

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

1200 SCOMM 36: HOUSE SPEC. COMMITTEE ON FISHERIES 1983-84 *BC 7*

KODIAK AREA CHAMBER OF COMMERCE

RESOLUTION 02-582

A RESOLUTION OF THE KODIAK AREA CHAMBER OF COMMERCE
OPPOSING THE SHARE QUOTA SYSTEM OF ALLOCATION OF FISHERIES RESOURCES.

WHEREAS, the North Pacific Fishery Management Council on March 25, 1982, enacted a moratorium on new entrants to the Alaska halibut fishery, and directed that a shares-quota system of allocation of the fishery be prepared for the 1983 season, and

WHEREAS, the United States Senate recently passed SB 2244 giving the Council the necessary authority to enact such a system, and

WHEREAS, the bill is expected to pass the U. S. House of Representatives without any public hearings, and

WHEREAS, the proposed share system will allocate permanent fishing shares consisting of a fixed percentage of the halibut to individual fishermen based on their average harvests of the past three years as a percent of the total harvest, and

WHEREAS, it is intended that these shares may thereafter be bought, sold, or leased by the initial shareholders, and that individual shareholders may purchase additional shares from willing sellers up to an aggregate of two percent or possibly higher, of the total quota per shareholder, and

WHEREAS, it appears inevitable that these shares will concentrate to fewer and fewer people, theoretically as few as 50, if two percent is the maximum allowed per person, and

WHEREAS, the annual value of the halibut harvest in Alaska approaches \$50,000,000 to the fishermen, and

WHEREAS, it has been conservatively estimated that the value of the halibut shares could be three to five times the value of their annual allowed catch, or approximately \$250,000,000, creating an undeserved windfall to the initial shareholders, and an even greater burden to future potential shareholders, and

WHEREAS, THIS HALIBUT SHARE QUOTA SYSTEM IS BEING USED AS A PRECEDENT AND PROTOTYPE FOR OTHER ALASKAN FISHERIES BY STATE AND FEDERAL FISHERY MANAGERS, and

WHEREAS, under the shares system a fisherman's catch will be dependent solely on the number of shares he owns (his wealth) rather than his abilities as a fisherman, and

WHEREAS, such a system will concentrate the increasing wealth of our fisheries into fewer and fewer hands, creating great inequities of opportunity in our fishing communities particularly among the young, and

WHEREAS, Alaska fishery managers presently have a variety of regulatory tools, such as harvest levels, sex and size limits, gear restrictions, area closures, et cetera, and our fisheries and generally very healthy biologically, and

WHEREAS, the share system greatly hinders fishermen from being able to diversify among various fisheries, thus depriving them of a key element for economic survival as small businessmen, and

WHEREAS, the Alaska fisheries industry is the first, or close second, largest private sector employer in the State, and as such, too vital to the people and the economy to risk all the inherent dangers and inequities of such an irreversible, unnecessary management plan as the shares system, and

WHEREAS, the entire economy of Alaskan coastal communities such as Kodiak is small businesses dependently interfacing with the fisheries industry and providing economic and logistic support to the independent fishermen, and

WHEREAS, the Kodiak Area Chamber of Commerce considers the rich abundant fisheries resources in the waters surrounding Kodiak and Alaska to be a renewable PUBLIC resource which serves a primary purpose, along with providing food for the people of the world, of sustaining the livelihoods and economy of the people and communities of our island and State, and

WHEREAS, the idea of permanently turning over the ownership of our public resource to a few private hands totally contradicts the principle of free enterprise, and is contrary to the fundamentals upon which our country is founded,

NOW, THEREFORE, BE IT RESOLVED that the Kodiak Area Chamber of Commerce is opposed to the share quota system of allocation of ANY fisheries resources in Alaska, and that this resolution be communicated to the following people:

The President
Ronald Reagan

The Honorable Jay S. Hammond
Governor of Alaska

The Honorable Ted Stevens
United States Senate

The Honorable Frank H. Murkowski
United States Senate

The Honorable Donald Young
The United States House of Representatives

The Honorable John Breaux
The United States House of Representatives

The Honorable Gerry Studds
The United States House of Representatives

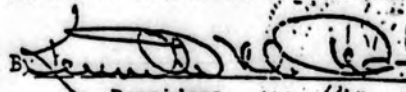
NPFMC, Chairman, Clem Tillion

Alaska Legislature

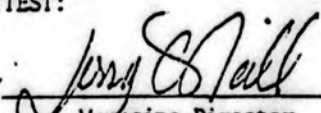
Mssrs. Steve Cowper, Tom Fink, Bill Sheffield,
Dave Rose, Dick Randolph

PASSED AND APPROVED this 3rd day of MAY, 1982
by the Kodiak Area Chamber of Commerce.

KODIAK AREA CHAMBER OF COMMERCE

By 
President

ATTEST:

By 
Managing Director

Cordova Aquatic Marketing Association, Inc.

Producers of Aquatic Products

(907) 424-3447
(907) 424-7473

P. O. Box 359
CORDOVA, ALASKA 99574

July 20, 1982

Alaskan Opposed to Fishery Shares
Pouch 490
Kodiak, AK 99615

Attn: Barb Mankiewicz

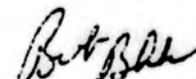
Dear Barb,

I have been negligent in informing you that on June 13, the C.A.M.A. general membership passed a ~~motion to fold~~ Kodiak's lead in opposing the share quota system. Unfortunately, things have been so hectic that notifying you was overlooked.

Based on that position, I would certainly assume we can at least house a petition. I would refrain from any type of further actions at this time due to our total involvement in price negotiations and, hopefully, fishing until the end of September, when we are through fishing.

Sorry about the delay.

