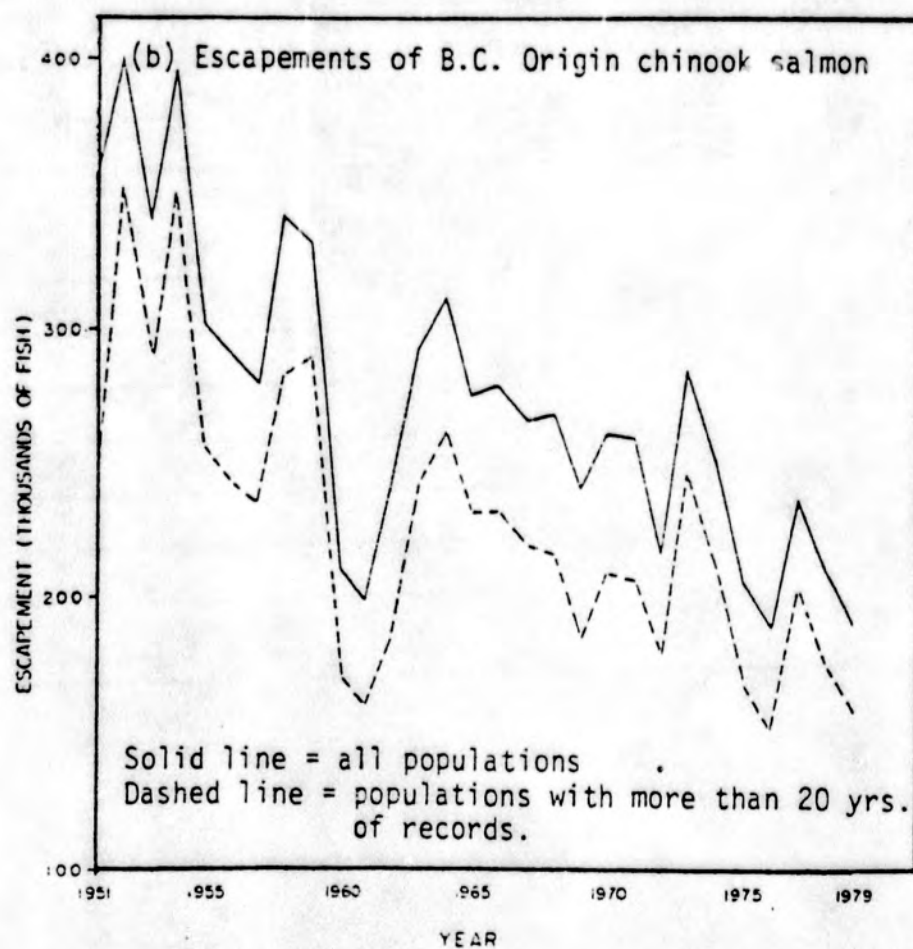
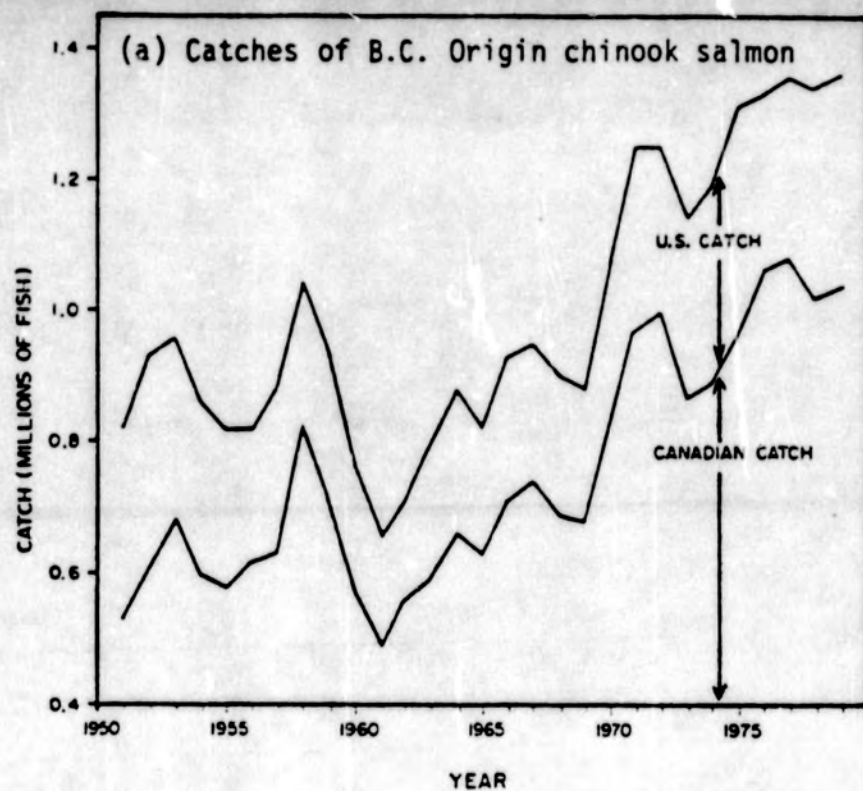


Figure 10. Estimated catches (a) and escapements (b) of British Columbia origin chinook salmon (After Healey, 1982)

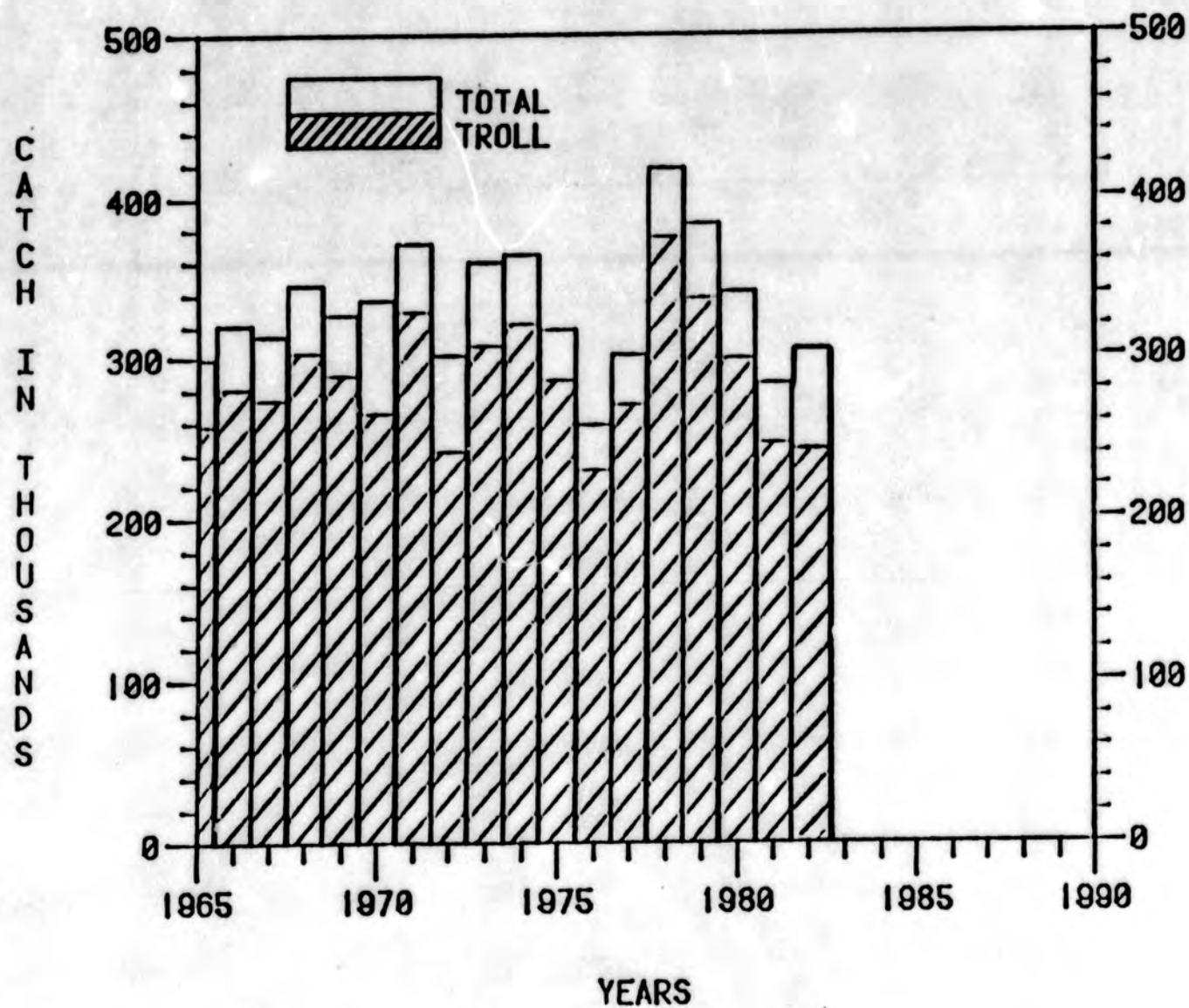


FIGURE 11. SOUTHEAST ALASKA REGION TOTAL CHINOOK SALMON CATCHES BY COMMERCIAL AND RECREATIONAL FISHERIES, 1965-82. (ADF&G 11/82)

