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INTERNATIONAL PACIFIC HALIBUT COMMISSION

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

22 February 1977

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11  
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Mr. Elmer E. Rasmuson, Chairman  
North Pacific Fishery Management Council  
P.O. Box 3136DT  
Anchorage, Alaska 99510

Dear Chairman Rasmuson:

After three months as a member of the Council's Scientific and Statistical Committee (S&SC), it is evident that I will not be able to continue as a regular participant. S&SC commitments interfere with the execution of my responsibilities as Director of the Halibut Commission and I am unable to devote the time I consider necessary to S&SC assignments. As you realize, I am reluctant to resign from S&SC because I am vitally interested in the work of the Committee and the Council, but I appreciate your groundrules regarding attendance and do not want to delay the appointment of a full-time participant.

I am willing and anxious to meet with S&SC and/or the Council at anytime matters of direct concern to halibut are involved. As such, I would be willing to serve as an ex-officio member of S&SC or in any other capacity that you or Dr. Alverson consider appropriate. If no arrangement seems entirely satisfactory, I offer my resignation, realizing full well that, in any case, the Council will develop close working ties with the Halibut Commission.

Sincerely yours,

*Bernard E. Skud*

Bernard E. Skud  
Director

cc: Dr. D. L. Alverson  
Mr. J. Branson

Agenda item ~~#14~~  
#11.

## Questions Concerning U.S.-Canadian Short Term Agreements

We asked NOAA Counsel Kim White to research the sections of this short-term agreement questioned in our transmittal letter to you. He will bring some material to the Council meeting. In the meantime he has given us the following answers over the phone.

### Article VIII, Section 2

*State is not exempt outside.* / The State of Alaska would be considered a "management entity" under the language in this section. The last sentence in the section may very well preclude Coast Guard/NMFS enforcement on, as an example, Canadian trollers fishing the Fairweather grounds. / This section may also give the State authority to enforce its regulations on Canadians more than 3-miles offshore. /

### Article II, Section 3

Canadian fishery officials have already verbally stated that this section would allow them to continue their usual practices even though such things as size limits might vary from those ordained by Alaska regulations. A section that needs more study.

### Article IX

Where it refers to 'boundary regions' means those areas in dispute between the United States and Canada of the offshore boundaries of their adjoining conservation zones. Kim White should have specific information on these areas.

*Jim Ellis called 3/23 - reversing first section.*

Questions Concerning U.S.-Canadian Short Term Agreements

We asked NOAA Counsel Kim White to research the sections of this short-term agreement questioned in our transmittal letter to you. He will bring some material to the Council meeting. In the meantime he has given us the following answers over the phone.

Article VIII, Section 2

The State of Alaska would be considered a "management entity" under the language in this section. The last sentence in the section may very well preclude Coast Guard enforcement on, as an example, Canadian cutters fishing the fairweather grounds. This section may also give the State authority to enforce its regulations on Canadians more than 3-miles offshore.

Article II, Section 1

Canadian fishery officials have already verbally stated that this section would allow them to continue their usual practices even though such things as size limits might vary from those obtained by Alaska regulations. A section that needs more study.

Article IX

Where it refers to "boundary regional" means those areas in dispute between the United States and Canada of the offshore boundaries of their adjoining conservation zones. Kim White should have specific information on these areas.

AGREED US-CANADIAN COMMUNIQUE ON SIGNATURE  
OF A RECIPROCAL FISHERIES AGREEMENT

The United States and Canada today signed in Washington a Reciprocal Fisheries Agreement to permit continuation of fishing by fishermen of each country off the coasts of the other for 1977, following the extension of their respective fisheries jurisdiction to 200 miles. The Agreement was signed on the Canadian side by L.H. Legault, Director General, International Directorate, Department of Fisheries and Environment, and on the United States side by Ambassador Rozanne L. Ridgway, Deputy Assistant Secretary of State for Oceans and Fisheries Affairs. The Agreement will enter into force upon completion of internal procedures by both sides.

The Agreement was concluded following discussions between President Carter and Prime Minister Trudeau. The two leaders concurred that a fishery Agreement for 1977 should be concluded on the basis of the same spirit of cooperation which marked their overall discussions. They reviewed the principles which would ensure that the interests of each in the fishery zone of the other are accommodated reciprocally for the remainder of this year.

The two sides looked forward to longer-term arrangements which are yet to be negotiated. They welcomed the signature of the Agreement as an important step in the evolution of their fisheries relationship and as a contribution to their close ties as neighboring states.

