



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 23, 1979

The Honorable John Negroponte  
Deputy Assistant Secretary for  
Oceans and Fisheries Affairs  
U. S. Department of State  
Washington, D. C. 20520

Dear Mr. Ambassador:

It was with great pleasure that I recently learned of your assignment as Chief United States Negotiator on West Coast comprehensive fisheries issues with Canada. As you are well aware, the State of Alaska has a number of interests within the framework of these negotiations, the outcome of which are of great significance to Alaska.

The Halibut issue is of immediate concern due to termination of the treaty on April 1, 1979, and the need for implementing a replacement management regime to insure conservation of the stocks. I am well aware that other groups in ad hoc capacities have been meeting on this issue in the face of no agreement with Canada. Such a group, involving individuals from the Alaska Legislature, North Pacific Fishery Management Council, Alaska Board of Fisheries, a representative of my office, and the Alaska Department of Fish and Game recently met to develop a reasonable approach to the halibut issue. Consensus of the group was reached as follows to:

1. Pursue the termination of the Halibut Convention on April 1, 1979, as provided for under the terms of the existing Convention and the notice served on Canada in March of 1977.
2. Proceed immediately with congressional legislation to assure that management authority for halibut rests with the North Pacific Fishery Management Council through the Secretary of Commerce under terms of the Fishery Conservation and Management Act, and provide for the continuation of the existing research capability of the Halibut Commission.
3. Proceed with negotiations with Canada to develop long-term arrangements on joint research regarding transboundary halibut stocks.

It is my view that these points provide for the best long-term interests of the United States, Alaska, and the halibut resource, and I fully endorse them as Governor of Alaska. Your consideration of these points is appreciated and I wish you every success as you move forward with Canada on other issues.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Jay S. Hammond".

Jay S. Hammond  
Governor

# North Pacific Fishery Management Council

Clem Tillion  
~~Chairman~~, Chairman  
Jim H. Branson, Executive Director

Mailing Address: P.O. Box 3136DT  
Anchorage, Alaska 99510

Suite 32, 333 West 4th Avenue  
Post Office Mall Building



Telephone: (907) 274-4563  
FTS 265-5435

January 12, 1979

Senator Warren G. Magnuson  
Senate Office Building  
Washington, D.C. 20510

Dear Maggie:

With the approval of Clem Tillion, Chairman of the Council, I am sending you herein a draft of proposed legislation designed to transfer present functions of the International Pacific Halibut Commission to a domestic body in order to provide for continued research and management of the Pacific halibut fishery in the event that Canada and the United States are unable to reach agreement on the future of the Commission. Negotiations between the two countries are at an apparent standstill at the present time.

The draft represents the views of an ad hoc group of people both from Alaska and the State of Washington. It is designed to be introduced for the purpose of eliciting views of all who are interested in the current halibut problem. The North Pacific Council is expected to endorse the draft with some possible minor changes at its coming meeting on January 25th and 26th. I am, however, sending you this draft at this time because of the need to get legislation moving for use before the rapidly approaching deadline of April 1, 1979.

Chaos will occur on April 1st in the halibut industry if either new legislation or a new agreement with Canada is not in place at that time.

The proposed bill is also being sent to Senators Stevens and Gravel and Congressmen Young and Pritchard. It is hoped that some joint action can be taken.

Sincerely,

Harold E. Lokken  
Vice Chairman



Note---

A similar letter was sent to Senator Stevens and Senator Gravel

# North Pacific Fishery Management Council

Clement V. Tillion  
~~Harold E. Lokken~~, Chairman  
Jim H. Branson, Executive Director

Suite 32, 333 West 4th Avenue  
Post Office Mall Building



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Anchorage, Alaska 99510

Telephone: (907) 274-4563  
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January 12, 1979

Congressman Don Young  
House Office Building  
Washington, D.C. 20510

Dear Congressmen:

With the approval of Clem Tillion, Chairman of the Council, I am sending you herein a draft of proposed legislation designed to transfer present functions of the International Pacific Halibut Commission to a domestic body in order to provide for continued research and management of the Pacific halibut fishery. It is also being sent to you in response to your request for comments on similar legislation which you and Congressman Pritchard introduced last year.

