

U.S.-CANADA PACIFIC SALMON  
GOVERNMENT-TO-GOVERNMENT TALKS  
LAKE WILDERNESS, WASHINGTON  
AUGUST 11-12, 1977

Agenda Item #13  
Aug. 1977

DRAFT SUMMARY RECORD

Canadian and United States officials met in Lake Wilderness, Washington on August 11-12 to assess the status of negotiations for an agreement on Pacific salmon problems of mutual concern. A list of participants is attached (Appendix 1).

Both sides agreed that principles established and recorded during 1976 at negotiations, government-to-government consultations, and meetings of the Ad Hoc Technical Committee should form the basis for continued negotiations without prejudice to any modifications deemed necessary.

There was extensive discussion of the last Ad Hoc Technical Committee report of September 14-15, 1976, especially the lists of fisheries considered by the Technical Committee for inclusion in a numerical interception limitation mechanism (discrepancies between the U.S. and Canadian lists in the north are illustrated in Appendix 2; there was no disagreement in the list for southern fisheries.) The Committee was asked to accomplish several new tasks. The new terms of reference are enclosed (Appendix 3).

Regarding the rivers of joint concern, which rise in Canada and flow through the United States, the United States presented Canada with an alternative

draft convention article (revising the draft article done by Canada for the August 1976 meetings.) Canada will study the U.S. draft (Appendix 4) and respond at the next meeting.

Both sides agreed that a new treaty should, consistent with the need to limit interceptions, insure that any interception limitation scheme developed create positive incentives (not disincentives) for both countries to receive maximum benefits from their salmon enhancement programs.

The draft treaty done during the May 1976 negotiations in Vancouver was reviewed article-by-article. Areas where redrafting is required, or close review desirable, were identified. Legal experts from both sides will attempt to redraft articles where we agree in substance before the next negotiation, to facilitate our work. Their terms of reference are listed in Appendix 5. It was emphasized that both sides reserve the right to make changes deemed necessary after consultation with advisors.

Considerable progress was made during these discussions, and subsequent meetings, with full delegations to include advisors, are planned for October 5-7 in Seattle, and November 28-30 in Vancouver.

U.S.-CANADA SALMON DISCUSSIONS

AUGUST 11-12, 1977

LAKE WILDERNESS, WASHINGTON

CANADIAN DELEGATION

CHAIRMAN

Dr. M. P. Shepard Fisheries and Marine Service  
Ottawa

DELEGATES

K. V. Aro Fisheries and Marine Service  
Nanaimo

T. R. Collins-Williams External Affairs  
Ottawa

R. C. Graham Canadian Consulate-General  
Seattle

W. R. Hourston Fisheries and Marine Service  
Vancouver

J. McDonald Fisheries and Marine Service  
Nanaimo

I. Todd Fisheries and Marine Service  
Vancouver

U.S., CANADA SALMON DISCUSSIONS

AUGUST 11-12, 1977

LAKE WILDERNESS, WASHINGTON

U.S. DELEGATION

CHAIRMAN

D. L. McKernan

Expert - Consultant (Ambassador)  
U.S. Department of State

DELEGATES

D. Colson

U.S. Department of State  
Washington, D.C.

E. D. Evans, Jr.

National Oceanic and Atmospheric  
Administration, Seattle

I. Frohne

Alaska Department of Fish & Game  
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K. Henry

National Marine Fisheries Service  
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U.S. Department of the Interior  
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D. R. Johnson

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R. U. Mace

Oregon Department of Fish and Wildlife  
Portland

W. H. MacKenzie

National Marine Fisheries Service  
Washington, D.C.

H. J. McDevitt

Pacific Fishery Management Council

C. H. Meacham

Office of Governor, State of  
Alaska

L. M. Nakatsu

Pacific Fishery Management Council  
Portland

J. Negroponte

U.S. Department of State  
Washington, D.C.

S. J. Powell

National Oceanic and Atmospheric  
Administration, Washington, D.C.