Sincerely,


Bob Blake
President

BB/mlp



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

SCOMM

#36:29

IDENTIFICATION	BILL NAME Requesting rejection and renegotiation of the proposed United States-Canada salmon interception treaty		BILL NUMBER CSSJR 10
			DATE INTRODUCED 2/17/83
			RELATED BILLS PENDING HJR 31
	SPONSOR(S) Eliason, Ziegler, & Ray		REFERRALS Resources
INITIAL RESEARCH	INITIAL SUMMARY COMPLETED	LEGAL DIVISION SUMMARY	
		DEPT OF LAW SUMMARY	
	SPONSOR CONTACTED FOR BACKUP MATERIALS	FISCAL NOTE	
	AGENCY RESPONSE	OTHER INTERESTED LEGISLATORS NOTIFIED	
BACKGROUND RESEARCH	SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES		OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, ETC
	RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS		
HEARING PREPARATION	CHAIRMAN BRIEFED	DATE & PLACE SET	
	STAFF MEMO TO COMMITTEE	TELECONFERENCE	
	BACKGROUND MATERIAL DISTRIBUTED	PSA/PRESS RELEASE	
	LIST OF WITNESSES	SUGGESTED AMENDMENTS/CS DRAFTED	

STATE OF ALASKA THE LEGISLATURE

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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Special Committee on Fisheries

2/22/83 4:08pm

2/24/83 4:07pm



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Fish and Game	Sponsor (Principal) Zharoff	Bill Number HJR 10
Department Position Neutral		
Division Director Steven Pennoyer <i>SP</i>	Date	Commissioner's Signature Don W. Collinsworth <i>[Signature]</i> Date 1-25-83

GOVERNOR'S OFFICE USE

Comments:

☐ Position Noted

By

Date

SUMMARY

1. a) Related Bills (Similar or Conflicting) SJR 7	1. b) Other Agencies Affected by Bill Unknown
2. a) Organizational Support for Bill Unknown	2. b) Organizational Opposition to Bill Unknown
3. Program Effects of Bill None	
4. Fiscal Impact: ☒ None ☐ Fiscal Note Attached	
5. Amendments Proposed: None	
6. Comments:	

The Department of Fish and Game and the Board of Fisheries are not directly involved in the management and allocation of halibut.

page 2, line 8- to the share-quota system; and others have expressed support for either the moratorium or share-quota system or both; and

page 2, line 10- WHEREAS much testimony has been given regarding the negative impact of the high incidental catch of halibut; and

page 2, line 16- FURTHER RESOLVED that the Alaska State Legislature urges the Secretary of Commerce and the administrator of the National Oceanic and Atmospheric Administration to consider alternate management techniques such as shorter openings over a longer period of time, area registration and harvest limits as a means of accomadating the substantial regional differences and addressing the current problem of short seasons; and be it

page 2, line 20 FURTHER RESOLVED that the Alaska State Legislature urges the Secretary of Commerce and the administrator of the National Oceanic and Atmospheric Administration to actively seek methods of reducing the incidental catch of halibut.

Referred: Rules

Original sponsor: Mulcahy

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE JOINT RESOLUTION NO. 7 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 Relating to the imposition of a halibut
6 moratorium and the establishment of a
7 shares system for halibut in Alaska.

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

9 WHEREAS the North Pacific Fishery Management Council has recommended
10 imposition of a moratorium on Alaska's halibut fisheries and is considering
11 recommending the establishment of a share-quota system for the allocation
12 of the fishery resource; and

13 WHEREAS the proposed moratorium would exclude fishermen who did not
14 participate from 1978 to 1982; and

15 WHEREAS many people in Alaska oppose imposition of a moratorium in any
16 form, while many others in Alaska favor imposition of a moratorium as
17 proposed or in another form; and

18 WHEREAS a share system could result in the concentration of ownership
19 of the fishery resource in the hands of a few fishermen; and

20 WHEREAS a share system could encourage speculation and the making of
21 exorbitant profits at the expense of Alaska fishermen; and

22 WHEREAS concentration of ownership in and speculation by nonresidents
23 could result in a loss to Alaska fishing communities and to the state of a
24 fishery resource valued at \$50,000,000 annually; and

25 WHEREAS a share system could tend to eliminate competition among
26 halibut fishermen; and

27 WHEREAS existing management tools, such as harvest levels, size lim-
28 its, gear restrictions, and area closures, are less drastic alternatives to
29 a share-quota system and have not been adequately considered by the

1 management council; and

2 WHEREAS numerous Alaska communities, including Akutan, Cordova, Craig,
3 Kenai, the Kenai Peninsula Borough, King Cove, Kodiak, the Kodiak Island
4 Borough, Valdez, and Whittier, and organizations, including the Kodiak Area
5 Native Association, the Kodiak Area Chamber of Commerce, the Alaska Drag-
6 gers, and the United Fishermen's Marketing Association, have passed resolu-
7 tions or otherwise expressed views in opposition to the share-quota system;
8 and

9 WHEREAS the Legislature would oppose the use of state-operated facil-
10 ities and other forms of cooperation in implementing a share-quota system;

11 BE IT RESOLVED by the Alaska State Legislature that the Secretary of
12 Commerce and the administrator of the National Oceanic and Atmospheric
13 Administration are respectfully requested to give serious consideration to
14 the comments submitted by Alaskans regarding the imposition of a moratorium
15 on Alaska halibut fisheries; and be it

16 FURTHER RESOLVED that the Secretary of Commerce and the administrator
17 of the National Oceanic and Atmospheric Administration are respectfully
18 requested to disapprove any share-quota system for halibut in Alaska that
19 is recommended by the North Pacific Fishery Management Council.

20 COPIES of this resolution shall be sent to the Honorable Malcolm
21 Baldrige, Secretary of Commerce; Mr. John V. Byrne, Administrator, Nation-
22 al Oceanic and Atmospheric Administration; Mr. Clem Tillion, Chairman,
23 North Pacific Fishery Management Council; and to the Honorable Ted Stevens
24 and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don
25 Young, U.S. Representative, members of the Alaska delegation in Congress.

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Offered: 2/14/83
Referred: Rules

Original sponsor: Mulcahy

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24 and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don
25 Young, U.S. Representative, members of the Alaska delegation in Congress.

AMENDMENT

OFFERED IN THE HOUSE:

By: Fisheries Committee

To: _____ HOUSE BILL No. _____

SENATE BILL No. CSSJR 10(Res)

PAGE: _____

LINE: _____

P. 2, line 26: DELETE the word "reject" and INSERT
urge greater consideration of Alaska's
interests in

P. 3, line ²2: INSERT after "Senate" the words in its
present form

P. 3, line ⁵5: INSERT after "negotiations," the words
with renewed efforts to secure terms
to better protect the Alaska fishing
industry.

AMEND the title to read: Requesting [REJECTION AND]
renegotiation of the proposed United
States-Canada salmon interception treaty
and rejection in its present form.

C O R R E C T I O N

Discard H J R # 10
and retain this corrected version.