Contact Officer: R. Tucker Scully CES/OFA/OA (202) 632-3262

RECIPROCAL FISHERIES AGREEMENT  
BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND THE GOVERNMENT OF CANADA

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

CONSIDERING that both governments have extended their exclusive fishery jurisdiction to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, and considering their common approach to anadromous species;

RECALLING their cooperative fisheries relationship under the Agreement on Reciprocal Fishing Privileges in Certain Areas Off the Coasts of the United States and Canada, signed at Ottawa June 15, 1973 (the 1973 Agreement), and the subsequent extensions of that Agreement;

NOTING Canadian Order-in-Council P.C. 1977-1, and the preamble thereto, as published in the Canada Gazette on November 1, 1976, and enacted on January 1, 1977, respecting certain fishing zones of Canada under the Territorial Sea and Fishing Zones Act and the limits thereof;

NOTING further the statement of the Government of the United States of America published in the Federal Register on November 4, 1976, respecting certain limits of the fishery conservation zone of the United States under the Fisheries Conservation and Management Act of 1976;

Recalling that continuing consultations between the two governments have been in progress since early 1976 with respect to the limits of maritime jurisdiction in areas off their coasts;

Desiring to facilitate future negotiations toward a comprehensive framework for their fisheries relations, including an agreement.

ment on Pacific salmon problems of mutual concern;

CONSIDERING that, without prejudice to any positions which have been or may be taken by either government with respect to the limits of maritime jurisdiction, certain interim arrangements are necessary in order to permit continued fishing by the fishermen of each country off the coasts of the other, and to ensure harmony in measures taken by the governments of the two countries in the boundary regions;

Have agreed as follows:

ARTICLE I

1. Except as otherwise provided, this Agreement applies to the waters described in paragraph one of the 1973 Agreement, and to all waters seaward thereof which are under the fishery jurisdiction of either party. For the purposes of this Agreement, such waters shall hereinafter be referred to as the "zones" of the two parties.

2. Any reference in this Agreement to allocations and catch levels shall be construed to refer to quantities of fish caught during the entire 1977 calendar year.

ARTICLE II

1. The United States agrees to permit fishing within its zone by nationals and vessels of Canada in accordance with the provisions of this Agreement.

2. Canada agrees to permit fishing within its zone by nationals and vessels of the United States in accordance with the provisions of this Agreement.

3. Fishing by nationals and vessels of each party in the zone of the other shall continue in accordance with existing patterns, with no expansion of effort nor initiation of new fisheries.

4. On the Atlantic Coast, the reciprocal fishing privileges under this Agreement shall not extend to any directed fishery for any species of clam, crab, lobster or shrimp.

5. On the Pacific Coast, the reciprocal fishing privileges under this Agreement shall not extend to any directed fishery for any species of clam, scallop, crab or herring.

*As meeting  
on 3/9-10 ended  
w/ this case.*

### ARTICLE III

1. On the Atlantic Coast, fishing by United States nationals and vessels in the Canadian zone for those stocks included in the 1977 United States allocations agreed ad referendum at the Annual and Special Meetings of ICNAF held in 1976, shall cease when those allocations have been taken.

2. On the Atlantic Coast, fishing by Canadian nationals and vessels in the United States zone for those stocks included in the 1977 Canadian allocations agreed ad referendum at the Annual and Special Meetings of ICNAF held in 1976, shall cease when those allocations have been taken.

3. Fishing for herring by nationals and vessels of one party in the zone of the other shall be conducted only in the area beyond 12 nautical miles from the coast.

### ARTICLE IV

1. On the Pacific Coast, fishing by United States nationals and vessels in the Canadian zone for the following stocks shall cease when the following aggregate catches by United States and Canadian fishermen have been taken:

- a. rockfishes, including Pacific Ocean perch:
  - i. 6700 metric tons in and off Queen Charlotte Sound;
  - ii. 1400 metric tons in Pacific Marine Fisheries Commission Groundfish Statistical Areas 3C and 3D.

b. black cod; 1750 metric tons.

Directed fisheries for black cod by United States nationals and vessels within 12 nautical miles of the Canadian coast shall be limited to the area off the west coast of Vancouver Island between lines projected southwest (225 degrees true) from



Estevan Point and Cape Scott respectively.

2. On the Pacific Coast, fishing by Canadian nationals and vessels in the United States zone for the following stocks shall cease when the following catches have been taken:

a. rockfishes, including Pacific Ocean perch, when a 1400 metric tons aggregate catch level has been taken by United States and Canadian fishermen in Pacific Marine Fisheries Commission Groundfish Statistical Areas 3C and 3D.

b. black cod, when Canadian nationals and vessels have taken a catch of 33,000 pounds.