E. Rasmuson

North Pacific Fishery Management  
Council, Anchorage

H. L. Rietze

National Marine Fisheries Service  
Juneau

R. M. Schoning

National Marine Fisheries Service  
Washington, D.C.

F. Thorsteinson

National Marine Fisheries Service  
Juneau

S. Wright

Washington Department of Fisheries  
Seattle

A. F. Ryan

National Oceanic and Atmospheric  
Administration, Washington, D.C.

C. Price

U.S. Department of State  
Washington, D.C.

## Appendix 2

Fisheries in Categories A<sup>1</sup> and C<sup>2</sup> listed by Canada and the United States for technical consideration of implementation of numerical interception limits

<u>Fishery</u>			<u>Listed by</u>		<u>Average</u> <u>Catch</u>	<u>Estimate of</u>	
<u>Species</u>	<u>Area</u>	<u>Gear</u>	<u>Canada</u>	<u>USA</u>	<u>1971-74</u> <u>(x 10<sup>3</sup>)</u>	<u>% interception</u>	
<u>Category A<sup>1</sup></u>						<u>Canada</u>	<u>USA</u>
Sockeye	1B	All	x	x	130.9	75	19
Sockeye	4	All	x	x	83.2	60	54
Odd Pink	4	All	x		767.8	70	60
Chum	4	Net	x		79.9	25	15
Coho	1AB	All	x		20.2	55	44
Coho	2	Net	x		43.8	35	18
Coho	1	Troll	x		86.4	25	13
Coho	4	All	x		160.8	35	17
Coho	13.54	Troll	x		77.3	45	9
Coho	150	Troll	x		*	*	*
Chinook	4	Troll	x		51.6	50	35
Chinook	13.54	Troll	x		63.9	35	35
Chinook	16.57	Troll	x		63.9	25	35
Chinook	150	Troll	x		*	*	*
Chinook	Other	Troll	x		114.4	50	50
<u>Category C<sup>2</sup></u>							
Even pink	1	Troll	x	x	84.6	32	32
Even pink	5	Troll	x	x	48.4	55	26
Even pink	3X	All	x	x	61.2	36	54
Even pink	5-1	Net	x	x	131.3	43	40
Chum	3Z	All	x	x	162.2	22	22
Chum	3X	All		x	17.2	43	48
Coho	1.2W	Troll		x	177.9	15	16

1/ Category A - Interceptions by Alaska fisheries of salmon originating in British Columbia coastal rivers. (Panhandle rivers not included)

2/ Category C - Interceptions by Canadian fisheries of salmon originating in Alaska rivers.

INSTRUCTIONS TO THE AD-HOC COMMITTEES U.S.-CANADA DISCUSSIONS  
ON SALMON, ARISING FROM THE AUGUST 11 AND 12, 1977, SEATTLE,  
WASHINGTON MEETING OF U.S. AND CANADIAN GOVERNMENT OFFICIALS

1. Outline salmon enhancement projects underway or planned in each country which would contribute to the other countries' fisheries and examine the implications of such projects to fisheries where interception limits may be applied.
2. Attempt to develop and incorporate into an interception limitation scheme, a mechanism which would allow the intercepting country to benefit more fully from its own enhancement projects by increased catches in its intercepting fisheries where the proportions of the other countries' salmon are low.
3. For intercepting fisheries where implementation of a numerical interception limit would pose serious management problems, examine alternate methods of limiting interceptions such as time-area closures.