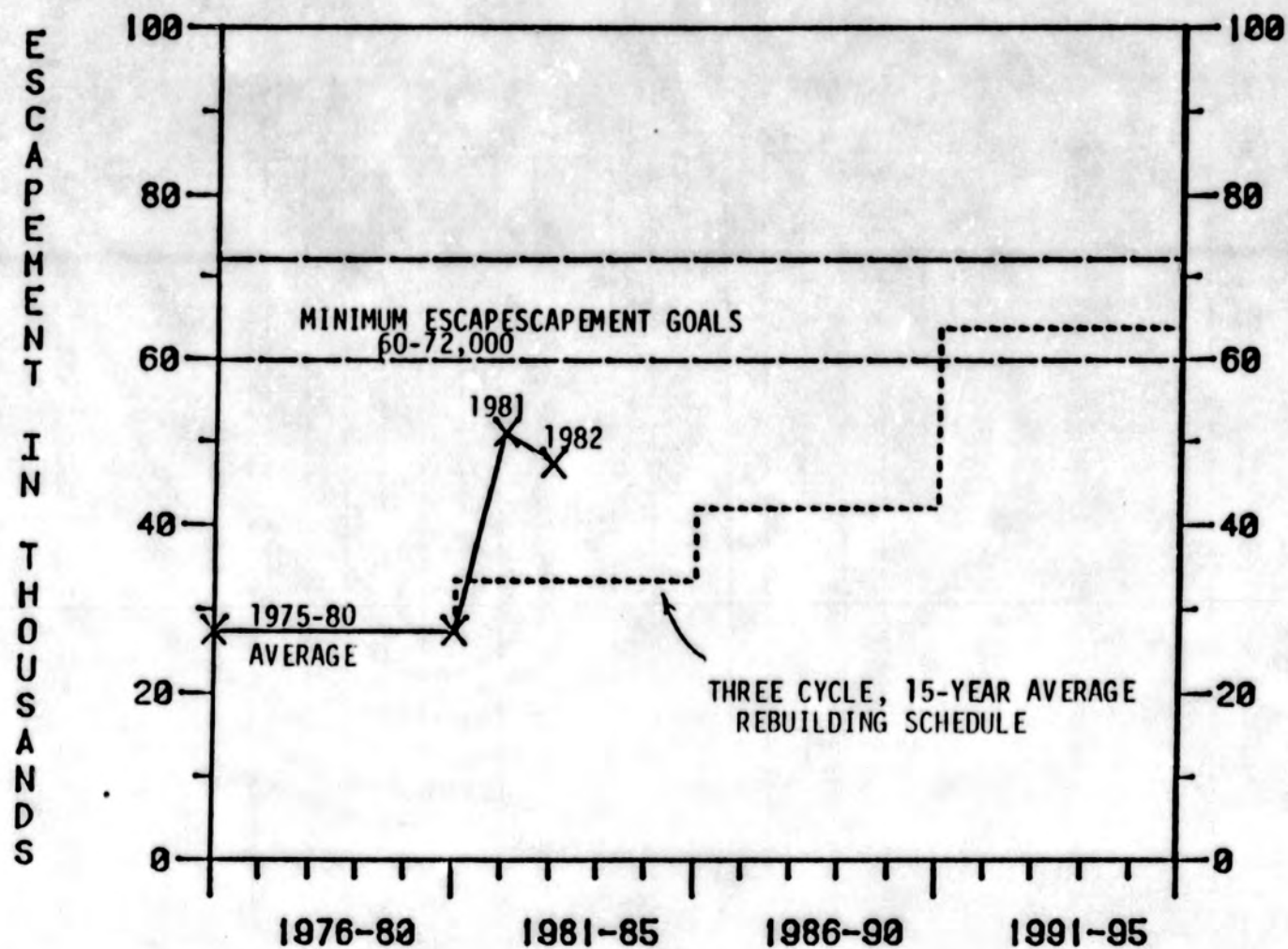


FIGURE 12. CURRENT STATUS OF SOUTHEAST ALASKA NATURAL CHINOOK SALMON ESCAPEMENTS COMPARED TO 15-YEAR REBUILDING SCHEDULE. (ADF&G 10/82)

Table 7. Total Chinook Salmon Catches by all Gear Types in Washington, Oregon, British Columbia and Southeast Alaska, 1965 - Present

(Numbers of Fish in Thousands)

| Year | --- Washington & Oregon --- |        |                   |  | B. C.   |    | SE Alaska |    | Total   |
|------|-----------------------------|--------|-------------------|--|---------|----|-----------|----|---------|
|      | Wasn.                       | Oregon | Subtotal<br>No. % |  | No.     | %  | No.       | %  |         |
| 1965 | 558                         | (167)  | 725 35            |  | 1,042   | 50 | 300       | 15 | 2,067   |
| 1966 | 633                         | 174    | 807 34            |  | 1,254   | 53 | 321       | 13 | 2,382   |
| 1967 | 630                         | 191    | 821 35            |  | 1,208   | 52 | 314       | 13 | 2,343   |
| 1968 | 657                         | 179    | 836 34            |  | 1,251   | 51 | 346       | 14 | 2,433   |
| 1969 | 717                         | 246    | 963 39            |  | 1,190   | 48 | 328       | 13 | 2,481   |
| 1970 | 842                         | 274    | 1,116 39          |  | 1,372   | 48 | 337       | 12 | 2,829   |
| 1971 | 878                         | 181    | 1,059 34          |  | 1,726   | 55 | 371       | 12 | 3,156   |
| 1972 | 888                         | 216    | 1,104 35          |  | 1,725   | 55 | 302       | 10 | 3,131   |
| 1973 | 1,089                       | 458    | 1,547 44          |  | 1,648   | 46 | 360       | 10 | 3,555   |
| 1974 | 1,082                       | 299    | 1,381 40          |  | 1,735   | 50 | 364       | 10 | 3,480   |
| 1975 | 1,277                       | 338    | 1,615 43          |  | 1,792   | 48 | 318       | 9  | 3,725   |
| 1976 | 1,259                       | 301    | 1,560 40          |  | 2,047   | 53 | 259       | 7  | 3,866   |
| 1977 | 1,058                       | 446    | 1,504 41          |  | 1,879   | 51 | 302       | 8  | 3,685   |
| 1978 | 844                         | 271    | 1,115 33          |  | 1,853   | 55 | 418       | 12 | 3,386   |
| 1979 | 820                         | 313    | 1,133 34          |  | 1,770   | 54 | 384       | 12 | 3,287   |
| 1980 | 873                         | 228    | 1,101 35          |  | 1,718   | 55 | 342       | 11 | 3,161   |
| 1981 | 722                         | 189    | 911 33            |  | 1,561   | 57 | 285       | 10 | 2,757   |
| 1982 | (880)                       | (272)  | (1,152) 35        |  | (1,792) | 55 | (305)     | 10 | (3,249) |

- Data Sources: (1) Jurisdictional reports in NPFMC Salmon Plan Development Team report 'North-Migrating Natural Chinook Salmon Stocks from Oregon to Southeast Alaska'.  
 (2) PFMC Draft Proposed Plan for Managing the 1983 Salmon Fisheries off the Coasts of California, Oregon and Washington. Feb. 1983.  
 (3) Preliminary 1982 catch reports by managing agencies.