Directed fisheries for black cod by Canadian nationals and vessels within 12 nautical miles of the United States coast shall be limited to the area off the west coast of Alaska between lines projected southwest (225 degrees true) from Cape Ommaney and Cape Bingham respectively during the open seasons specified for fishing for black cod in the adjacent territorial sea.

3. Fishing by longline for halibut by fishermen of each party shall continue in the zone of the other in accordance with approved recommendations and regulations of the International Pacific Halibut Commission.

4. On the Pacific Coast, fishing for shrimp by United States nationals and vessels in the Canadian zone shall be limited to the Tofino Grounds off the west coast of Vancouver Island beyond 12 nautical miles, and shall cease when United States nationals and vessels have taken a catch of 750 metric tons, subject to possible revision in the light of a review of scientific information to be conducted by the Canadian authorities in the course of 1977.

## ARTICLE V

1. On the Pacific Coast, there shall be no fishing for salmon by nationals and vessels of either party in the zone of the other, except salmon taken by trolling beyond 12 nautical miles of the coast and salmon taken by trolling between 3 and 12 nautical miles in the area west of a line joining Bonilla Point and Tatoosh Island; north of a line projected due west from Carroll Island (latitude 48 degrees 00.3 minutes North, longitude 124 degrees 43.3 minutes West) and south of a line projected from Bonilla Point to latitude 48 degrees 29.7 minutes North, longitude 125 degrees 00.7 minutes West.

2. Each party shall have the right to limit such fishing for salmon in its zone by nationals and vessels of the other to the same time periods as its nationals and vessels are permitted such fishing for salmon in the zone of the other.

## ARTICLE VI

The two parties recognize the desirability of coordinating their regulations for certain salmon fisheries and agree as follows:

1. The appropriate fishery management authorities of the two countries shall consult frequently with a view to coordinating the regulatory measures to be applied by them to the fisheries for coho and chum salmon in British Columbia Statistical Area 20 and Statistical Areas 7A, 7, 6A, 6, 6C, 5 and 4B of the Washington State Department of Fisheries;

2. With respect to the chinook salmon fishery in the portion of Washington State Statistical Area 7A bounded on the north by the international boundary, on the east by the low-water line bordering the western and southern shores of Point Roberts peninsula, on the south by a line projected from Lily Point to Georgina Point on

Hayne Island between Lily Point and its point of intersection with the boundary line, and on the west by the international boundary and, with respect to the chinook salmon fishery in British Columbia Statistical Area 29, the appropriate fisheries officials of the two countries shall consult for the purpose of coordinating regulations regarding the open fishing days for the two specified areas. The Canadian officials, when designating the open fishing days for the specified Canadian area, shall give appropriate weight to the needs and interests expressed by the United States officials. The United States officials shall, to the extent consistent with the needs of the United States fishery, designate the same open fishing days for the specified United States area as are designated for the specified Canadian area and shall, in any case, designate the same number of open fishing days as designated for the specified Canadian area;

3. With respect to the chum salmon fishery in the section of Washington State Statistical Area 7A westward of Point Roberts peninsula, bounded on the north by the international boundary, on the east by the low-water line of Point Roberts peninsula, and by a line projected from Iverson Dock (Point Roberts) to Turning Point No. 1 of the boundary line in latitude 49 degrees 00 minutes 08.87 seconds North and longitude 123 degrees 19 minutes 17.18 seconds West, and with respect to the chum salmon fishery in British Columbia Statistical Area 29, the appropriate fisheries officials of the two countries shall consult for the purpose of coordinating regulations regarding the open fishing days for the two specified areas. The following provisions shall be applicable from a date agreed by the appropriate fisheries officials of the two countries, which date shall be no earlier than the fifth and no

later than the fifteenth of October:

- a. the Canadian officials, when designating the open fishing days for the specified Canadian area, shall give appropriate weight to the needs and interests expressed by the United States officials; and
- b. the United States officials shall designate the same open fishing days for the specific United States area as are set for the specified Canadian area.

#### ARTICLE VII

Notwithstanding any other provision of this Agreement and without prejudice to the positions of either party, tuna fishing will continue off the coasts of each party, and, where applicable, under appropriate regulations implementing agreed international recommendations. Both parties agree to exchange information concerning their catch of tuna off the coast of the other party in order to develop and expand the scientific basis for international cooperation in conservation matters.