August 12, 1977  
~~September 3, 1976~~

DRAFT

U.S. Draft

## PANHANDLE, YUKON, AND COLUMBIA RIVERS

Terminal U. S. Fisheries harvesting salmon stocks originating in the Canadian portion of rivers which rise in Canada and flow to the sea through the United States shall be listed in Annex \_\_\_ to this agreement. While small proportions of the catch of <sup>some</sup> nonterminal U. S. and Canadian fisheries may consist of such stocks, it is recognized that the management regimes established in <sup>those</sup> these fisheries must be concerned primarily with the regulation of predominant stocks. <sup>Such</sup> Nonterminal fisheries will not be listed in Annex \_\_\_ until such time as adequate data are available to determine estimates of the relative abundance and significance of stocks originating in Canadian sections of the Panhandle, Yukon, and Columbia Rivers. Annex \_\_\_ will set forth the principles for the allocation of <sup>SUCH</sup> ~~the various~~ stocks to each country. Using these principles, as the acquisition of appropriate knowledge permits, allocation formulas for the fisheries of each country will be jointly developed for the designated stocks.



ANNEX

List of terminal fisheries

The allocation of the total available catch will be determined on a river system basis by the Panel based on escapement requirements and the harvestable surplus available to the two countries. New or expanded fisheries may be provided for by the appropriate managing entity commensurate with the agreed upon proportion allocated to each country.

The following principles shall be taken into consideration in developing formulas to allocate the catch between the two countries:

- A. Spawning areas and number of spawners required for proper conservation of stocks.
- B. Rearing areas utilized by the stocks of concern duly considering the varying requirements of the different species for freshwater, estuarine, and marine habitats.
- C. Migration routes for both adults and juveniles, duly considering the varying requirements of the different species for freshwater, estuarine, and marine habitats.
- D. Exploitation
  1. Historical and existing levels of commercial, subsistence, and recreational fisheries.
  2. Potential levels of commercial, subsistence, and recreational fisheries.

E. Associated factors requiring joint consideration:

1. Habitat protection costs.
2. Management and research costs.
3. Annual consultations on management and conservation.
4. Rehabilitation and enhancement.

September 21, 1973

Northern area position is based on the following considerations:

1. Some interceptions will continue to occur as salmon of all species are intermingled in some fisheries and management emphasis must be placed on proper harvest of particular species or stocks.
2. Only the country involved in salmon enhancement programs should benefit from such enhancement.
3. Increases in natural salmon runs resulting from management practices should also only benefit the managing country.\*
4. Interceptions should not be increased.
5. Data on which to base interception estimates are extremely poor in the Northern Area.

As a consequence the U.S. Northern Area position is:

1. The Southern Area should receive first consideration in current negotiations since data base is better.
2. While negotiations on Southern Area are progressing U.S. and Canadian scientists should meet to try and resolve differences in interception estimates that still exist and document basis for estimates. Specific areas of concern are:
  - a. Cape Fox Fishery
  - b. Estimates of coho interceptions.
  - c. Canadian ocean troll fishery - Fairweather Ground
3. Management agencies of both countries should meet before and during fishing seasons to insure that adequate consideration is given to joint conservation needs, particularly in the Northern British Columbia - Southeast Alaska area.

4. We believe interceptions of Panhandle salmon must be resolved by negotiations.
5. Yukon River escapement data are so scarce that reliable interception estimates cannot be made at this time.
6. In areas where agreement cannot be reached due to lack of adequate data, studies should be undertaken by both countries.

TERMS OF REFERENCE  
FOR REVIEW OF DRAFT TREATY

Contacts:

USA - David Colson, Dept. of State  
- Steve Powell, NOAA, Dept. of Commerce

Canada - Georges Leger, Ministry of External  
Affairs  
Alan Willis, Dept. of Fisheries and  
Environment

With reference to Appendices 7 and 10 of the Agreed Record of May 17-21, 1976, and the discussions of August 11-12, 1977, the two sides should review the following and draft common language.

Article 1:

- define "enhancement"
- review "optimum sustainable yield"
- define "river of joint concern"
- review "management entity"

Article 2-6:

Review

Draft an article that addresses the issue of avoiding the initiation of new intercepting fisheries.

Article 11:

Review

Article 12:

Review

Article 13:

-- Review with view of providing for a governmental obligation for reporting of technical information to the Commission/Panels.

Article 16:

-- Provide new draft, recognizing that there may need to be bracketed language to take account of substantive differences.