Table 8. Reductions proposed during November 1982 U.S.-Canada salmon interception negotiations for 1983 chinook salmon harvests in selected fisheries in Southeast Alaska and British Columbia with comparisons for recent years. (ADF&G 12/7/82).  
(Numbers of fish in 1000's)

| 1/<br>----- Southeast Alaska Fisheries ----- |                          |                             |           |         |                        |                             |           |         |
|----------------------------------------------|--------------------------|-----------------------------|-----------|---------|------------------------|-----------------------------|-----------|---------|
| Period                                       | Total Commercial & Sport |                             |           |         | Commercial Troll & Net |                             |           |         |
|                                              | Average Catch            | Proposed 1983 Catch ceiling | Reduction |         | Average Catch          | Approx. 1983 Target ceiling | Reduction |         |
|                                              |                          |                             | Number    | Percent |                        |                             | Number    | Percent |
| 1978-81 (Base period)                        | 357                      | 263                         | 94        | 26      | 340                    | (243)                       | 97        | 29      |
| 1981-82                                      | 295                      | ↓                           | 32        | 11      | 278                    | ↓                           | 35        | 13      |
| 1982 Actual                                  | 305                      |                             | 42        | 14      | 287                    |                             | 44        | 15      |
| 1982 Target                                  | (277)                    | ↓                           | 14        | 5       | 257                    | ↓                           | 14        | 5       |
| -----                                        |                          |                             |           |         |                        |                             |           |         |
| 2/<br>----- British Columbia Fisheries ----- |                          |                             |           |         |                        |                             |           |         |
| Period                                       | Total Commercial & Sport |                             |           |         | Commercial Troll & Net |                             |           |         |
|                                              | Average Catch            | Proposed 1983 Catch ceiling | Reduction |         | Average Catch          | Approx. 1983 Target ceiling | Reduction |         |
|                                              |                          |                             | Number    | Percent |                        |                             | Number    | Percent |
| 1978-81 (Base Period)                        | 1,158                    | 868                         | 290       | 25      | 808                    | (468) <sup>4/</sup>         | 340       | 42      |
| 1981-82                                      | 1,044                    | ↓                           | 176       | 17      | 644                    | ↓                           | 176       | 27      |
| 1982 (Prelim)                                | (1,053) <sup>3/</sup>    | ↓                           | 185       | 18      | 653                    | ↓                           | 185       | 28      |

1/  
Includes all commercial and recreational fisheries in the Southeast Alaska region. Harvest ceilings applied only to commercial fisheries in 1980-82. The 1982 target shown for commercial and sport fisheries including an estimated 20,000 sport catch. A similar sport catch is expected in 1983. Catch data provided by ADF&G.

2/  
Includes all commercial and recreational fisheries in British Columbia except troll and net fisheries along the west coast of Vancouver Island in statistical areas 20-27. Catch data provided by CDFO.

3/  
1982 catch data for Canadian fisheries is very preliminary. Upward revision of this figure is expected.

4/  
Approximate target ceiling required for commercial fisheries if Georgia St. recreational harvest were limited to recent levels but not reduced. Canadian estimate of average 1981-82 sport harvest is 400,000 fish. Canada has not indicated exactly how the reduction will be allocated to the various fisheries.

Table 9. Comparative Chinook Salmon Catches by all British Columbia Fisheries and by all Fisheries except those on the west coast of Vancouver Island (Statistical Areas 20-27), 1965-82.

Numbers of Fish in 1,000's

| YEAR            | TOTAL COMMERCIAL AND<br>RECREATIONAL CATCH | WEST COAST<br>VANCOUVER IS. CATCH | DIFFERENCE = ALL B.C. FISHERIES<br>EXCEPT W. COAST VANCOUVER |
|-----------------|--------------------------------------------|-----------------------------------|--------------------------------------------------------------|
| 1965            | 1,042                                      | 432                               | 610                                                          |
| 1966            | 1,254                                      | 550                               | 704                                                          |
| 1967            | 1,208                                      | 431                               | 777                                                          |
| 1968            | 1,251                                      | 454                               | 797                                                          |
| 1969            | 1,190                                      | 507                               | 683                                                          |
| 1965-69 Average | 1,189                                      | 475                               | 714                                                          |
| 1970            | 1,372                                      | 523                               | 849                                                          |
| 1971            | 1,726                                      | 750                               | 976                                                          |
| 1972            | 1,725                                      | 662                               | 1,063                                                        |
| 1973            | 1,648                                      | 727                               | 921                                                          |
| 1974            | 1,735                                      | 733                               | 1,002                                                        |
| 1970-74 Average | 1,641                                      | 679                               | 962                                                          |
| 1975            | 1,792                                      | 638                               | 1,154                                                        |
| 1976            | 2,047                                      | 776                               | 1,271                                                        |
| 1977            | 1,879                                      | 699                               | 1,180                                                        |
| 1978            | 1,853                                      | 648                               | 1,205                                                        |
| 1979            | 1,770                                      | 576                               | 1,194                                                        |
| 1975-79 Average | 1,868                                      | 667                               | 1,201                                                        |
| 1980            | 1,718                                      | 543                               | 1,175                                                        |
| 1981            | 1,561                                      | 500                               | 1,061                                                        |
| 1982 PRELIM.    | (1,792)                                    | (775)                             | (1,017)                                                      |
| 1980-82 Average | 1,690                                      | 606                               | 1,084                                                        |

Table 10. Southeast Alaska Commercial and Recreational Chinook Salmon Harvest, 1965 - Present. (ADF&G 1/83)

(Numbers of Fish in Thousands)

| Year         | -- Commercial Fisheries -- |      |          | Recreational Fisheries 1/ | Total |
|--------------|----------------------------|------|----------|---------------------------|-------|
|              | Troll                      | Net  | Subtotal |                           |       |
| 1965         | 259                        | 28   | 287      | (13)                      | (300) |
| 1966         | 282                        | 26   | 308      | (13)                      | (321) |
| 1967         | 275                        | 26   | 301      | (13)                      | (314) |
| 1968         | 304                        | 28   | 332      | (14)                      | (346) |
| 1969         | 290                        | 24   | 314      | (14)                      | (328) |
| 1965-69 Ave. | 282                        | 26   | 308      | 13                        | 322   |
| 1970         | 305                        | 18   | 323      | (14)                      | (337) |
| 1971         | 334                        | 22   | 356      | (15)                      | (371) |
| 1972         | 242                        | 45   | 287      | (15)                      | (302) |
| 1973         | 308                        | 36   | 344      | (16)                      | (360) |
| 1974         | 322                        | 25   | 347      | (17)                      | (364) |
| 1971-74 Ave. | 302                        | 29   | 331      | 15                        | 347   |
| 1975         | 287                        | 14   | 301      | (17)                      | (318) |
| 1976         | 231                        | 11   | 242      | (17)                      | (259) |
| 1977         | 272                        | 13   | 285      | 17                        | 302   |
| 1978         | 376                        | 25   | 401      | 17                        | 418   |
| 1979         | 338                        | 29   | 367      | 17                        | 384   |
| 1975-79 Ave. | 301                        | 18   | 319      | 17                        | 336   |
| 1980         | 300                        | 22   | 322      | 20                        | 342   |
| 1981         | 248                        | 20   | 268      | 17                        | 285   |
| 1982 2/      | (242)                      | (45) | (287)    | (18) 3/                   | (305) |
| 1980-82 Ave. | 263                        | 29   | 292      | 18                        | 311   |

1/ Estimates of recreational catches for 1977-81 based on mail surveys. Estimates for 1965-76 based on 1977-80 average catch per capita of 0.332 fish applied to population estimates.

2/ Preliminary data.

3/ Projection equal to 1980-81 average catch.

V. Yukon River (Article III)

## V. Yukon River

Arrangements between the two countries for dealing with Yukon River salmon management and harvest sharing issues of joint concern are not specified in the proposed treaty. The institutional framework for the Yukon is also left open - whether it is to be handled under a separate Commission and panels or as part of the system outlined in the draft treaty under Article III. The two countries would, however, commit to negotiating Yukon River issues as soon as possible. They would also have to agree on a range of percentages which would apply to Canadian origin salmon caught in the U.S. when determining how many fish are actually produced by each country in this drainage. In other words, not every fish which would have spawned in Canada would be counted 100% Canadian due to the large part of the drainage in Alaska and U.S. management of these stocks. Actual numbers would not be derived until further research was conducted. Draft treaty language in this section requires further clarification.

Comparative harvest statistics are shown in Table 11.

Table 11. Yukon River Commercial and Subsistence Salmon Catches in Alaska and the Yukon Territory, 1960-82

(Numbers of Fish in Thousands)

| Year | -----Alaska----- |       |          | -----Yukon Territory----- |       |          | -----Total----- |       |       |
|------|------------------|-------|----------|---------------------------|-------|----------|-----------------|-------|-------|
|      | Chinook          | Other | Subtotal | Chinook                   | Other | Subtotal | Chinook         | Other | Total |
| 1960 | 68               | *     | *        | 11                        | 14    | 25       | 79              | *     | *     |
| 1961 | 142              | 453   | 595      | 14                        | 9     | 23       | 156             | 462   | 618   |
| 1962 | 106              | 425   | 531      | 15                        | 10    | 25       | 121             | 435   | 556   |
| 1963 | 142              | 402   | 544      | 11                        | 28    | 39       | 153             | 430   | 583   |
| 1964 | 110              | 492   | 602      | 10                        | 6     | 16       | 120             | 498   | 618   |
| 1965 | 135              | 473   | 608      | 5                         | 12    | 17       | 140             | 485   | 625   |
| 1966 | 105              | 296   | 401      | 5                         | 12    | 17       | 110             | 308   | 418   |
| 1967 | 146              | 335   | 481      | 5                         | 17    | 22       | 151             | 352   | 503   |
| 1968 | 119              | 259   | 378      | 5                         | 12    | 17       | 124             | 271   | 395   |
| 1969 | 104              | 415   | 519      | 3                         | 8     | 11       | 107             | 423   | 530   |
| 1970 | 94               | 581   | 675      | 5                         | 4     | 9        | 99              | 585   | 684   |
| 1971 | 136              | 531   | 667      | 6                         | 16    | 22       | 142             | 547   | 689   |
| 1972 | 113              | 454   | 567      | 3                         | 11    | 14       | 106             | 465   | 571   |
| 1973 | 100              | 769   | 869      | 4                         | 9     | 13       | 104             | 778   | 882   |
| 1974 | 118              | 1,217 | 1,335    | 6                         | 12    | 18       | 124             | 1,229 | 1,353 |
| 1975 | 77               | 1,286 | 1,363    | 6                         | 21    | 27       | 83              | 1,307 | 1,390 |
| 1976 | 106              | 1,026 | 1,132    | 5                         | 4     | 9        | 111             | 1,030 | 1,141 |
| 1977 | 114              | 1,094 | 1,208    | 7                         | 13    | 21       | 121             | 1,107 | 1,228 |
| 1978 | 125              | 1,608 | 1,733    | 6                         | 10    | 16       | 131             | 1,618 | 1,749 |
| 1979 | 160              | 1,622 | 1,782    | 10                        | 22    | 32       | 170             | 1,644 | 1,814 |
| 1980 | 198              | 1,830 | 2,028    | 25                        | 24    | 49       | 223             | 1,854 | 2,077 |
| 1981 | 187              | 2,120 | 2,307    | 17                        | 23    | 40       | 204             | 2,143 | 2,347 |
| 1982 | 145              | 1,211 | 1,356    | *                         | *     | *        | *               | *     | *     |