#### ARTICLE VIII

1. The two parties recognize that each shall manage fisheries within its jurisdiction within the terms of its domestic laws. They agree that in the application of their domestic laws they shall be guided by the following principles:

- a. preserving existing patterns of their reciprocal fisheries in keeping with the provisions of Article II; and
- b. in the case of reciprocal salmon fisheries, the interest of the state of origin in salmon spawned in its rivers.

size limit?  
time limit?

2. Regulations affecting the size limits, seasons, areas, gear, and by-catch of existing fisheries established by the management entities of either party and pertaining to the taking or possession of fish in its zone shall apply equally to the nationals and vessels of both parties in the zone. In areas of the Canadian zone within 12 nautical miles in which Canadian domestic regulation at present prohibits trawl fishing by vessels exceeding 65 feet in length, such regulation shall also apply to United States vessels. These regulations shall be enforced by the government which issued them.

3. If either party proposes to introduce or alter any such regulations during the term of this Agreement, it shall notify the other party of the proposed regulatory measure as far in advance of its application as possible. At the request of either party, consultations shall be held expeditiously in order to review the proposed measure. In such consultations the parties shall be guided by the principles referred to in paragraph 1 above. Consultations on regulations respecting reciprocal salmon fisheries shall take place at the technical and official levels during the process of preparing such regulations, and, prior to their final approval and application, at the Secretarial or Ministerial level upon request of either party.

4. Fishery conservation and management regulations other than those referred to in paragraph 2 above and those required for the implementation of this Agreement, shall not be applied by either party to vessels and nationals of the other fishing in its zone pursuant to this Agreement.

## ARTICLE IX

In the boundary regions, the following principles shall be applied as interim measures of mutual restraint pending the resolution of questions pertaining to the delimitation of areas subject to the respective fishery jurisdiction of each party:

1. As between the parties, enforcement shall be conducted by the flag State.
2. Neither party shall authorize fishing by vessels of third parties in the boundary regions.
3. Either party may enforce against third parties in the boundary regions.

## ARTICLE X

Each party, subject to its domestic laws, will continue to permit transfers of herring between nationals and vessels of the two parties in its zone. The parties agree that the principal purpose of this provision is to enable the continuation of transfers of herring intended for purposes other than reduction.

## ARTICLE XI

Each party agrees to waive for nationals and vessels of the other party fishing in its zone pursuant to this Agreement, permit and licensing requirements set forth in the respective domestic fishery laws of each country as applicable to foreign fishermen, provided that each vessel shall be clearly and conspicuously marked to indicate its name, nationality and home port.

## ARTICLE XII

1. Recreational fishing by vessels of each party in all waters of the other shall continue.

2. Recreational fishing under this Agreement shall be conducted in accordance with applicable regulations and permit and licensing requirements imposed by the competent state, provincial and federal authorities, except that requirements for permits and licenses under the Fishery Conservation and Management Act of 1976, in the case of the United States, and the Coastal Fisheries Protection Act, in the case of Canada, shall be waived.

#### ARTICLE XIII

The two parties agree to exchange appropriate fishery statistics on a timely and regular basis where necessary to permit an accurate determination to be made of the time at which an allocation or catch level referred to in this Agreement is reached, and otherwise to ensure the effective implementation of this Agreement.

#### ARTICLE XIV

Each party shall allow access to its customs ports for nationals and vessels of the other party for the purposes of purchasing bait, supplies, outfits, fuel, and effecting repairs, unless more favorable access provisions are provided in other agreements in force between the two parties. Access under this provision is subject to general requirements regarding advance notice of port entry, availability of facilities, and the needs of domestic fishermen and flag vessels.

#### ARTICLE XV

The two parties agree that cooperative fishery research and the exchange of fishery biological data and statistical information through existing institutional arrangements should continue and, where appropriate, be expanded.

ARTICLE XVI

The two parties undertake to consult as necessary to ensure the harmonious implementation of this Agreement.

ARTICLE XVII

Nothing in this Agreement shall be construed to affect or prejudice any position or claim which has been or may subsequently be adopted by either party in the course of consultations, negotiations or third party settlement procedures respecting the maritime jurisdiction, including the limits thereof, of Canada or of the United States of America.

Nothing in this Agreement shall be construed to prejudice any current or future fishery negotiations between the two parties.

Nothing in the present Agreement shall affect either bilateral or multilateral agreements to which either government is a party.