The draft represents the views of an ad hoc group of people both from Alaska and the State of Washington. It is designed to be introduced for the purpose of eliciting views of all who are interested in the current halibut problem. The North Pacific Council is expected to endorse the draft with some possible minor exceptions at its coming meeting on January 25th and 26th. I am, however, sending you this draft at this time because of the need to get legislation moving for use before the rapidly approaching deadline of April 1, 1979.

The proposed legislation is needed in the event that Canada and the United States are unable to reach agreement on the future of the Halibut Commission. These negotiations are at a standstill at the present time. Chaos will occur on April 1st if new legislation or a new agreement with Canada is not in place at that time.

The proposed bill is being sent to Congressman Pritchard and Senators Magnuson, Stevens and Gravel. It is hoped that some joint action can be taken.

Sincerely,

Harold E. Lokken  
Vice Chairman

Note - - A similar letter was sent to Congressman Pritchard

A BILL

To provide that certain functions of the International Pacific Halibut Commission be carried out by a new domestic organization to be known as the Pacific Halibut Research Board, and for other purposes.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,

Section 1. SHORT TITLE.-- This Act may be cited as the Pacific Halibut Research Act of 1979.

Section 2. FINDINGS, PURPOSES AND POLICY.--

(a) FINDINGS.-- The Congress finds and declares the following:

(1) The International Pacific Halibut Commission has been, since its inception, a unique and effective body for Pacific halibut fishery research and management by the United States and Canada;

(2) Although the United States and Canada recently have established extended living resource management zones, the need for continued trans-boundary research of halibut stocks is critical for sound management; and

(3) Without adoption of an acceptable fisheries agreement with Canada for Pacific halibut before April 1, 1979, the International Pacific Halibut Commission will be terminated.

(b) PURPOSES.-- It is, therefore, declared to be the purposes of the Congress in this Act --

(1) That if the International Pacific Halibut Commission is terminated, the present research functions of the International Pacific Halibut Commission should be reconstituted in a domestic halibut research entity to be established by this enactment; and

(2) That the management responsibility for Pacific halibut shall vest in the Secretary of Commerce through the North Pacific Fisheries Management Council as provided by the Fishery Conservation and Management Act of 1976.

(c) POLICY.-- It is further declared to be the policy of Congress in this Act --

(1) To maintain without change the present high quality of halibut research that has been conducted by the International Pacific Halibut Commission;

(2) To encourage the continued exchange of Pacific halibut data with the Government of Canada; and

(3) To support and encourage continued, active United States efforts to obtain an acceptable agreement with the Government of Canada which provides for effective conservation and management of Pacific halibut.

Section 3. PACIFIC HALIBUT RESEARCH BOARD.--

(a) ESTABLISHMENT.-- There shall be established on April 1, 1979, or on the date of the enactment of this Act if enacted later than April 1, 1979, the Pacific Halibut Research Board (hereinafter Board).

(b) MEMBERSHIP.-- The Board shall consist of five members appointed by the Secretary of Commerce.

(1) Of the five members, one shall be appointed from two nominees made by the Governor of Alaska, one from two nominees made by the North Pacific Fishery Management Council, one from two nominees made by the Pacific Fishery Management Council, one representing the National Marine Fisheries Service, and one representing the halibut industry.

(2) At least three of the five Board members shall be residents of the State of Alaska.

(3) Each member appointed to the Board pursuant to paragraph (b) (1) shall serve for a term of two years; except that, with respect to the members initially so appointed, the Secretary shall designate two of the five members to serve for a term of one year.

(4) Successors to the members of the Board shall be appointed in the same manner as the original members. Any individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term.

(c) TRANSACTION OF BUSINESS.--

(1) A majority of the members shall constitute a quorum with all decisions of the Board being valid only with the affirmative vote of not less than three members.

(2) The members of the Board shall choose a chairman from among

their own number who shall serve for a term of one year.

(3) The Board shall meet at the call of the chairman or upon

the request of at least three of its members.

(d) COMPENSATION AND EXPENSES.-- Each member shall receive no compen-

sation when engaged in the actual performance of duties for the Board but

shall be reimbursed for actual expenses incurred in the performance of such

duties.