Introduced: 1/18/83
Referred: House Special Committee
on Fisheries and Resources

BY ZHAROFF, KOPONEN, MALONE,
PHILLIPS AND SZYMANSKI

1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO. 10

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 Opposing the imposition of a halibut
6 moratorium and the establishment of a
7 shares system for halibut in Alaska.

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

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12 of the fishery resource; and

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14 participated since 1978; and

15 WHEREAS a share system would result in the concentration of ownership
16 of the fishery resource in the hands of a few wealthy fishermen; and

17 WHEREAS a share system would encourage speculation and the making of
18 exorbitant profits at the expense of Alaska fishermen; and

19 WHEREAS concentration of ownership in and speculation by nonresidents
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5 or moratorium; and

6 WHEREAS the Legislature would oppose the use of state-operated facil-
7 ities and other forms of cooperation in implementing a share-quota system;

8 BE IT RESOLVED by the Alaska State Legislature that the Secretary of
9 Commerce and the administrator of the National Oceanic and Atmospheric
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11 moratorium on Alaska halibut fisheries; and be it

12 FURTHER RESOLVED that the Secretary of Commerce and the administrator
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20 and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don
21 Young, U.S. Representative, members of the Alaska delegation in Congress.

page 2, line 8-

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WHEREAS much testimony has been given regarding the negative impact of the high incidental catch of halibut; and

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FURTHER RESOLVED that the Alaska State Legislature urges the Secretary of Commerce and the administrator of the National Oceanic and Atmospheric Administration to consider alternate management techniques such as shorter openings over a longer period of time, area registration and harvest limits as a means of accomadating the substantial regional differences and addressing the current problem of short seasons; and be it

page 2, line 20

FURTHER RESOLVED that the Alaska State Legislature urges the Secretary of Commerce and the administrator of the National Oceanic and Atmospheric Administration to actively seek methods of reducing the incidental catch of halibut.

Offered: 2/14/83
Referred: Rules

Original sponsor: Mulcahy

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4 THIRTEENTH LEGISLATURE - FIRST SESSION

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14 participate from 1978 to 1982; and

15 WHEREAS many people in Alaska oppose imposition of a moratorium in any

16 form, while many others in Alaska favor imposition of a moratorium as

17 proposed or in another form; and

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25 WHEREAS a share system could tend to eliminate competition among

26 halibut fishermen; and

27 WHEREAS existing management tools, such as harvest levels, size lim-

28 its, gear restrictions, and area closures, are less drastic alternatives to

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2 WHEREAS numerous Alaska communities, including Akutan, Cordova, Craig,
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6 gers, and the United Fishermen's Marketing Association, have passed resolu-
7 tions or otherwise expressed views in opposition to the share-quota system;
8 and

9 WHEREAS the Legislature would oppose the use of state-operated facil-
10 ities and other forms of cooperation in implementing a share-quota system;

#1 to be inserted here

11 BE IT RESOLVED by the Alaska State Legislature that the Secretary of
12 Commerce and the administrator of the National Oceanic and Atmospheric
13 Administration are respectfully requested to give serious consideration to
14 the comments submitted by Alaskans regarding the imposition of a moratorium
15 on Alaska halibut fisheries; and be it

#2 to be inserted here

16 FURTHER RESOLVED that the Secretary of Commerce and the administrator
17 of the National Oceanic and Atmospheric Administration are respectfully
18 requested to disapprove any share-quota system for halibut in Alaska that
19 is recommended by the North Pacific Fishery Management Council.

#3 to be inserted here

20 COPIES of this resolution shall be sent to the Honorable Malcolm
21 Baldridge, Secretary of Commerce; Mr. John V. Byrne, Administrator, Nation-
22 al Oceanic and Atmospheric Administration; Mr. Clem Tillion, Chairman,
23 North Pacific Fishery Management Council; and to the Honorable Ted Stevens
24 and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don
25 Young, U.S. Representative, members of the Alaska delegation in Congress.

Original sponsors: Eliason, Ziegler
and Ray

1
2 IN THE SENATE

BY THE RESOURCES COMMITTEE

3 CS FOR SENATE JOINT RESOLUTION NO. 10 (Resources)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 THIRTEENTH LEGISLATURE - FIRST SESSION

6 Requesting rejection and renegotiation
7 of the proposed United States-Canada
8 salmon interception treaty.

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

10 WHEREAS the commercial salmon industry is an integral and important
11 part of the economy of Alaska; and

12 WHEREAS the proposed treaty between the United States and Canada
13 concerning Pacific salmon calls upon Southeast Alaska's salmon fishermen to
14 take further reductions in harvest, while calling upon Canadian fishermen
15 to take only minimal cutbacks; and

16 WHEREAS the Southeast Alaska trollers have already made considerable
17 unilateral reductions in their harvests of chinook salmon for the sake of
18 conservation, while Canadian fishermen have been allowed unrestricted
19 harvest of the same stocks; and

20 WHEREAS chinook salmon conservation measures proposed in the treaty
21 are based on catch statistics for years in which Canadian catches were at
22 record high levels and their fishery was expanding, while during the same
23 years the Alaskan fishery was already being restricted; and

24 WHEREAS under the proposed treaty a substantial portion of Stikine
25 River salmon, which traditionally has been harvested by United States
26 gillnetters, would be allocated to a recently established Canadian fishery
27 without compensation to United States

28 WHEREAS the proposed treaty does not preclude the possibility of an
29 expansion of the Canadian gillnet fishery on the Taku River and a reduction
30 in allowable harvest by United States gillnetters; and

1 WHEREAS, though the provisions of the proposed treaty addressing Yukon
2 River salmon require an accounting of United States and Canadian interests
3 in those salmon prior to the effective date of the treaty, the United
4 States and Canada possess virtually no biological information upon which to
5 base such an accounting; and

6 WHEREAS there are no guarantees in the proposed treaty that United
7 States fishermen will automatically and directly benefit from their own
8 successful fisheries enhancement projects; and

9 WHEREAS all commercial salmon gear groups have expressed opposition to
10 certain provisions in the proposed treaty; and

11 WHEREAS the proposed treaty does not address the issue of high seas
12 foreign interception of all species of salmon; and

13 WHEREAS the language in the proposed treaty is not sufficiently speci-
14 fic to insure the conservation and rational management sought by the par-
15 ties to the treaty; and

16 WHEREAS implementation of the proposed treaty would have a disastrous
17 economic impact on many Alaskan fishermen; and

18 WHEREAS it is vitally important that a treaty transferring significant
19 management authority from the state to an international commission include
20 clear safeguards to protect Alaska's fisheries; and

21 WHEREAS the Alaska State Legislature recognizes the value of a coast-
22 wide agreement and the need to work towards the development of a fair
23 treaty;

24 BE IT RESOLVED that the Alaska State Legislature respectfully requests
25 the Governor of the State of Alaska to reject the proposed United States-
26 Canada salmon interception treaty; and be it

27 FURTHER RESOLVED that the Alaska State Legislature is
28 respectfully requested to use its best efforts to prevent ratification of
29 the United States-Canada salmon interception treaty by the United States

Senate; and be it

FURTHER RESOLVED that the Legislature respectfully requests the Secretary of State to seek reopening of United States-Canada salmon treaty negotiations.