ARTICLE XVIII

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

2. This Agreement shall terminate on December 31, 1977.

3. The 1973 Agreement shall be superseded upon the entry into force of this Agreement.



IN WITNESS WHEREOF, the undersigned, duly authorized thereto by their respective Governments, have signed this Agreement.

DONE in two copies, at Washington this twenty-fourth day of February, 1977, in the English and French languages, each version being equally authentic.

EN FOI DE QUOI les soussignés, dûment autorisés à cet effet par leurs gouvernements respectifs, ont signé le présent Accord.

FAIT en deux exemplaires, à Washington le 24<sup>ème</sup> jour de février, 1977, en français et en anglais, chaque version faisant également foi.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

POUR LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE:

FOR THE GOVERNMENT OF CANADA:

POUR LE GOUVERNEMENT DU CANADA:

Questions Concerning U.S.-Canadian Short Term Agreements

We asked NOAA Counsel Kim White to research the sections of this short-term agreement questioned in our transmittal letter to you. He will bring some material to the Council meeting. In the meantime he has given us the following answers over the phone.

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March 31, 1977

Mr. David Nanalook  
Togiak, Alaska

Dear Mr. Nanalook:

The Council would like to thank you for your presentation during the March 21-22 Council meeting. We are grateful that you took the time to make this presentation regarding your concern for local Bristol Bay inputs into the North Pacific Fishery Council.

The Council established a 25-member Advisory Panel to provide statewide local industry input and orientation into the Council's decision making process and management plans. We have selected and are currently utilizing four advisory panel members from the Bristol Bay area. I am enclosing the names and addresses of the following individuals in hopes that you will solicit and coordinate inputs through these individuals back to the Council for all future Council meetings. The Advisory Panel members from your area are:

- (1) Mr. Truman E. Emberg  
Commercial Fisherman, Business Manager of Western  
Alaska Cooperative Marketing Association  
Box 213, Dillingham, Alaska 99576
- (2) Mr. Paul Guy  
General Delivery  
Napaskiak, Alaska 99634
- (3) Mr. Daniel J. O'Hara  
P.O. Box 148  
Naknek, Alaska 99633
- (4) Mr. Harry Wilde, Sr.  
Mountain Village,  
Alaska 99632

Mr. Wilde and Mr. Guy's mail should all be addressed to  
Nunam Kitlutsisti, Box 267, Bethel, Alaska 99559.

ИЛИНУ ИТАЛИСАГАЛТ' БОХ ЗЭЛ' БӨРИЭТ' УТГАКЭ ӨӨЭЭЭ.  
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УТГАКЭ ӨӨЭЭЭ  
КОПИРАТИ АИТГАЭ.  
(1) МЛ: ИЭЛЛ МТЦЭ' ЭЛ'

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Б.О. БОХ ТЭЭ  
(2) МЛ: БӨНТЭТ А. О. ИЭЛЭ

ИЭВЭЭКЭТЭГ' УТГАКЭ ӨӨЭЭЭ  
СӨНӨЛЭТ ДЭТТЭЭЛ.  
(3) МЛ: БЭЛТ ОУЛ

БОХ ЗИЗ' ДИТТИНДЭН' УТГАКЭ ӨӨЭЭЭ  
УТГАКЭ СӨӨӨӨӨӨӨӨӨӨ ИЭКМЭЭТЭГ УВЭЭЭЭЭЭЭЭЭЭ  
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ИЭЭЭЭЭЭЭ: ЭНЭ УДАГАОЛД БЭНЭТ ШЭНРЭЭЭ ЭКОМ ЛОНК ЭИЭЭ ЭИЭ:  
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ЭСЭТЭЭЭ ЭИЭЭЭЭЭЭ СӨНӨЛӨТТ:  
ЛОНК СӨНӨЛӨТТ ЭОЛ ЭОСӨТ ИЭТЭЭЭЭ ЭЭЭ ИЭВЭЭЭ ЭИЭЭ ЭНЭ ИЭВЭЭ  
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ЭЭЭЭ МЛ: ИЭНЭЭЭЭЭЭ  
ЭЭЭЭЭЭЭЭ УТГАКЭ  
МЛ: БЭЛЭЭ ИЭНЭЭЭЭЭЭ

ИЭЭЭЭЭ ЭИ' ТЭЭЭ

If the Council can be of any further help in this matter, please do not hesitate to contact us. Once again we thank you for your demonstrated interest in Council activities.

Sincerely,

Mark I. Hutton  
Assistant Executive Director

MIH:in