Section 4. STAFF AND ADVISORY PANEL.--

(a) STAFF.-- The Board may appoint and assign duties to an executive

director and such full and part-time employees as it determines are neces-

sary to the performance of its functions; except that the Board shall

appoint to positions on its staff, as permitted by law, those individuals

who, as of March, 31, 1979, are members of the International Pacific Halibut

Commission staff;

(b) COMPENSATION AND BENEFITS.-- Any International Pacific Halibut Commission

staff members appointed under this section shall --

(1) Be compensated at not less than their basic rate of pay on

March 31, 1979, as an International Pacific Halibut Commission staff

member; and

(2) Have their service in the International Pacific Halibut Commis-

sion credited for purposes of determining rights and privileges

including, but not limited to, determination of probationary employ-

ment periods, tenure, and leave entitlements.

(c) ADVISORY PANEL.-- The Board may establish, maintain and appoint

members of an Advisory Panel to assist it in carrying out its functions

under this Act. The Board shall reimburse members of such Advisory Panel

for actual expenses incurred in performing their function on the panel;

(d) STATUS AS FEDERAL EMPLOYEES.-- Board members and individuals

appointed by the Board pursuant to this section shall be deemed Federal

employees only for purposes of the Federal Criminal Statutes covering

conflicts of interest and bribery, and for the Federal Tort Claims Act.

Section 5. FUNCTIONS OF THE BOARD.-- The Pacific Halibut Research Board shall --

(a) Carry out a continuing research program supporting the conservation and management of Pacific halibut. The research program shall include:

(1) Research with respect to the growth, abundance, distribution, reproduction, development, age, fishing mortality, and natural mortality of the Pacific halibut;

(2) Review and evaluation of the effects of management of the Pacific halibut fishery pursuant to the Fishery Conservation and Management Act of 1976;

(3) Evaluation of the methods used in the harvesting of Pacific halibut by United States fishermen and research to develop and improve the harvesting methods and fishing gear used in Pacific halibut fisheries;

(4) Compilation and dissemination to interested public and private parties of statistics and other information resulting from the research, reviews and evaluations conducted under the research program; and

(5) Any other research the Board deems necessary to conserve and rebuild stocks of Pacific halibut.

(b) Consult and, as the Board deems appropriate, conduct joint research with the Government of Canada on all aspects of the Pacific halibut resource common to the two countries. The Board is authorized to contract to receive funds from the Government of Canada to carry out research under this section.

(c) Sell the halibut which are caught during research projects but which are not suitable for return to the sea and use the proceeds to reduce the overall cost of such research.

(d) Make recommendations to the North Pacific Fishery Management Council for management of Pacific halibut resources which in its judgment are necessary for conserving such resources. The Council shall utilize such recommendations as it deems appropriate in carrying out its functions pursuant to the Fishery Conservation and Management Act of 1976.

Section 6. CONFIDENTIALITY OF STATISTICS.-- Any statistics submitted to the Board by any person in compliance with any requirement under law or regulation shall be confidential and shall not be disclosed except when required under court order. The Secretary of Commerce shall, by regulation, prescribe such procedures as may be necessary to preserve such confidentiality, except that the Secretary of Commerce may release or make public any such statistics in any aggregate or summary form which does not directly or indirectly disclose the identity of business of any person who submits such statistics.

Section 7. DISPOSITION OF INTERNATIONAL PACIFIC HALIBUT COMMISSION ASSETS.--

(a) The Secretary of State in consultation with the Secretary of Commerce shall enter into an agreement with the Government of Canada for the appropriate division between the United States and Canada of assets, liabilities, contracts, property, records, unexpended balances of appropriations, authorizations, allocations, and any other funds held, used, arising from, available to or to be made available in connection with the International Pacific Halibut Commission as of March 31, 1979;

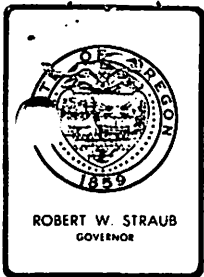
(b) The Board shall be deemed to be a successor organization with reference to the occupancy agreement now in existence under which the commission now occupies quarters in the University of Washington Oceanographic Teaching Building, Seattle, Washington.