COPIES of this resolution shall be sent to the Honorable George Shultz, Secretary of State; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U. S. Senators, members of the Alaska Senate delegation in Congress; and to the Honorable William Sheffield, Governor of the State of Alaska.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

SCOMM

#36:30



Official Business

Alaska State Legislature

House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Rep. Adelheid Herrmann
Rep. Jack Fuller

FROM: Mel Monsen *mm*

SUBJECT: Summary of Halibut information for IPHC meeting.

DATE: January 28, 1983

The International Pacific Halibut Commission (IPHC) has managed the halibut fishery off Canada and the U.S. since 1923. The Commission has six members; the three U.S. Commissioners are: Bob McVey, Gordon Jensen, and Bill Gillbert. The staff of the Commission is headquartered in Seattle, and is headed by director, Donald McCaughran. The IPHC has the authority to conduct research, set seasons, set quotas, and designate fishing methods and areas; but they have no authority to decide who can participate in the fisheries. In the U.S. this authority rests with the North Pacific Fishery Management Council and the Secretary of Commerce.

The IPHC holds annual meetings in late January or early February to set the openings and catch limits for the next season (Attachment 1). This year the meeting will be from February 1 to February 3. At the annual meeting the Commissioners consider regulatory measures submitted by the fishery industry, agencies, and their own staff (Attachment 2). The Commissioners have an open meeting to review research findings on February 1, 1983, a meeting open to conference board members on February 2, 1983, and a meeting open to the Advisory group on February 3, 1983. The conference board consists of fishermen from the halibut fishery while the Advisory group consists of an equal number (8 or 10) of both processors and fishermen. In practice these meetings are not closed and usually everyone can get in. The conference board will begin their meetings on January 31, 1983, but they often continue into the regular meeting schedule.

The staff proposals include an increase in total harvest over last year and a new system for area 4 (Bering Sea/Aleutians). The system would put the Pribilofs and the the Arctic/Yukon/Kuskokwim into area 4c with a quota of 200,000 pounds.

This is somewhat different than the proposal from Nelson Island and Pribilof fishermen which requests exclusive registration zones around the Islands open from June 15 to September 15 over the next three years (Attachment 3). These zones would have no catch limits. This, or a variation of it, will be the major goal of representatives from Nelson Island and the Pribilofs. Other fishermen's associations present will be trying to get higher catch limits and different time openings mainly for the Gulf halibut fisheries.

Besides all these discussions pertaining to IPHC business, a major topic of debate will be the proposed halibut moratorium and share quota system (Attachment 4). The North Pacific Fishery Management Council, under authority of the North Pacific Halibut Act of 1982, is investigating development of regulations limiting participation in the fishery. While they are studying the options for limiting entry they are considering an entry moratorium to deter people from entering the fishery in hopes of obtaining a "permit" when the limited entry system is finalized. This moratorium is supposed to allow time for consideration of the options. They will accept testimony on the moratorium through mid March and any limited entry scheme if enacted will be two or three years away. I've attended one public hearing on the moratorium and three teleconferences and the current stance of fishermen in Alaska is divided; Kodiak and Central Alaska are opposed, while Sitka and Southeast seem slightly in favor. Seattle fishermen have expressed fairly unanimous support for a moratorium.

ATTACHMENT 1

COMMISSIONERS:

WENDY S. JENSEN
PETERSBURG, AK
WALLACE S. GILBERT
YAKIMACHIE ISLAND, WA
MICHAEL HUNTER
OTTAWA, ONT.
DONALD MCLEOD
PRINCE RUPERT, B.C.
ROBERT W. SCHMIDT
CORVALLIS, OR.
PETER C. WALLIN
PRINCE RUPERT, B.C.

INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A CONVENTION BETWEEN CANADA
AND THE UNITED STATES OF AMERICA

DIRECTOR

DONALD A. MCCAUGHAN

F.D. BOESCH
UNIVERSITY STATE
SEATTLE, WA 98195

TELEPHONE
(206) 626-1000

FIFTY-NINTH ANNUAL MEETING

The Fifty-Ninth Annual Meeting of the International Pacific Halibut Commission will be held in Vancouver, British Columbia, from Tuesday, February 1 through Thursday, February 3, 1983. The sessions will be held at the Four Seasons Hotel, located at 791 W. Georgia Street.

Fishery organizations and agencies are requested to submit their recommendations for 1983 regulatory measures to the Commission by December 15, 1982. The recommendations, including those of the Commission's scientific staff, will be distributed with pertinent background information to interested parties by January 5.

Organizations that wish to discuss particular matters with the Commission should request a hearing and submit a written brief by December 15, 1982.

During the Annual Meeting, there will be three open sessions with the industry:

Tuesday, February 1 (First day)

9:00 a.m. - 12:30 p.m.

Session with fishermen, vessel owners, industry members, and general public. Review of research findings and discussion of regulatory proposals.

Wednesday, February 2 (Second day)

1:30 p.m. - 4:00 p.m.

Session with Conference Board.

Thursday, February 3 (Third day)

9:00 a.m. - 12:00 noon

Session with Advisory Group.

A meeting room at the Four Seasons Hotel has been reserved for the Conference Board on the afternoon of February 1 and the morning of February 2.

Donald A. McCaughan
Director

29 November 1982
Encl.

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ATTACHMENT 2

COMMISSIONERS

WILF M. EVENS
PETERSBURG, AL.
WILLIAM S. GILBERT
BAINBRIDGE ISLAND, WA.
MICHAEL HUNTER
OTTAWA, ONT.
DONALD MCLEOD
PRINCE RUPERT, B.C.
ROBERT W. SCHONING
CORVALLIS, OR.
ETER C. WALLIN
PRINCE RUPERT, B.C.

INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A CONVENTION BETWEEN CANADA
AND THE UNITED STATES OF AMERICA

DIRECTOR

DONALD A. MCCAUGHAN

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(206) 624-1000

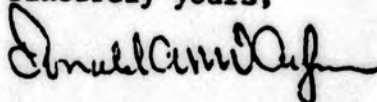
December 6, 1982

Dear Sir:

Enclosed is a summary of preliminary staff proposals for regulation of the 1983 Pacific halibut fishery. Also enclosed is background information in support of the staff proposals. The 1982 catch data are still preliminary; more precise data will be presented at the annual meeting.

If you have any questions about the proposals or supporting information, please let me know. There will be full opportunity for discussion on these and other proposals during the annual meeting.

Sincerely yours,



Donald A. McCaughan
Director

Encl.

PRELIMINARY STAFF REGULATORY PROPOSALS
FOR THE 1983 PACIFIC HALIBUT FISHERY

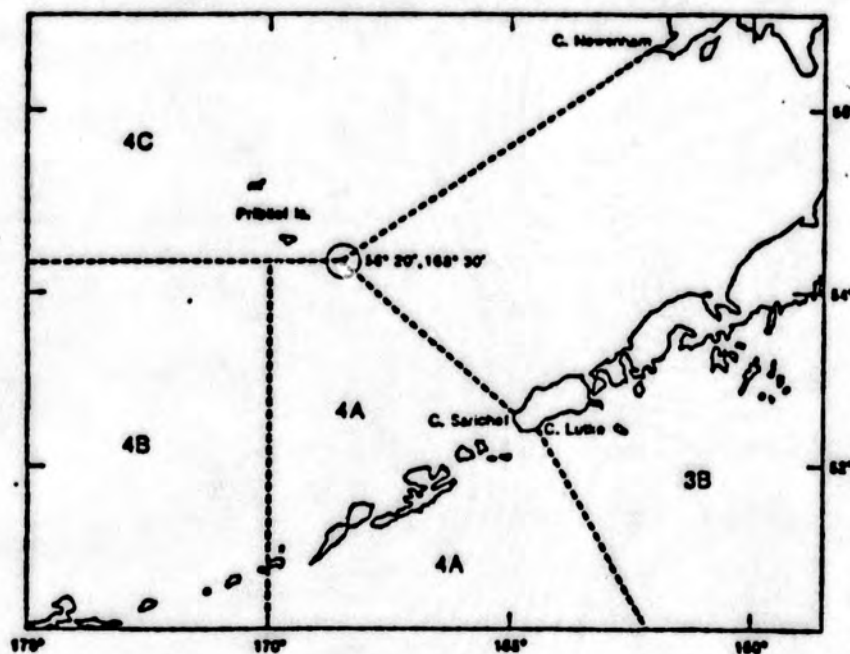
A comprehensive assessment of halibut stock conditions, based on data from 1982 and from earlier years, indicates that the halibut stocks are responding to past regulations, and that the total biomass is increasing despite continued high levels of incidental catch. The staff estimates that the annual surplus production for 1983 is 40 million pounds based on the assumption that the incidental catch will continue at the 1981 level of about 16 million pounds, 24% less than in 1980. The staff recommends that the total catch limit again be set at 75% of the annual surplus production to provide for additional increase in stock size. On this basis, the staff recommends a total catch limit for the 1983 halibut fishery of 30.2 million pounds, approximately 10% more than the 1982 catch limit.

In Area 2, the staff recommends a catch limit of 9 million pounds, the same as in 1982. While there is strong evidence of stock improvement in Area 2C, conditions in Areas 2B and 2A have not changed for several years. Faced with a conflicting stock condition in Area 2, the staff recommends no change in the catch limit for 1983. At this time the staff has no basis for recommending a division of the Area 2 catch between Canadian and U.S. waters other than the 60%/40% division agreed to by the Canadian and United States governments. Accordingly, the staff is recommending catch limits of 0.2 million pounds for Area 2A; 5.4 million pounds for Area 2B; and 3.4 million pounds for Area 2C.

In Area 3, the staff proposes a catch limit of 19 million pounds, 2 million pounds more than the catch limit in 1982. The staff proposes that the Area 3 catch limit be divided with 14 million pounds in Area 3A, the

same as in 1982, and 5 million pounds in Area 3B, 2 million pounds more than in 1982. The increase in catch in Area 3B is based on a marked stock improvement in that sector in 1982.

In Area 4, data for stock assessment purposes again is meager due to the relatively small catch and the geographic distribution of the resource. While the CPUE in the area declined from 1981 to 1982, the timing of the fishery in 1982 led to a concentration of effort in the southeast corner of the area with relatively little fishing elsewhere. In an effort to obtain a better distribution of fishing effort in Area 4, the staff recommends creation of three subareas as shown in the figure below. Area 4A would have the same eastern



boundary as in 1982 with a western boundary at 170° W longitude, and a northern boundary at 56°20'. Area 4B would comprise the Aleutian chain west of 170° W longitude and south of 56°20'. Area 4C would contain the waters north of 56°20' and a line extending from the point where the west boundary of the nursery area intersects 56°20' to Cape Newenham. This definition of Area 4C results in a small southerly shift of the northern boundary of the Bering Sea nursery area.

The staff recommends a catch limit for Area 4 of 2.2 million pounds, 700,000 pounds more than in 1982. Catch limits for the subareas in Area 4 are: 1.2 million pounds for Area 4A, 500,000 pounds for Area 4B, and 200,000 pounds for Area 4C.

The following table summarizes the quota proposals for the 1983 halibut fishery:

Area	Quota (millions of pounds)
<u>Area 2</u>	
2A	0.2
2B	5.4
2C	<u>3.4</u>
Total Area 2	9.0
<u>Area 3</u>	
3A	14.0
3B	<u>5.0</u>
Total Area 3	19.0
<u>Area 4</u>	
4A	1.2
4B	.8
4C	<u>.2</u>
Total Area 4	2.2
1983 TOTAL	<u>30.2</u>

The staff will announce its proposals for other regulations, including fishing seasons, by mid-January.

Catch* by country and regulatory area**, 1978-1982 (in thousands of pounds).