\* Data not available.

Note: Catch data for most recent years should be considered preliminary.

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TREATY BETWEEN THE GOVERNMENT OF CANADA  
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
CONCERNING PACIFIC SALMON  
(Negotiator's Draft of December 1982)

INDEX

|                                                    |    |
|----------------------------------------------------|----|
| Preamble.....                                      | 1  |
| Articles                                           |    |
| I-Definitions.....                                 | 2  |
| II-Commission and Panels.....                      | 4  |
| III-Principles.....                                | 9  |
| IV-Conduct of Fisheries.....                       | 11 |
| V-Salmon Enhancement Programs.....                 | 14 |
| VI-Fraser River.....                               | 16 |
| VII-Transboundary Rivers.....                      | 18 |
| VIII-Yukon River.....                              | 19 |
| IX-Steelhead.....                                  | 21 |
| X-Research.....                                    | 22 |
| XI-Domestic Allocation.....                        | 23 |
| XII-Technical Dispute Settlement.....              | 24 |
| XIII-Annexes.....                                  | 26 |
| XIV-Implementation.....                            | 27 |
| XV-Entry into Force and Termination of Treaty..... | 28 |
| Annexes                                            |    |
| I-Panels.....                                      | 29 |
| II-Fraser Panel Area.....                          | 30 |
| III-Technical Dispute Board.....                   | 31 |
| IV-Fisheries Regimes                               |    |
| Chapter                                            |    |
| 1-Transboundary Rivers.....                        | 33 |
| 2-Northern British Columbia-Southeastern Alaska    |    |
| Boundary Area.....                                 | 39 |
| 3-Conservation Measures for Chinook Salmon.....    | 42 |
| 4-Fraser River Sockeye and Pink Salmon.....        | 48 |
| 5-Southern British Columbia-Washington Coho        |    |
| and Chum Fisheries.....                            | 51 |
| 6-General Obligation.....                          | 52 |
| Exchange of Notes.....                             | 53 |

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ALVERSON

**TREATY BETWEEN THE GOVERNMENT OF CANADA  
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
CONCERNING PACIFIC SALMON**

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

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

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

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

Desiring to cooperate in the management, research and  
enhancement of Pacific salmon stocks;

Have agreed as follows:

N.P.S

Article I

DEFINITIONS

As used in this Treaty,

1. "enhancement" means man-made improvements to natural habitats or application of artificial fish culture technology that will lead to the increase of salmon stocks;
2. "fishery" means the activity of harvesting or seeking to harvest salmon;
3. "fishery regimes" means the fishing limitations and arrangements adopted by the Parties pursuant to Article IV, paragraph 6;
4. "interception" means the harvesting of salmon originating in the waters of one Party by a fishery of the other Party;
5. "overfishing" means fishing patterns which result in escapements significantly less than those required to produce maximum sustainable yields;

M.P.S

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- 3 -

6. "stocks subject to this Treaty" means Pacific salmon stocks which originate in the waters of one Party and

(a) are subject to interception by the other Party;

(b) affect the management of stocks of the other Party;

or

(c) affect biologically the stocks of the other Party;  
and

7. "transboundary river" means a river that rises in Canada and flows to the sea through the United States.

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Article II

COMMISSION AND PANELS

1. The Parties shall establish 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 consist 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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- 5 -

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 one section shall select from its members a Commission Chairman, and the other section shall select from its members a Vice-Chairman, each of whom shall hold office for the calendar year in which the Treaty 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 and shall be selected by their respective sections. The section which selects the first Chairman 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 appropriate section shall select a replacement for the remainder of the term.
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,

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for itself, for the Panels established pursuant to paragraph 18, and for the committees established pursuant to paragraph 17, as may be necessary for the exercise of their functions and the conduct of their meetings.

8. The Commission may make recommendations to or advise the Parties on any matters relating to the Treaty.

9. Unless otherwise agreed by the Parties, the seat of the Commission shall be at New Westminster, British Columbia.

10. 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 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.

11. Each Party shall pay the expenses of its own section.

12. The Commission shall prepare an annual budget of joint expenses and submit it to the Parties for approval.

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- 7 -

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.

13. The Commission shall authorize the disbursement of funds contributed by the Parties pursuant to paragraph 12, and may enter into contracts and acquire property necessary for the performance of its functions.
14. The Commission shall submit to the Parties an annual report on its activities and an annual financial statement.
15. 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.
16. The Commission may engage staff or authorize the Executive Secretary to do so. The Executive Secretary shall have full authority over the staff subject to the direction of the Commission. If the office of the Executive Secretary is vacant, the Commission shall determine who shall exercise that authority.

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17. The Commission shall establish a Committee on Research and Statistics and a Committee on Finance and Administration. The Commission may eliminate or establish committees as appropriate.
  18. The Commission shall establish Panels as specified in Annex I. The Commission may recommend to the Parties the elimination or establishment of Panels as appropriate.
  19. 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 Treaty may specify or as the Commission may direct.
  20. 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 19. If the Panels cannot agree, each may make an independent report to the Commission.
  21. Each Panel shall consist of not more than 6 members from each Party. Each Party may designate alternate Panel members to serve in the absence of any Panel member appointed by that Party.
  22. Except as otherwise provided in the Treaty, paragraphs 4, 5, 6, 10 and 11 apply, mutatis mutandis, to each
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- 9 -

Article III

PRINCIPLES

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;

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

(c) annual variations in abundance of the stocks.

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- 11 -

**Article IV**

**CONDUCT OF FISHERIES**

In order to facilitate the implementation of Articles

**III, VI and VII:**

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.
2. The Panels shall consider the reports submitted pursuant to paragraph 1 and shall provide their views to the Commission. The Commission shall review the reports of the Panels and shall provide its views to the Parties.
3. Each year the State of origin shall submit preliminary information for the ensuing year to the other Party and to the Commission, including:
  - (a) the estimated size of the run;
  - (b) the interrelationship between stocks;

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(c) the spawning escapement required;

(d) the estimated total allowable catch;

(e) its intentions concerning management of fisheries  
in its own waters; and

(f) its domestic allocation objectives whenever  
appropriate.

The Commission shall forward this information to the appropriate Panels.

4. The Panels shall examine the information submitted pursuant to paragraph 3 and report their views to the Commission with respect to fishery regimes for the following year.

5. The Commission shall review the reports of the Panels and shall recommend fishery regimes to the Parties.

6. On adoption by both Parties, the fishery regimes referred to in paragraph 5 shall be attached to this Treaty as Annex IV.

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- 13 -

7. Each Party shall establish and enforce regulations to implement the fishery regimes adopted by the Parties. Each Party, in a manner to be determined by the Commission, shall notify the Commission and the other Party of these regulations and shall promptly communicate to the Commission and to the other Party any in-season modifications.

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Article V

SALMON ENHANCEMENT PROGRAMS

1. Salmon enhancement programs that may be established by the Parties shall be conducted subject to the provisions of Article III.
2. Each year each Party shall provide to the other Party and to the Commission information pertaining, inter alia, to:
  - (a) operations of and plans for existing projects;
  - (b) plans for new projects; and
  - (c) its views concerning the other Party's salmon enhancement projects.

The Commission shall forward this information to the appropriate Panels.

3. The Panels shall examine the information and report their views to the Commission in light of the obligations set forth in Article III.

