

Appendix I

16214

as: [unclear]
only

APR 18 1977

18 APR 1977

Mr. Elmer Rasmuson
Chairman
North Pacific Fishery Management Council
P. O. Box 600
Anchorage, AK 99501

Dear Elmer:

I thought it would be appropriate to report to you concerning the U. S. - Canadian Interim Fisheries Agreement in that some information provided to the Council at the March meeting may not have been accurate. At the moment, the agreement sits before the U. S. House of Representatives Merchant Marine and Fisheries Committee. It appears the agreement will be approved by Congress in short order. As a point of interest, Congress, when it approves the agreement, must also pass enabling legislation since the agreement is not compatible with the FCMA. Until the legislation is passed, several enforcement questions will remain unresolved, the most important of which deals with the imposition of the State of Alaska's regulations on Canadian trollers outside the 12 mile line where the agreement authorizes them to take salmon. At the last Council meeting, you were told that ADFG regulations would apply under these circumstances but, in the opinion of Coast Guard Headquarters, state regulations can not be applied to non-Americans outside the 3 mile line. In our view, the State of Alaska is not a "management entity" in the sense of Article VIII, paragraph 2 of the agreement. If this view prevails, there will not be any regulations applicable to Canadian salmon boats concerning "size limits, seasons, areas, gear, and by catch" while they fish off Alaska's shores except they can not fish inside the 12 mile line and they can only take salmon by trolling.

My staff has discussed this problem with Jim Brooks and he recognizes that Canadian salmon boats could be somewhat unregulated; but he said he did not expect the Canadians to appear in sufficient numbers off Alaska to impact salmon resources.

Here are some other provisions of the U.S.-Canadian Agreement which may be of interest to you:

- The taking of halibut will be regulated by IPHC and violations by Canadians within the U.S. zone will result in turning the offender over to the Canadian Government for prosecution.

- Other than IPHC violations, infractions of the U.S.-Canadian Agreement will be treated as FCMA violations.

- The agreement seems to adequately regulate the Canadian catch of all species with the exception of salmon.

Please bear in mind that the statements in this letter could well be wrong. At such time as Congress approves the U.S.-Canadian Agreement and its implementing legislation, I will again correspond with you, particularly in those areas where my assessment has been off the mark.

Sincerely,

Copy to:
Executive Director, NPFMC

J. B. HAYES
Rear Admiral, U. S. Coast Guard
Commander, 1st Coast Guard District

Alvin Steward

(011)

cc: Council only

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Executive Director, NPFMC

Rear Admiral, U. S. Coast Guard

Commander Seventeenth Coast Guard District