

Agenda Item Summary

BACKGROUND

The Pacific Salmon Commission (PSC) is an international decision-making organization formed by the completion of the U.S.-Canada Pacific Salmon Treaty (Treaty) in 1985. The Treaty was the culmination of several decades of coordination, discussion, and negotiation. The PSC provides a nexus to ensure that management of salmon crossing various management jurisdictions is consistent with the shared goal to protect the salmon and the communities they support.

While the Treaty covers all five species of Pacific salmon, two species are of paramount importance to the State of Oregon under the Treaty – Chinook, and to a lesser degree, coho. This presentation will focus on issues with Chinook salmon. The Treaty fishery area for Chinook extends from Cape Falcon in Oregon north to Cape Suckling in S.E. Alaska. Production of Chinook from as far south as the Elk River in Oregon is also included in the Treaty, as are many stocks of Columbia River Chinook.

Several important agreements within the Treaty, including those for management of Chinook salmon, expire after 2018. Renegotiations began in 2015 and will be an important priority for ODFW through 2017. Although final diplomatic arrangements with Canada are handled by the U.S. State Department, the management agreements are negotiated within the PSC. ODFW provides technical and policy support throughout this process.

The purpose of this informational briefing is to provide background on the Treaty, as well as discussion of Oregon's role, and timelines for renegotiations on Chinook salmon.

ISSUE 1

INFORMATIONAL BRIEFING ON THE PACIFIC SALMON TREATY

ANALYSIS

The Treaty

The main purposes of the Treaty are to prevent over-fishing, provide for optimum production, and ensure that both countries receive benefits equal to the production of salmon originating in their waters. The Treaty is an agreement between the U.S. and Canada – it is not an agreement between individual U.S. states or between states and tribes. The role of each participant is as a part of their country's delegation to the Treaty. While the Treaty was adopted in 1985, portions of the Treaty, referred to as "chapters", are periodically renegotiated and updated as needed.

The PSC makes decisions about overall catch levels and allocations among jurisdictions, consistent with the Treaty, but does not directly regulate fisheries. Implementation of fisheries is the responsibility of individual management jurisdictions (Federal, state, or tribal). The PSC has responsibility for salmon originating in the waters of either country which are subject to interception by the other, affect fisheries management within the other country, or biologically affect the stocks of the other country.

The U.S. Section of the PSC is composed of four voting Commissioners and four alternate Commissioners. These Commissioners are appointed by the Dept.

of State or the President to represent the states of Oregon/Washington, the State of Alaska, Washington/Columbia River tribes, and the Federal government (Departments of Commerce and State). The Federal seat is non-voting. Action by the U.S. Section requires consensus before the U.S. may cast its vote bilaterally. Bilateral action by the U.S. and Canada also requires consensus.

The PSC receives support and advice from regional panels of fisheries experts, as well as staff from participating agencies that are assigned to support roles. The PSC meets in person three times per year to review scientific input and implementation of the agreement. Panels and advisory bodies meet throughout the year to conduct their work in providing science and policy updates to the PSC.

History

The U.S. and Canada have coordinated on management of Pacific salmon for over 100 years. Sockeye salmon returning to the Fraser River in British Columbia were (and are) of large economic importance to fisheries in Washington, B.C., and S.E. Alaska. In 1913, upstream passage on the Fraser River was partially blocked when blasting for a railway caused a rock slide at Hell's Gate. The effects on sockeye were devastating. This caused both countries to begin coordinating on ways to address the problem. The International Pacific Salmon Fisheries Commission (IPSFC) was formed in 1937, and in 1945 the IPSFC facilitated the construction of large fishways around the Hell's Gate blockage.

Because Pacific salmon migrate extensively through various jurisdictions, harvest of fish produced in one area by parties in other areas ("interceptions") has always been a concern. Without the kind of coordination provided by inter-jurisdictional agreements, all parties would have great difficulty ensuring that harvests are sustainable and populations across all jurisdictions remain healthy and productive.

The issue of interception becomes even more complicated due to differences in productivity, differences in population size or status across various salmon populations, and migratory patterns that result in fish from some jurisdictions being more or less vulnerable to interceptions than those from others. All of these issues are significant to management of Chinook salmon, and at various times incidences of "competitive overharvest" have occurred as a result.