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- 15 -

4. The Commission shall review the reports of the Panels and may make recommendations to the Parties.

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Article VI

FRASER RIVER

1. This Article applies to Fraser River sockeye and pink salmon harvested in the area specified in Annex II.
2. Notwithstanding the provisions of Article IV, paragraph 7, on adoption by the Parties of the fishery regime for the stocks covered by this Article, the Fraser River Panel shall propose regulations to the Commission for the harvest of salmon referred to in paragraph 1.
3. The Fraser River Panel shall review with other appropriate Panels the fishery regimes and the information provided pursuant to Article IV, paragraph 3, with respect to salmon other than Fraser River sockeye and pink salmon before proposing regulations pursuant to paragraph 2. The Fraser River Panel and the Commission shall ensure that regulatory proposals and recommendations, to the extent practicable, meet the requirements of the Parties with respect to the management of stocks other than Fraser River sockeye and pink salmon.

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4. In implementing this Article, the Fraser River Panel and the Commission shall take into account and seek consistency with existing aboriginal rights, rights established in existing Indian treaties and domestic allocation objectives.
5. On the basis of the proposals made by the Panel, the Commission shall recommend regulations to the Parties for approval. The Parties shall review the recommendations for, inter alia, consistency with domestic legal obligations. The regulations shall become effective upon approval by the Party in whose waters such regulations are applicable.
6. 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. The Parties shall review the orders for consistency with domestic legal obligations. The Parties shall give effect to such orders in accordance with their respective laws and procedures.
7. The Parties shall not regulate their fisheries in areas outside the area specified in Annex II in a manner that would prevent achievement of the objectives of the fishery regime for the salmon referred to in paragraph 1.

Article VII

TRANSBOUNDARY RIVERS

1. This Article applies to salmon originating in trans-boundary rivers.
2. Notwithstanding Article IV, paragraph 3(c), whenever salmon originate in the Canadian portion of a trans-boundary river, the appropriate Panel shall provide its views to the Commission on the spawning escapement to be provided for all the salmon stocks of the river if either section of the Panel so requests.
3. On the basis of the views provided by the Panel pursuant to paragraph 2, the Commission shall recommend spawning escapements to the Parties.
4. Whenever salmon originate in the Canadian portions of transboundary rivers, or would originate there as a result of enhancement projects, salmon enhancement projects on the transboundary rivers shall be undertaken co-operatively, provided, however, that either Party, with the consent of the Commission, may separately undertake salmon enhancement projects on the trans-boundary rivers.

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- 19 -

Article VIII

YUKON RIVER

1. Notwithstanding Articles III, paragraph 1(b), and VII, arrangements for consultation, recommendation of escapement targets and approval of enhancement activities on the Yukon River require further development to take into account the unique characteristics of that River.
2. The Parties consider it important to ensure effective conservation of stocks originating in the Yukon River and to explore the development of co-operative research and identification of potential enhancement opportunities.
3. The Parties shall initiate in 1983, and conclude, as soon as possible, negotiations to, inter alia:
  - (a) account for United States harvests of salmon originating in the Canadian section of the River;
  - (b) develop joint management procedures taking into account United States management programs for stocks originating in the United States section of the River;

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(c) consider co-operative research programs, enhancement opportunities, and exchanges of biological data; and

(d) develop an organizational structure to deal with Yukon River issues.

4. Prior to the entry into force of this Treaty, the Parties shall agree upon:

(a) the range within which the accounting of United States interceptions referred to in paragraph 3(a) shall be established;

(b) arrangements for exchange of available data on the stocks; and

(c) proposals for research.

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- 21 -

**Article IX**

**STEELHEAD**

In fulfilling their functions, the Panels and Commission shall take into account the conservation of steelhead.

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Article X

RESEARCH

1. The Parties shall conduct research to investigate the ~~aimed~~ migratory and exploitation patterns, the productivity and the status of stocks of common concern and the extent of interceptions.
2. The Commission may make recommendations to the Parties regarding the conduct and coordination of research.
3. Subject to normal requirements, each Party shall allow nationals, equipment and vessels of the other Party conducting research approved by the Commission to have access to its waters for the purpose of carrying out such research.

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Article XI

DOMESTIC ALLOCATION

1. This Treaty shall not be interpreted or applied so as to affect or modify existing aboriginal rights or rights established in existing Indian treaties and other existing federal laws.
2. This Article shall not be interpreted or applied so as to affect or modify any rights or obligations of the Parties pursuant to other Articles and Annexes to this Treaty.

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Article XII

TECHNICAL DISPUTE SETTLEMENT

1. Either Party may submit to the Chairman of the Commission, for referral to a Technical Dispute Settlement Board, any dispute concerning estimates of the extent of salmon interceptions and data related to questions of overfishing. The Commission may submit other technical matters to the Chairman for referral to a Board. The Board shall be established and shall function in accordance with the provisions of Annex III. The Board shall make findings of fact on the disputes and the other technical matters referred to it.
2. The findings of the Board shall be final and without appeal, except as provided in paragraph 3, and shall be accepted by the Commission as the best scientific information available.
3. Either Party may, by application in writing to the Chairman of the Commission, request reconsideration of a finding of a Board, provided that such request is based on information not previously considered by the Board and not previously known to or reasonably

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- 25 -

discoverable by the Party requesting such reconsideration. The Chairman shall, if possible, refer the request to the Board which made the finding. Otherwise, the Chairman shall refer the request to a new Board constituted in accordance with the provisions of Annex III.

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Article XIII

ANNEXES

1. All references to this Treaty shall be understood to include the Annexes.
2. The Commission, whenever appropriate, shall review the Annexes and may make recommendations to the Parties for their amendment.
3. The Annexes may be amended by the Parties through an Exchange of Notes between the Government of Canada and the President of the United States of America.
4. The Commission shall publish the texts of the Annexes whenever amended.

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- 27 -

Article XIV

IMPLEMENTATION

Each Party shall:

- (a) enact and enforce such legislation as may be necessary to implement this Treaty;
- (b) require reports from its nationals and vessels of catch, effort and related data for all stocks subject to this Treaty 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 Treaty.

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Article XV

ENTRY INTO FORCE AND TERMINATION  
OF TREATY

1. This Treaty is subject to ratification. It shall enter into force upon the exchange of instruments of ratification at \_\_\_\_\_.
2. At the end of the third year after entry into force and at any time thereafter, either Party may give notice of its intention to terminate this Treaty. The Treaty shall terminate one year after notification.
3. Upon the entry into force of this Treaty, the Convention between Canada and the United States of America for the Protection, Preservation and Extension of the Sockeye Salmon Fishery in the Fraser River System, as amended, signed May 26, 1930, shall be terminated. Following the termination of the Convention, the transfer of responsibilities from the International Pacific Salmon Fisheries Commission to the Commission, the Fraser River Panel and the Government of Canada shall be as agreed by the Parties.

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- 29 -

**Annex I**

**PANELS**

The following panels shall be established pursuant to  
Article II, paragraph 18:

- (a) a Southern Panel for salmon originating in rivers  
with mouths situate south of Cape Caution, except  
as specified in sub-paragraph (b);
- (b) a Fraser River Panel for Fraser River sockeye and  
pink salmon harvested in the area specified in  
Annex II; and
- (c) a Northern Panel for salmon originating in rivers  
with mouths situate between Cape Caution and Cape  
Suckling.

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Annex II

FRASER PANEL AREA

The area comprises the waters described in Article I of the Convention between Canada the the United States of America for the Protection, Preservation and Extension of the Sockeye Salmon Fishery in the Fraser River System, as amended, signed May 26, 1930.

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- 31 -

Annex III

TECHNICAL DISPUTE SETTLEMENT BOARD

1. Each Technical Dispute Settlement Board shall be composed of three members. Within 10 days of receiving a request under Article XII to refer a matter to a Board, the Chairman of the Commission shall notify the Parties. Within 20 days of this notification, each Party shall designate one member and the Parties shall jointly designate a third member, who shall be Chairman of the Board.
2. The Board shall determine its rules of procedure, but the Commission or the Parties may specify the date by which the Board shall report its findings. The Board shall provide an opportunity for each Party to present evidence and arguments, both in writing and, if requested by either Party, in oral hearing. The Board shall report its findings to the Commission, along with a statement of its reasons.
3. Decisions of a Board, including procedural rulings and findings of fact, shall be made by majority vote and shall be final and without appeal except as provided in Article XII, paragraph 3.

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4. Remuneration of the members and their expense allowances shall be determined on such basis as the Parties may agree at the time the Board is constituted. The Commission shall provide facilities for the proceedings.

provided to each of the members of the Board in accordance with the provisions of the Charter of the Commission.