Regulatory Area	1978	1979	1980	1981	1982***
Area 2A					
U.S.	94	46	22	202	211
Canada	<u>3</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total	97	46	22	202	211
Area 2B					
U.S.	243	-	-	-	-
Canada	<u>4,364</u>	<u>4,857</u>	<u>5,650</u>	<u>5,654</u>	<u>5,236</u>
Total	4,607	4,857	5,650	5,654	5,236
Area 2C					
U.S.	3,409	4,366	3,238	4,010	3,485
Canada	<u>907</u>	<u>164</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total	4,316	4,530	3,238	4,010	3,485
Area 3A					
U.S.	7,488	9,714	10,014	14,255	13,507
Canada	<u>2,807</u>	<u>1,621</u>	<u>1,952</u>	<u>-</u>	<u>-</u>
Total	10,295	11,335	11,966	14,225	13,507
Area 3B					
U.S.	943	369	277	451	4,837
Canada	<u>377</u>	<u>17</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total	1,320	386	277	451	4,837
Area 4					
U.S.	1,206	1,373	713	1,190	1,442
Canada	<u>147</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total	1,353	1,373	713	1,190	1,442
All Areas					
U.S.	13,383	15,868	14,264	20,078	23,482
Canada	<u>8,605</u>	<u>6,659</u>	<u>7,602</u>	<u>5,654</u>	<u>5,236</u>
Total	21,988	22,527	21,866	25,732	28,718

* Includes catch landed by IPHC research vessels

** Regulatory areas defined in 1982 Pacific Halibut Fishery Regulations

*** Preliminary

Appendix Table 1. Catch, CPUE and Effort by Region, Regulatory Area and Country in Area 2.

1980				Canada				United States				Total		
Region	Catch 000 Lbs	CPUE Lbs	Effort Stakes	% Logs	Catch 000 Lbs	CPUE Lbs	Effort Stakes	% Logs	Catch 000 Lbs	CPUE Lbs	Effort Stakes	Catch 000 Lbs	CPUE Lbs	Effort Stakes
U.S.-South	0	0.0	0	0.0	22	102.2	213	0.0	22	102.2	213	22	102.2	213
Vancouver I.	294	37.2	7906	6.0	0	0.0	0	0.0	294	37.2	7906	294	37.2	7906
Charlotte-O	854	63.4	13473	17.9	0	0.0	0	0.0	854	63.4	13473	854	63.4	13473
Charlotte-I	4302	67.7	66329	31.4	0	0.0	0	0.0	4302	67.7	66329	4302	67.7	66329
SE Alaska-O	0	0.0	0	0.0	996	102.2	9744	28.3	996	102.2	9744	996	102.2	9744
SE Alaska-I	0	0.0	0	0.0	2242	75.3	29769	16.4	2242	75.3	29769	2242	75.3	29769
Total 2A	0	0.0	0	0.0	22	102.2	213	0.0	22	102.2	213	22	102.2	213
Total 2B	3650	64.3	87908	28.0	0	0.0	0	0.0	3650	64.3	87908	3650	64.3	87908
Total 2C	0	0.0	0	0.0	3238	81.9	39513	20.1	3238	81.9	39513	3238	81.9	39513
Total Area 2	3650	64.3	87908	28.0	3260	82.1	39728	19.9	6910	69.8	127636	6910	69.8	127636

1981				Canada				United States				Total		
Region	Catch 000 Lbs	CPUE Lbs	Effort Stakes	% Logs	Catch 000 Lbs	CPUE Lbs	Effort Stakes	% Logs	Catch 000 Lbs	CPUE Lbs	Effort Stakes	Catch 000 Lbs	CPUE Lbs	Effort Stakes
U.S.-South	0	0.0	0	0.0	202	32.7	6183	9.6	202	32.7	6183	202	32.7	6183
Vancouver I.	313	55.7	9659	0.0	0	0.0	0	0.0	313	55.7	9659	313	55.7	9659
Charlotte-O	754	55.7	13347	13.0	0	0.0	0	0.0	754	55.7	13347	754	55.7	13347
Charlotte-I	4583	62.0	73962	28.1	0	0.0	0	0.0	4583	62.0	73962	4583	62.0	73962
SE Alaska-O	0	0.0	0	0.0	1118	168.0	6653	14.3	1118	168.0	6653	1118	168.0	6653
SE Alaska-I	0	0.0	0	0.0	2892	139.0	20801	8.9	2892	139.0	20801	2892	139.0	20801
Total 2A	0	0.0	0	0.0	202	32.7	6183	9.6	202	32.7	6183	202	32.7	6183
Total 2B	3654	60.7	93168	24.8	0	0.0	0	0.0	3654	60.7	93168	3654	60.7	93168
Total 2C	0	0.0	0	0.0	4010	146.1	27454	10.4	4010	146.1	27454	4010	146.1	27454
Total Area 2	3654	60.7	93168	24.8	4212	123.2	33639	10.4	7866	77.8	126807	7866	77.8	126807

1982				Canada				United States				Total		
Region	Catch 000 Lbs	CPUE Lbs	Effort Stakes	% Logs	Catch 000 Lbs	CPUE Lbs	Effort Stakes	% Logs	Catch 000 Lbs	CPUE Lbs	Effort Stakes	Catch 000 Lbs	CPUE Lbs	Effort Stakes
U.S.-South	0	0.0	0	0.0	211	39.3	5364	10.7	211	39.3	5364	211	39.3	5364
Vancouver I.	264	21.1	12496	0.6	0	0.0	0	0.0	264	21.1	12496	264	21.1	12496
Charlotte-O	659	76.2	8654	60.3	0	0.0	0	0.0	659	76.2	8654	659	76.2	8654
Charlotte-I	4313	63.2	68200	18.3	0	0.0	0	0.0	4313	63.2	68200	4313	63.2	68200
SE Alaska-O	0	0.0	0	0.0	1191	144.4	8249	8.4	1191	144.4	8249	1191	144.4	8249
SE Alaska-I	0	0.0	0	0.0	2294	187.3	12249	13.3	2294	187.3	12249	2294	187.3	12249
Total 2A	0	0.0	0	0.0	211	39.3	5364	10.7	211	39.3	5364	211	39.3	5364
Total 2B	5236	58.6	89350	22.7	0	0.0	0	0.0	5236	58.6	89350	5236	58.6	89350
Total 2C	0	0.0	0	0.0	3485	170.0	20498	11.6	3485	170.0	20498	3485	170.0	20498
Total Area 2	5236	58.6	89350	22.7	3696	142.9	25862	11.6	8932	77.9	115212	8932	77.9	115212

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ATTACHMENT 3

The International Pacific Halibut Commission
November 18, 1982
Page No. 3/Proposal

Proposal:

Within Area 4, the IPHC shall establish twelve mile "North Bering Sea halibut fishery development zones" around the islands of St. Paul, St. George, Nelson and Nunivak. Fishing within these development zones will be open to all fishermen; however, fishermen who choose to fish in a development zone, may fish only in that development zone. The fishing season for these zones shall commence on June 15 and terminate on September 15. These zones shall exist for three years.