Article 17:

Review

Article 18:

-- Provide new Draft

Article 19:

-- Provide new Draft

Article 20

-- Discuss

Article 21:

-- Review



DEPARTMENT OF STATE

Washington, D.C. 20520

BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

July 29, 1977

Mr. James Branson  
Executive Director  
North Pacific Regional  
Fishery Management Council  
333 W. Fourth Avenue, Suite 32  
P.O. Box 3136 DT  
Anchorage, Alaska 99510

Dear Mr. Branson:

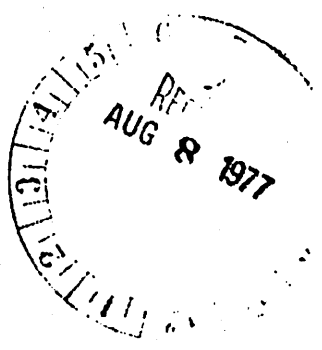
Attached for your information is a copy of a recent White House Press Release announcing the appointment of Lloyd N. Cutler as special representative of the U.S. for maritime boundary and resource negotiations with Canada. You will also be interested to know that the U.S.-Canada Reciprocal Fisheries Agreement has been approved by the Congress (H.R. 5638) and signed into law by President Carter on July 26.

Sincerely,

*Larry L. Snead*

Larry L. Snead  
Acting Director  
Office of Fisheries  
Affairs

Enclosures:  
As stated.



KRY BROIL-KHAN  
S - RM 5227  
32-3189

THE WHITE HOUSE

The President today announced the designation of Floyd N. Cutler of Chevy Chase, Maryland, as his special representative for maritime boundary and resource negotiations with Canada, with the personal rank of ambassador. Ambassador Cutler, who is a Washington attorney, will conduct negotiations with Canada over the coming months in an effort to reach a comprehensive settlement of U.S.-Canadian maritime boundaries and related fishery and hydrocarbon issues.

The government of Canada has named Ambassador Marcel Cadieux to conduct its negotiations. Ambassador Cadieux formerly served as undersecretary of the Department of External Affairs in Ottawa and as ambassador of Canada to the United States. He is on temporary assignment from his position as Canadian ambassador to the European Communities.

The two countries attempted to resolve their maritime boundary and fisheries issues in talks from late 1975 to early 1977. Failing agreement, earlier this year they entered into an interim Reciprocal Fisheries Agreement for 1977 to enable each country to continue fishing in the 200-mile zone of the other while negotiations for more permanent arrangements proceed. The new negotiations will resume under the direction of Ambassador Cutler and Ambassador Cadieux around August 1.

The two governments have agreed that, with a view toward reaching a negotiated settlement between them, the special negotiators will be guided by the following terms of reference. The negotiators will report to governments by October 15, 1977, on the principles of a comprehensive settlement encompassing:

- maritime boundaries delimitation;
- complementary fishery and hydrocarbon resource arrangements as appropriate;
- such other related matters as the two governments may decide.

The negotiators will develop the substance of an ad referendum comprehensive settlement for submission to governments by December 1, 1977.

The negotiators will organize and conduct the negotiations in the manner and in the places which they judge will best facilitate a settlement.

Negotiations concerning West Coast salmon will be resumed separately on a priority basis. The special negotiators will determine the relationship, if any, between the courses and outcomes of the two sets of negotiations.

\* \* \*

Cutler was born November 10, 1917, in New York City. He received an A.B. (1936) and an LL.B. (1939) from Yale University. He served in the U.S. Army from 1942 to 1945.

From 1946 to 1962 Cutler was a partner in the law firm of Cox, Langford, Stoddard & Cutler. He has been a partner with Wilmer, Cutler & Pickering since 1962.

Cutler was secretary of the Lawyers Committee on Civil Rights Under Law from 1963 to 1965, and co-chairman from 1971 to 1973. He was vice chairman of the Business Leadership Advisory Council, Office of Economic Opportunity, in 1963. In 1968 and 1969 he was executive director of the National Commission on the Causes and Prevention of Violence.