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- 33 -

Annex IV

Chapter 1

TRANSBOUNDARY RIVERS

1. Notwithstanding Article III, paragraph 1(b), 37.5 percent of the harvest by the United States of each species of salmon originating in Canadian sections of transboundary rivers, except those with mouths situate in the Bering Sea and Arctic Ocean, shall be deemed to be of United States origin.
2. As it is not yet possible to determine with accuracy the extent of exploitation by fisheries of the two Parties and the spawning escapement requirements of salmon bound for Canadian sections of the transboundary rivers in the southeastern Alaska area, the Parties during 1983 shall form a Technical Working Group to:
  - (a) assemble available information on the migratory patterns (including consideration of recent stock separation studies based on examination of scales), extent of exploitation and spawning escapement requirements of the stocks; and
  - (b) identify potential increases in stocks that can be achieved through enhancement.

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3. The following arrangements shall apply to the United States and Canadian fisheries which harvest salmon stocks bound for the Stikine River.

(a) Sockeye Salmon

(i) In 1983 the run of sockeye is anticipated to be 70,000 pieces. Given this expected run size, subject to agreed adjustments in the event that analysis of available data (which shall be made available for joint review) indicates that the run size differs significantly from that projected, and based on the data base available to each side:

(A) the United States shall manage its fisheries to allow approximately 55,000 sockeye to reach the Canadian section of the River; and

(B) Canada shall manage its food and commercial fisheries to allow a spawning escapement of approximately 40,000 to 47,000 sockeye.

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(ii) In 1984 the run of sockeye is anticipated to be 40,000 pieces. Given this expected run size, subject to agreed adjustments in the event that analysis of available data (which shall be made available for joint review) indicates that the run size differs significantly from that projected, and based on the data base available to each side:

- (A) the United States shall manage its fisheries to allow approximately 33,500 sockeye to reach the Canadian section of the River; and
- (B) Canada shall manage its food and commercial fisheries to allow a spawning escapement of approximately 28,000 sockeye.

(iii) In 1983 and 1984, taking into account the low anticipated run sizes and difficulties in achieving precise spawning escapements, the foregoing provisions may result in the Canadian share of the Stikine River sockeye harvest exceeding 35 percent of the Total Allowable Catch. It is the United States view that the allowable catch should be divided between the countries so that the United States would receive 65 percent and Canada 35 percent.

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(b) Coho Salmon

Given the prevailing rates of harvest of Stikine River coho salmon in United States troll fisheries and in net fisheries targetting on other species, it may not be possible in 1983 and 1984 for the United States to provide an upriver escapement sufficient to meet spawning requirements and a Canadian in-river harvest of 35 percent of the total expected catch. It is also expected that the 1983 and 1984 runs will be poor. In light of these circumstances the Parties shall monitor the runs in and on the approaches to the Stikine River throughout the season, with a view to providing Canada with an in-river harvest as close as possible to a 35 percent share of the total catch while, at the same time, meeting spawning requirements.

(c) Other Species

Canadian catches and United States terminal catches of chinook, pink and chum salmon bound for the Canadian section of the River will be taken as an incidental harvest in the directed fishery for sockeye.

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- 37 -

4.(a) In 1983, Canada shall limit its in-river fishery so that catches of sockeye and pink salmon originating in the Taku River do not exceed 3,000 and 5,000 pieces, respectively.

(b) The Parties shall meet during 1983 to re-evaluate the fishery regime for the fisheries on Taku bound salmon for 1984, taking into account the report of the working group described in paragraph 2 of this Chapter. At the same time the Parties will also give consideration to improving procedures for co-operative management of the fisheries on transboundary river stocks in the southeast Alaska area, and to the question of future sharing of allowable harvests, taking into account potential enhancement opportunities.

5. Chinook and early sockeye salmon runs originating in the Alsek River are depressed and require special protection in 1983 and 1984. Fisheries for other species originating in the Alsek River shall be conducted in the same manner as in recent years.

6. Considering that stocks of salmon originating in Canadian sections of the Columbia River form only a

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small proportion of the total populations of Columbia River salmon, the arrangements for consultation and recommendation of escapement targets and approval of enhancement activities set out in Article VII are not appropriate to the Columbia system as a whole. Nevertheless, the Parties consider it important to ensure effective conservation of upriver stocks which extend into Canada and to explore the development of mutually beneficial enhancement activities. Therefore, notwithstanding Article VII, paragraphs 2, 3 and 4, during 1983 the Parties shall consult with a view to developing, for the transboundary sections of the Columbia, more practicable arrangements for consultation and setting escapement targets than those specified in Article VII, paragraphs 2 and 3. Such arrangements should seek to:

- (a) ensure effective conservation of the stocks;
- (b) facilitate future enhancement of the stocks on an agreed basis; and
- (c) avoid interference with United States management programs on the extensive salmon stocks existing in the non-transboundary tributaries and the main stem of the Columbia River.

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Annex IV

Chapter 2      Northern British Columbia-Southeastern Alaska  
Boundary Area

1. Considering that the chum salmon stocks originating in streams in Portland Canal and harvested in the mixed stock and target fisheries in the Dixon Entrance, Portland Inlet and Portland Canal are depressed and require protection:
  - (a) in 1983 and 1984 neither Party shall allow target fisheries on these stocks in Portland Canal unless it is determined that a harvestable surplus exists; and
  - (b) in 1983, assessments shall be made to identify possible measures (including enhancement and regulatory programs) to restore the stocks. On the basis of such assessments, proposals shall be prepared for a long term plan to bring about such restoration.
  
2. (a) With respect to sockeye salmon, the United States shall:
  - (i) limit its purse seine fishery in the Noyes Island area (District 4) in a manner that will result in an annual average harvest of 160,000 sockeye salmon during the period 1983-86; and

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(ii) limit its drift gill net fishery at Tree Point (Districts 1A and 1B) in a manner that will result in an annual average harvest of 130,000 sockeye salmon during the period 1983-86.

(b) These harvest levels shall be reviewed during the negotiation of fishery regimes for 1985 and 1986.

3. Canada shall limit its fisheries for pink salmon in the sub-areas of Areas 3 and 5 that were described in the interim arrangements for 1981 and 1982 and in the area 1 troll fishery in a manner which will result in a total catch in the 1983 and 1984 pink salmon cycles of 2 million fish. Of this total, in 1983, no more than a total 650,000 pink salmon shall be taken, and of that, the area 1 troll fishery shall take no more than 125,000 pink salmon. In 1984, no more than a total 1,350,000 pink salmon shall be taken, and of that, the area 1 troll fishery shall take no more than 275,000 pink salmon. These harvest levels shall be reviewed during the negotiation of fishery regimes for 1985 and 1986.

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4. The Parties shall exchange preliminary management plans for the fisheries described above at the earliest possible date. Such exchange shall include determination of the intended pattern of the Canadian troll fishery in area 1 which will reflect the understanding of the interim arrangement for 1982 pending the development of new regulatory lines in area 1.

Annex IV

Chapter 3

CONSERVATION MEASURES FOR CHINOOK SALMON

For the past several years, escapements for many naturally spawning chinook salmon stocks originating from the Columbia River northward to southeastern Alaska have declined and are now at levels substantially below production goals. These stocks cannot sustain recent rates of exploitation in the following fisheries: Georgia and Johnstone Straits, central and northern British Columbia, and southeastern Alaska.

The Parties agree to undertake the following actions to stabilize and rebuild depressed stocks of naturally spawning chinook salmon.

1. In 1983, the Parties will jointly develop and initiate a coordinated salmon management program designed to meet the following objectives:
  - (a) at least prevent further declines in spawning escapements from recent levels for depressed chinook salmon stocks; and

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- (b) restore the production of naturally spawning chinook salmon stocks by achieving escapement goals within a ten year period (approximately 2 cycles, beginning in 1983) which will provide the maximum sustainable harvest.

2. The chinook salmon management program will include at least:

- (a) identification of indicator stocks representative of naturally spawning populations of chinook salmon;
- (b) procedures to obtain reliable estimates of spawning escapements;
- (c) establishment of criteria to evaluate the effectiveness of conservation actions;
- (d) exchange of information necessary to analyze the effectiveness of alternative fishery regulatory measures to satisfy conservation objectives;
- (e) recommendations for research required to implement this program effectively; and

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(f) development of necessary measures for monitoring and enforcing compliance with the terms of this Treaty.

3. In 1983, the Parties shall enact regulations designed to ensure that:

- (a) the combined catch by all southeastern Alaskan salmon fisheries does not exceed 263,000 chinook, and of that, the catch taken by the commercial salmon fisheries does not exceed 243,000 chinook; and
- (b) the combined catch by all Canadian salmon fisheries in Georgia and Johnstone Straits and central and northern British Columbia does not exceed 868,000 chinook.

4. In 1983 and 1984, the Parties shall implement management measures for fisheries in other areas as required to ensure that chinook salmon from depressed stocks that are conserved by the imposition of harvest ceilings accrue principally to spawning escapement.

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- 45 -

5. Following the 1983 season and prior to the development of fishery regimes for the 1984 season, the Parties shall establish a Technical Committee, representative of the Northern and Southern Panels, to evaluate the effectiveness of management actions taken in 1983 with respect to:

- (a) consistency of actual catches with corresponding harvest ceilings;
- (b) the effect of the management measures described in paragraph 3; and
- (c) the degree to which the decline in spawning escapement levels has been affected.