Section 8. AUTHORIZATIONS OF APPROPRIATIONS.-- There are authorized to be appropriated to the Department of Commerce for carrying out the purposes of this Act the sum of not to exceed \$600,000 from the date this Act becomes effective through September 30, 1979, and not to exceed \$1,000,000 for the fiscal year 1980.

Section 9. REPEALS.-- The Northern Pacific Halibut Act of 1937 (16 U.S.C. §§ 772-772j) is hereby repealed.

Section 10. EFFECTIVE DATE.-- This Act shall take effect April 1, 1979.





Agenda #9  
January 1979

## Department of Fish and Wildlife

OFFICE OF THE DIRECTOR

506 S.W. MILL STREET, P.O. BOX 3503, PORTLAND, OREGON 97208

January 15, 1979

Mr. Neil Sandvik, President  
Deep Sea Fishermen's Union  
of the Pacific  
5215 Ballard Avenue N.W.  
Seattle, WA 98107



Dear Mr. Sandvik:

Thank you for writing me about your concerns for the future of the halibut fishery off the states of Washington, Oregon, and California. I wanted to answer you prior to the time when final decisions will be made on halibut regulations for 1979 so that you are aware of the intentions of this agency regarding halibut management.

As you may know, the Pacific Fishery Management Council is preparing a management plan for all groundfish, including halibut, for implementation in 1980. Assuming the International Pacific Halibut Commission will cease to exist on April 1, 1979, a void will occur in the regulation of halibut fishing in the WOC area unless the states enact appropriate regulations for the interim.

I do not expect the states to change materially the IPHC regulations of recent years in 1979. State biologists are working with IPHC staff to examine various management options for 1979, and will prepare regulation recommendations within the next several weeks.

Some changes will be required, while others will be considered in the staff recommendations. New statistical areas must be established for the IPHC Area 2, and new area quotas determined. Compatibility of (1) landing laws, (2) sport fishing regulations, (3) gear restrictions, (4) seasons, (5) licensing or permit systems (including equity of fee systems for residents and nonresidents), (6) retention of sublegal-sized tagged halibut, (7) logbook requirements, and (8) statistical reporting needs are among the items to be decided by the three states (in cooperation with Alaska in some cases).

At this time, our Department does not feel that the retention of halibut in other than the hook and line fisheries should be permitted. Given differences in stock and seasonal conditions between the halibut fisheries north and south of Canada, it may be feasible to minimize or eliminate closed periods south of Vancouver Island. Retention of halibut in the salmon troll fishery will most likely be continued, with fewer problems, if the restrictions on closed periods are reduced.

Mr. Neil Sandvik  
Page 2  
January 15, 1979

State regulations for 1979 will be set with due recognition of the long range planning now under way by the Pacific Council's Groundfish Plan Development Team. That plan is being developed in close cooperation with advisors from the fishing and processing industries. The future of the halibut fishery is to be based on the concept of optimum yield, which is defined under the Fishery Conservation and Management Act of 1976 (FCMA) as the greatest overall benefit to the nation, based on economic and social, as well as biological, factors.

The FCMA established the right of full public participation in the development of fishery management plans, and this state is in full agreement with that intent. I welcome your assistance and advice to ensure that both the resource and the fishery remain viable.

During its existence, the IPHC established an outstanding record in the conservation and management of a valuable resource, and its termination is unfortunate. I share the concern of many fishermen about the prospect of losing an excellent team of resource experts, and am anxious to retain at least the biological and research functions of the IPHC as intact as possible. Dr. John Harville, Executive Director of the Pacific Marine Fisheries Commission, is leading an effort with state and federal agencies, industry representatives, and elected officials to maintain the scientific function of IPHC. Your support and suggestions would be appreciated.

Thank you again for your interest.

Sincerely,

John R. Donaldson, PhD  
Director

JRD:kb

cc: Mr. Scott Stafne  
Mr. Gordon Sandison  
Mr. E. C. Fullerton  
Dr. John Harville  
Mr. Lorry Nakatsu  
Mr. Jim H. Branson

Identical letters were sent to the following:

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Seattle, WA 98119

Mr. Sigfreyd Jaeger, Manager  
North Pacific Fishing Vessel  
Owner's Association  
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Seattle, WA 98119