We thank the IPHC for considering our proposal and we urge its adoption at your February meeting.

Sincerely,

Representative from
St. Paul Island

Representative from
Nunivak Island

Representative from
Nelson Island

Representative from
St. George Island

ATTACHMENT 4

North Pacific Fishery Management Council

Clement V. Tillion, Chairman
Jim H. Branson, Executive Director

605 West 4th Avenue
Anchorage, Alaska 99510



Mailing Address: P.O. Box 3138DT
Anchorage, Alaska 99510

Telephone: (907) 274-4583
FTS 271-4084

January 12, 1983

PUBLIC HEARINGS ON A MORATORIUM ON NEW ENTRIES INTO THE ALASKA HALIBUT FISHERY FOR 1983

The North Pacific Fishery Management Council announces a schedule for public hearings on a moratorium on new entries into the halibut fishery off Alaska for 1983. They will be holding hearings in cooperation with the U.S. Secretary of Commerce in Alaska and Seattle in January. Comments are requested only on the moratorium. Limited entry in the halibut fishery and the possible methods by which limited entry might be accomplished will be the subject of extensive Council hearings and discussion beginning in March 1983. The schedule of hearings on the moratorium is as follows:

On-site Public Hearings

On-site hearings have already been held in Juneau, Ketchikan and Petersburg. Still to be held are the following three on-site hearings in Homer, Kodiak and Seattle. All times are local times and may be extended if necessary so that all persons have an opportunity to testify.

January 17, 1983	Elks Club Homer, Alaska	1 to 5 p.m. (AST)
January 18, 1983	Fishermen's Hall Kodiak, Alaska	1:30 to 5 p.m. and 7 to 9 p.m. (AST)
January 20, 1983	Northwest and Alaska Fisheries Center (Auditorium) 2725 Montlake Boulevard East Seattle, Washington	5 to 10 p.m. (PST)

Teleconference Hearings

Times published for teleconference hearings are Alaska Standard Time. Times may be extended if necessary. See Attachment 4 for further information.

January 24, 1983	Connecting Seward, Cordova Valdez, Soldotna, Yakutat and Seattle (Anchorage, moderator only)	8 to 10 a.m.
January 26, 1983	Connecting Sand Point Unalaska, St. Paul, Bethel King Cove and Seattle (Anchorage, moderator only)	8 to 10 a.m.

Teleconference Hearings, continued

January 28, 1983

Connecting Sitka, Moonah,
Craig, Wrangell and Haines
(Anchorage, moderator only)

8:30 to 10:30 a.m.

The moratorium, expected to be published in the Federal Register as a Notice of Proposed Rulemaking by the U.S. Department of Commerce on approximately January 20, would restrict participation in the halibut fishery off Alaska from May 1, 1983 through December 31, 1985. Only those persons who lawfully harvested and sold halibut from those waters between January 1, 1978 and December 31, 1982 would be allowed to fish during 1983, 1984, and 1985. It would apply to the waters off Alaska in International Pacific Halibut Commission management areas 2C and 3 and south of 56°N latitude in IPHC management area 4. The Northern Pacific Halibut Act of 1982 (Act) requires the Council to provide an opportunity for the coastal villages north of 56°N to develop a halibut fishery over the next three years. Fishermen in that area would not be included in a moratorium.

The Halibut Fishery

Pacific halibut have been managed as an international resource by Canada and the United States through the International Pacific Halibut Commission (IPHC) since 1923. The Commission, with three U.S. and three Canadian members, has a permanent staff of U.S. and Canadian scientists headquartered in Seattle. The Commission conducts research and sets seasons, quotas, fishing methods, and fishing areas, but has no authority to decide who may participate in the fishery; that is left to the member countries. The Northern Pacific Halibut Act of 1982 authorized the North Pacific Fishery Management Council to develop regulations limiting participation in the fishery. Any regulations developed must be approved by the Secretary before they can be implemented.

When the Magnuson Fishery Conservation and Management Act (MFCMA) was passed in 1976, both Canadian and U.S. fishermen fished off Alaska, with Canadian fishermen taking over half the catch. Their fishery off Alaska was phased out, ending in 1980, and they may now fish only off Canada. Canadians may still land their catches in American ports.

The American catch off Alaska has increased from 13 million pounds in 1978 to 22 million pounds in 1982 through the elimination of the Canadians and an increase in the quota set by IPHC. The number of participants during that same period has increased from 2,100 to over 2,800. But while the catch has increased, the seasons have sharply decreased. It took 73 days in 1977 to catch 3.4 million pounds in Southeast Alaska, but only 5-1/2 days to catch the same amount in 1982. In Area 3, the Gulf of Alaska west of Cape Spencer and including the grounds around Kodiak and Cook Inlet, 12.3 million pounds were taken in 47 days in 1977 while 17.6 million pounds were taken in 11-1/2 days in 1982.

The IPHC is concerned with the ever decreasing seasons because it is very difficult to keep catches within quotas with such a rapid increase in fishing effort. They believe that it is poor biological management to take the entire catch from the particular stock component that might be available during a very short season. They would prefer longer seasons which allow the quota to be taken from as many stock components as possible.

12/28/82

Another problem with short seasons is that since the catch arrives at the processor during a very short period of time, most of it is frozen and stored for later distribution. Fresh halibut are available to the consumer for only a short time during the year. The long storage times plus high interest rates increase the processors' costs and prices to the consumer and lower prices to the fishermen.

Short seasons are also dangerous. Fishermen must work "around the clock" in order to catch enough fish to make a living. This can result in more injuries and boat losses as fishermen become physically exhausted. Many will continue to work in weather conditions they wouldn't normally fish.

The Moratorium

Recognizing that the rapidly expanding fleet would soon create drastic problems in harvest management and the availability of fresh halibut during the year, the North Pacific Council began studying the problems in the halibut fishery in 1978. In November 1978 they set December 31, 1978 as a cut-off date for eligibility in the eventuality that some form of limited entry was developed in the next two or three years. That date did not hold up for legal reasons, but the Council has since stated on several occasions their intent to establish a cut-off date for accruing rights under any future limited entry system.