6. The Technical Committee shall also re-examine, and if appropriate, propose changes to the extent of reductions in exploitation required to meet the objective specified in sub-paragraph 1(a), and contained in the Report entitled Joint United States/Canada Technical Response to the Canadian Proposal for Chinook Conservation, dated November 30, 1982 (appended to this Annex). On the basis of the findings of the Technical Committee, the Parties shall adopt measures in 1984 which will result

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in reductions in catches to achieve the objective specified in paragraph 1(a). According to present agreed scientific analysis of the status of the stocks of concern contained in the Report, this would require a reduction in catches by the affected fisheries of approximately 25 percent from the 1981-82 harvest of chinook levels (paragraph 2 of the Report).

7. The Parties agree that enhancement efforts designed to increase artificial production of chinook salmon would be beneficial to the rebuilding program. Maintenance of harvest ceilings, combined with increased availability of enhancement fish, provides the opportunity to accelerate the stock rebuilding process by significantly reducing exploitation rates of naturally spawning stocks. The United States is initiating a program under section 4h of the Northwest Power Act as a national commitment to rehabilitation of Columbia River salmon stocks and is developing additional cooperative enhancement plans for southeastern Alaska. Efforts to increase chinook stocks are also under development by the States of Idaho, Oregon, Washington and Alaska, and federal agencies of the United States. Production from Canada's Salmonid Enhancement Program

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- 47 -

will continue to increase its contribution to the available harvest of chinook salmon in the affected fisheries.

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Annex IV

Chapter 4

FRASER RIVER SOCKEYE AND PINK SALMON

1. In order to increase the effectiveness of the management of fisheries in the Fraser Panel Area and in fisheries outside the Area which harvest Fraser River sockeye and pink salmon and to permit effective implementation of Article III, the negotiations for the 1985 and 1986 fishery regimes shall include development of:
  - (a) agreed adjustments in the limits of the Area to simplify domestic management in the two countries; and
  - (b) formulae for providing the United States with agreed harvests of Fraser River sockeye and pink salmon in the Area which take into account:
    - (i) within the context of Article III, the implications of potential increases in the production of Fraser River sockeye and pink salmon, and of benefits provided to the United States through Canadian management actions in fisheries

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- 49 -

for stocks other than Fraser River sockeye and pink salmon;

(ii) the need to provide flexibility in management of fisheries outside the Area which harvest Fraser River sockeye and pink salmon; and

(iii) the total harvest of Fraser River sockeye and pink salmon wherever they occur.

2. In the interim, in 1983, on the basis of IPSFC projections regarding the abundance of the returning runs (of approximately 6.5 million sockeye and approximately 21.0 million pinks), escapement requirements (including the spawning escapement and estimates of the Native Indian food catch) and normal patterns of fishing outside the Area, it is anticipated that the Total Allowable Catches of sockeye and pink salmon within the Area will be 3.5 million and 10 million, respectively.
3. In 1983, the United States shall be provided 50 percent of the Total Allowable Catches of each species within the Area less 150,000 sockeye and 300,000 pinks.

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4. In 1984, based on an expected run of 3.75 million sockeye and an Area Total Allowable Catch of approximately 1.75 million sockeye, the United States shall be provided with 50 percent of the Total Allowable Catch within the Area of sockeye less 50,000 fish.

has been the same since 1984.

5. The IPSFC or the Commission shall develop regulatory programs in the Area to give effect to the provisions of this Annex.

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- 51 -

Annex IV

**Chapter 5**

**SOUTHERN BRITISH COLUMBIA - WASHINGTON COHO AND CHUM FISHERIES**

1. Anticipated returns of some natural coho and chum salmon stocks originating in Johnstone Strait, the Strait of Georgia and the Fraser River in 1983 and 1984 are expected to be weak and therefore not likely to have a harvestable surplus. Some enhanced stocks of coho and chum originating in the above areas are anticipated to have harvestable surpluses and locally directed fisheries on these enhanced stocks are expected.
2. The Parties shall meet and develop agreed fishery regimes by April 30, 1983 for the 1983 and 1984 fishing season in response to the conservation status of the resources.
3. If at a later date it is determined that harvestable surpluses of Canadian or United States coho and chum salmon exist the Parties will consult to identify and agree on fishing opportunities.

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Annex IV

Chapter 6

GENERAL OBLIGATION

With respect to intercepting fisheries not dealt with elsewhere in this Annex, the Parties shall not permit interceptions to increase above the levels of recent years, nor initiate new intercepting fisheries, except as may be agreed.

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- 53 -

Exchange of Notes

I have the honor to refer to the discussions between representatives of our two <sup>1/11 MRS</sup> Governments and to the Treaty between the Government of the United States of America and the Government of Canada concerning Pacific salmon (the Treaty) and to confirm on behalf of the United States Government the understanding set out below that has been reached between our two <sup>QC JLA MRS</sup> Governments concerning the implementation of Article XVII, paragraph 3 of the Treaty.

A. Prior to the first anniversary of the date of entry into force of the Treaty: —

1. The Fraser River Panel established pursuant to the Treaty shall assume the following responsibilities consistent with the Treaty:

(a) review and evaluate information provided by the Parties, pursuant to Article IV, paragraph 3, in order to provide recommendations to the Commission on the fishery regime to be included in Annex IV;

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- (b) on adoption by the Parties of the fishery regime, make proposals to the Commission regarding regulations for the harvest of Fraser River sockeye and pink salmon within the Fraser Panel Area (the Area);
- (c) collect in-season information on catches within the Area; review information on escapements within the Area; collate information provided by the Parties pursuant to paragraphs D, 2 and 3 for fisheries outside the Area; conduct test fishing on Fraser River sockeye and pink salmon; and collect data on upriver escapements by observation at Hell's Gate and through the conduct of a hydroacoustic program at Mission Bridge;
- (d) make orders for the adjustment of the fisheries pursuant to Article VI, paragraph 6, on the basis of information garnered under subparagraph (c); and
- (e) provide the Commission, at the end of each fishing season, with an accounting of the catches, wherever made, of Fraser

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- 55 -

River sockeye and pink salmon and with an appraisal of the extent to which the Panel achieved <sup>the</sup> ~~the~~ objectives set by the Parties.

2. Canada shall assume all responsibilities of the International Pacific Salmon Fisheries Commission (IPSFC) except for those responsibilities specified in subparagraph 1.
- B. The IPSFC will continue to discharge its responsibilities in the interval between the entry into force of the Treaty <sup>to MRS</sup> and, pursuant to paragraph A, the assumption of responsibilities by Canada and the Fraser River Panel.
- C. Prior to the fourth anniversary of the entry into force of the Treaty, the Commission shall review the division of responsibilities set out above.
- D. Canada and the United States shall provide to the Commission:
  1. the information required by Article IV, paragraph 3;

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2. information on in-season catches and estimated catches of Fraser River sockeye and pink salmon by time, area, species, and gear type;
  3. post-season statistical information regarding Fraser River sockeye and pink salmon catches by area, gear type, species and time;
  4. data on spawning escapements for all sockeye and pink stocks which migrate through the Area; and
  5. information on any problems identified in achieving national goals resulting from in-season regulation of the Area fisheries.
- E. The following administrative arrangements shall apply to the transfers of staff from IPSFC:
1. Appropriate members of the existing Fishery Management Division and of other Divisions of the IPSFC shall be transferred to the Commission so that it shall have the capability to perform the following duties:
    - (a) the discharge of the responsibilities of the Commission and of the Fraser River Panel as specified inter alia in paragraph A 1; ~~148~~ M.P.S
    - (b) interpretation of statistical and biological data and other information referred to in paragraph D;

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- 57 -

(c) collection and assembly of such data as may be required by the Commission and its Panels; and

(d) preparation of such publications as may be decided upon by the Commission.

2. The staff shall be under the direction of the Executive Director pursuant to Article II, paragraph 16.

3. The Operations Division shall be transferred to the Department of Fisheries and Oceans (DFO), Canada, to the extent practicable, and shall continue to carry out upriver work on pink and sockeye salmon in coordination with the staff of the Fraser River Panel. While there will be some duplication of work in the spawning areas during this initial period, it is anticipated that the Operations Division will eventually be integrated into DFO's Fraser River Management and Enhancement Operations to streamline upriver operations and to avoid duplication. The close working

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relationship that now exists at the staff level between the IPSFC Fishery Management Division and Operations Division should be maintained between the Fraser River Panel staff and the appropriate DFO responsibility centers.

4. The Environment Conservation Division, Biology Division, and Engineering Division shall be transferred to DFO and integrated as practicable

5. The transfers of the Fishery Management Division and the Operations Division of the IPSFC referred to in paragraphs 1 and 2 shall occur during the period November to March. The transfer of the Environment Conservation Division, the Biology Division and the Engineering Division referred to in paragraph 3 may occur at any time within the year after the date of entry into force of the Treaty. Officials of the Parties shall consult with each other and with the IPSFC staff to seek agreement on the specific timing of these transfers, taking into account the need for continued sound management of the fishery resource and the administrative and budget cycles of the two Governments.

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- 59 -

F. In order to ensure continuity in the methodology of collection of upriver data required for the management of Fraser River sockeye and pink salmon:

1. Pending the entry into force of the Treaty, DFO staff shall participate with IPSFC staff in IPSFC upriver activities.
2. In the first two years following entry into force of the Treaty former IPSFC staff members whose responsibilities included upriver work, and who become employees of DFO, shall participate in the carrying out of Canada's upriver responsibilities, as practicable. With respect to upstream spawning escapement work, the advice of the new Commission's staff shall be sought as appropriate.
3. On request of either Party, opportunities shall be provided for technical experts to observe the data collection operations of the Parties related to the activities of the Fraser River Panel.

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G. The Parties shall consult with each other and with the IPSFC staff, with a view, inter alia, to offering employment to IPSFC employees in the new Commission, the Fraser River Panel, or within government agencies of the two Parties on terms and conditions comparable, to the extent practicable, with those they enjoy in IPSFC.

H. The IPSFC library in New Westminster, B.C., which contains irreplaceable historical records, shall be transferred to the new Commission and shall be readily accessible to the new Fraser River Panel, the Commission, and others whose professional needs require use of these library facilities.

Other IPSFC assets necessary for the work of the Commission and the Fraser River Panel shall be transferred to the Commission.

The remaining assets shall be transferred to Canada.

I have the honor to propose that if the understanding set out in this Note is acceptable to the Government of Canada, this Note and your reply to that effect, shall constitute an Agreement between the Government of the United States of America and the Government of Canada regarding the implementation of the Treaty and shall enter into force

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- 61 -

At the end of the third year after entry into force and at any time thereafter, either Party may give notice of its intention to terminate this Agreement. The Agreement shall terminate one year after notification.

I avail myself of this opportunity to renew to you, Sir, the assurance of my highest consideration.

Subject to change by mutual agreement on receipt of views provided by IPSEC.

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**LETTER OF UNDERSTANDING BETWEEN THE NEGOTIATORS  
REGARDING IMPLEMENTATION OF ARTICLE III 1(b)**

In submitting our recommendations to governments, the negotiators hold the view that the principal goals of the treaty are to enable both countries, through better conversation and enhancement, to increase production of salmon and to ensure that the benefits resulting from each country's efforts accrue to that country. In this regard, we believe that research on the migratory movements of stocks subject to interception must be continued for several years. Such research is required not only to determine with more precision the extent of interceptions by both sides, but also to provide an improved basis for conservation and enhancement. The negotiators believe that resultant long term increases in production of salmon will fully justify the short term expenditures on research.

With respect of the obligation to provide each Party with benefits equivalent to the production of salmon originating in its rivers (contained in Article III, paragraph 1(b) of the Draft Treaty), it must be recognized that data on the extent of interceptions in some areas are imprecise and that it is therefore not possible to determine with certainty the total production of salmon from each country's rivers. It must also be recognized that methods of evaluating benefits accruing within each country may differ. For these reasons, it is anticipated that it will be some time before the Commission can develop programs to implement the provisions of Article III, paragraph 1(b) in a complete and comprehensive manner. Nevertheless, in the short term, it is essential that the Commission ensure that the annual fishery regimes and understandings regarding enhancement be developed in an equitable manner

**DRAFT**

-2-

taking into account the principle outlined in Article III 1(b). In particular, the Commission's decisions should take into account changes in the benefits flowing to each of the Parties through alteration in fishing patterns, conservation actions, or as the result of changes in the abundance of the runs.

In the longer term, if it is determined that one country or the other is deriving substantially greater benefits than those provided from its rivers, it would be expected that within the Commission, the Parties would develop a phased program to eliminate the inequity within a specified time period, taking into account the provisions of Article III paragraph 3. Since correction of imbalances is a national responsibility and may involve differential fishery adjustments or enhancement projects on a regional basis within either country, it would be incumbent on the Party with the advantage to submit appropriate proposals to the Commission for consideration. The plan would be discussed within the Commission and be reflected in the agreed fishery regimes and coordinated enhancement planning in ensuing years.

M.P.S  
D.L.H.

## EXCHANGE OF NOTES

Pending entry into force of the Treaty and the Agreement regarding the implementation of Article XVII, paragraph 3 of the Treaty, the Parties shall seek to implement the Treaty and the Agreement on a provisional basis.

M/S  
J.L.A.

LETTER OF UNDERSTANDING BETWEEN THE NEGOTIATORS  
REGARDING IMPLEMENTATION OF ARTICLE III 1(b)

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M.P.S  
9/1/6

# State senator questions treaty task force objectivity

## NMFS press release sparks doubts—Eliason

By KIRK McALLISTER  
Empire Staff Reporter

Sen. Dick Eliason, R-Sitka, today questioned the objectivity of Gov. Bill Sheffield's task force studying the proposed U.S.-Canada Salmon Treaty because of a press release from Bob McVey, director of the National Marine Fisheries Service, Alaska Region.

"McVey praised the treaty and played down fears and concerns expressed by fishermen over its inadequacies," Eliason said.

The senator is concerned that one of the task force members,

Jim Brooks, who is McVey's deputy director, won't be able to make an objective recommendation with his boss seemingly favoring the pact.

"I'm dismayed that a press release of this sort has come out which could undermine the credibility of the task force and bring its objectivity into question," Eliason said. "How unbiased can someone be in his review and recommendation when his boss has publicly embraced the treaty?"

Brooks is part of a three-member panel appointed by the governor to study the agreement prior to a decision on whether the state will support the treaty. The other task force members are Don Collinsworth, commissioner of the Department of Fish and Game, and Elmer Rasmuson, former chairman of the North Pacific Fisheries Management Council.

The task force's recommendation on the treaty is expected to

be presented to the governor next week.

The Senate Resources Committee last week unanimously recommended passage of a resolution asking for the rejection of the proposed salmon treaty with Canada.

McVey's press release, dated Feb. 2, stopped short of endorsement of the proposed treaty but emphasized the potential benefits of the pact, including:

- Control of Canadian catches of pink salmon in Dixon Entrance.
- Control of Canadian catches in the Taku, Stikine and Alsek Rivers.
- Joint hatchery programs between the U.S. and Canada.
- The coastwide chinook salmon program.

McVey denied his press release would prejudice Brooks's decision on the treaty, and the intent was to point out the positive

aspects of the agreement.

"Jim Brooks was not involved in the treaty negotiations like I was so I think he'll have a fresh view of it," said McVey. "I think he can make an objective decision."

In studying the treaty Brooks has had the benefit of listening to fishermen's groups opinions and interaction with the other two task force members, McVey added.

"The press release was not a whole-hearted endorsement of the proposed treaty," McVey said. "We didn't want the treaty to be rejected out of hand so we wanted to present the other side. Our intent was to mention the best aspects of the treaty to insure that it would get a fair evaluation. Let's wait for the result (treaty recommendation) before making accusations."

The final form of the proposed salmon treaty was presented by chief U.S. negotiator Lee Alverson in Juneau in January.

Juneau Empire  
2/16/83

### Treaty

An Open Letter to  
Senators Stevens  
and Murkowski:

Within the next few weeks Governor Sheffield will be making his decision about whether to endorse or reject the proposed U.S.-Canada salmon treaty. As I understand the procedure, Gov. Sheffield's decision will serve as Alaska's recommendation to the U.S. negotiator, Dr. Alverson, whether to send the treaty to the United States Senate for ratification.

If that happens, it will be up to the U.S. Senate to decide whether Alaska's fishermen will have to live with this version of the treaty, or if Alaskans will

retain the option of returning to the negotiating table.

I strongly urge you to make every effort to see that the U.S. Senate does not ratify the proposed salmon treaty. I have been hearing from every fishing gear group involved and have not found anyone who favors acceptance of the treaty as it is now written. Much of the language in the treaty is too vague to insure the conservation of our resource and the protection of our fishermen. The statistics and principles used to arrive at many of the allocations in the treaty are in question. Restrictions imposed by the treaty have disastrous economic implications for many Alaskans.

I believe, and virtually everyone I've talked with believes, that a good coast-wide salmon treaty is valuable, even necessary. Many years of negotiations have gone into the process of developing an acceptable agreement.

We are closer than ever to

such an agreement but this treaty does not accomplish it. It is imperative that we reopen negotiations to work out the remaining problems. If we sign off on the currently proposed treaty we will be saddled with an unfair and unworkable arrangement for years to come.

Sincerely,  
Sen. Dick Eliason  
Pouch V  
Juneau, 99811