In early 1979 the Council appointed a Limited Entry Workgroup composed of halibut fishermen, industry representatives, and agency staff to assess methods of limiting the offshore salmon troll fishery in Southeastern Alaska and to develop possible approaches to limiting effort in the halibut fishery. By June of 1979 some segments of the halibut fleet were urging the Council to develop a limited entry system, and later that year the Council advertised for proposals to study limited entry in the halibut fishery. They also asked that the enabling legislation for the newly renegotiated Pacific Halibut Convention contain authorization for a limited entry system for the halibut fishery. In 1980 the Limited Entry Workgroup again recommended a moratorium on entry into the fishery, but the Council was unable to act until the aforementioned enabling legislation became law, which did not occur until the Northern Pacific Halibut Act was signed by the President on May 17, 1982.

At the IPHC meeting in February 1982 many members of the Fishermen's Conference Board, a group of halibut fishermen from the U.S. and Canada, asked the Council to develop a limited entry system based on the "fishermen's share" system and urged a halt to further entry into the fishery. The Council asked the Department of Commerce to implement a moratorium as quickly as possible, recognizing that it would probably not be possible for the 1982 season, but urging action well in advance of the 1983 fishing season. They believed it would deter people from entering the fishery in hopes of obtaining rights under any limited entry system that might develop and would tend to stabilize effort at the current level. A moratorium will give fishermen, the Council, and the public time to consider management alternatives to stabilize the fishery so participants can expect reasonable returns on their investment and efforts and consumers can buy fresh halibut for more than a few days a year.

Regulations to implement a moratorium were developed by the Council and the National Marine Fisheries Service to be published as a Notice of Proposed Rulemaking in the Federal Register. Those regulations are included in this

package as Attachment 1. There will be a 45-day comment period after they are published. They can then be rewritten and published as a Notice of Final Rulemaking, becoming effective 30 days after that publication. The proposed regulations would permit anyone who has participated in the halibut fishery between January 1, 1978 and December 31, 1982 to continue participating in the fishery in the same manner from May 1, 1983 through 1985. The moratorium would end on December 31, 1985. It could end earlier if supplanted by limited entry.

Theoretically, using the base period 1978 - 1982, a maximum of 6,481 individuals would be qualified to participate in the fishery in 1983. Without a moratorium, of course, there would be no limit to the number of people who could fish in 1983. As currently written the moratorium will not necessarily reduce effort, although it should limit the increase below what it would be if the fishery were to remain open to everyone. One of the chief values of a moratorium, in any case, is to establish a cut-off date beyond which participants cannot accrue credit toward participation in a limited entry system.

Some who support the moratorium would like to see a further restriction on effort beyond limiting the number of people, and have proposed restricting the size of boat that could be used in 1983-85 to the same size used in the 1978-82 period. (See Attachment 2, Comments Requested on the Moratorium, Proposal B.) Others are willing to consider other methods that would limit the increase of effort.

The proposed rulemaking can be greatly modified through the public hearing and comment process. The Council would like to hear comments on all of the proposals listed in Attachment 2 and any others which may occur to you.

Limited Entry in the Halibut Fishery

Early in 1982 the North Pacific Fishery Management Council developed a research proposal for a study of limited entry systems for the hook and line halibut fishery off Alaska. They set four primary objectives for a limited entry system:

1. That it distribute the hook and line halibut fishery in time and space to ensure resource conservation;
2. That it provide high quality, fresh and frozen fish to the consumer twelve months of the year;
3. That it encourage development of an economically viable and efficient year-round U.S. hook and line fishery that would make it possible for some fishermen to earn a major share of their income from hook and line halibut fishing and is made up of owner/operator rights holders;
4. That it ensure that no single individual or entity acquires excessive control of the resource and minimize disruption of the present fleet by using past performance to distribute initial rights in the fishery, using the market to transfer fishing rights after initial distribution.

12/28/82

A contract between the Council and Northwest Resources Analysis (Bob Stokes) was signed on June 17, 1982 calling for an analysis of known limited entry systems and their ability to achieve the described objectives. The Council asked for a detailed study of the fishermen's share system. The study emphasizes that system because it was requested in the initial Fishermen's Conference Board request to the Council and because less is known about that system than other limited entry systems. Limitations on individuals or boats have been in existence for some time and their advantages and disadvantages are relatively well known. The share system has not been used for a fishery of any magnitude, although British Columbia intends to implement it for halibut in 1983.

The contractor, Northwest Resources Analysis, has been working closely with an industry steering group, soliciting their advice on the direction his study should take and what options to consider. The steering group consists of representatives of the major fishermen's organizations involved in the halibut fishery as well as representatives from the Council.

More details on that study and its current status are included in Attachment 3, an excerpt from the NPFMC Newsletter of August 1982.

The contractor finished an interim report on program design titled "Halibut Limited Entry Study Program Design" in November 1982. Copies of that study are available at the Council office. We expect the contractor's final report to be available for review at the Council meeting in February or March. When that report has been accepted by the Council it will be available for public distribution. The Council will then decide if they want to go ahead with limited entry and, if so, specify what system or systems they want to send to the public for review and comment. Prior to that decision the contractor will hold informational presentations on his study in Sitka, Seattle, and Kodiak.

If the Council decides to develop a limited entry system, there will be an extended public comment period with hearings in numerous communities in Alaska and in Seattle. Following those hearings the Council will decide what system to develop, complete development of the system, and ask the Department of Commerce through the National Marine Fisheries Service to implement it. It is doubtful that any system could be in place before late 1984.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

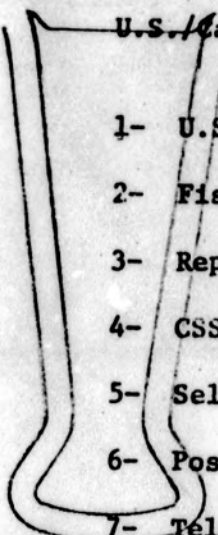

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U.S./Canada Salmon Treaty Information Packet Index

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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)

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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:

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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;

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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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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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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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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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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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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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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.

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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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Article VIII

YUKON RIVER

1. Notwithstanding Articles III, paragraph 1(b), and VII, arrangements for consultation, recommendation of escape-ment 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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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 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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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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