By the early 1970s, continuing issues with interceptions of other species of salmon, as well as dissatisfaction in Canada over the sharing of Fraser River sockeye harvests, led to discussion of a new, overarching treaty to cover multiple salmon species.

While interceptions of Canadian salmon in S.E. Alaska is fairly high, interceptions of S.E. Alaska stocks of salmon outside Alaska are relatively low. Had this not been the case, Canada could have unilaterally increased their catch of Alaska salmon in order to either balance the overall catch or encourage Alaska to negotiate harvests. Conversely, because few Alaska salmon were being caught outside of Alaska, the state had little incentive to begin negotiations over harvest levels which would almost certainly reduce their

overall catch.

Interceptions of Canadian salmon in Washington and interceptions of Washington salmon in Canada were (and are) far more similar, particularly for Chinook. Thus both of these parties had incentive to negotiate an agreement. Fewer fish from Washington or Canada are caught in Oregon, while catch of Oregon stocks occurs in Washington, and is substantial in Canada and S.E. Alaska.

As a result of the complexities of interceptions, the 1970s saw efforts by Canada to encourage Southern U.S. states to try to bring Alaska to the negotiating table. Simultaneously, the Southern states sought to ensure that increases in hatchery salmon production would not simply be lost to interceptions in Canada and Alaska. This time period also overlapped with the ongoing development of tribal fisheries court cases such as the Boldt Decision.

By the late 1970s, all parties had realized that past practices of “competitive overharvest” had led to substantial problems with productivity and status of salmon populations in the region, to the detriment of all, and negotiations on an agreement began in earnest. The Treaty was initially negotiated by stakeholders, with Federal oversight, and a deal was reached in 1982. However, members of the U.S. Senate blocked ratification.

Negotiations resumed in 1984 under the guidance of mediators from both countries, and culminated in a 1985 agreement and final Treaty ratification by Congress. Fundamental to this agreement was a commitment from Pacific Northwest treaty tribes to accept the PSC process in lieu of the requirement that Alaska fisheries comply with explicit requirements for harvest sharing. This stipulation remains in effect and is still a factor in the operation of the Treaty.

The Treaty since 1985

Prior to the Treaty, “competitive overharvest” was rampant and salmon stocks paid the price. The Treaty provided a forum for issues to be worked out via negotiation rather than retaliation. U.S. negotiator Theodore Kronmiller said of the Treaty “Nothing so ambitious as this Treaty has ever been undertaken in U.S. international fishery relations”. While not all parties believed the Treaty was ideal for their goals, the compromises it contained put an end to continual “fish wars” and the result was broad scale improvement in many Chinook stocks – including many of those in Oregon.

During the 1995-1998 period, issues of fair sharing of salmon flared up again, resulting in a resumption of fish wars. Disagreements extended to vessel transit between Canada and Alaska, including the Canadian blockade of some Alaska fishing vessels, at one point including the blockade of an Alaskan ferry.

By 1998, things were beginning to settle back down, and a revised agreement for Chinook was reached in 1999. This new agreement moved the management of some Alaska and Canada fisheries from a “ceiling” based fishery – a static catch allotment regardless of conditions – to an abundance-based framework, with annual catch allotments directly scaled to relative abundance of key “driver” stocks.

The essential tenets of the 1999 agreement were extended in the most recent agreement, which took effect in 2009. However, under the new agreement, allowable Treaty catches in fisheries on the West Coast of Vancouver Island were reduced by 30%, and catches in S.E. Alaska were reduced by 15% (both relative to 1999-agreement levels). Catches in Northern B.C., the remaining abundance-based fishery, had already been drastically restricted by Canada due to the depressed status of local B.C. Chinook stocks, and this situation remains today.

According to long term participants in the PSC process, the period from 1999 to 2014 was marked by gradual but significant re-building of trust from the “troubles” of the mid-1990s. This has resulted in improved ability of the PSC to work through some very serious issues. Some examples include continued difficulties in how to best manage Fraser River sockeye, and reductions in overall Chinook catch in some fisheries.

However, as with any complicated process that includes many conflicting interests, not everything proceeds smoothly all the time.

In 2014, the Canadian Ministry of Fisheries and Oceans in Ottawa, Ontario disregarded some important terms of the coho management agreement under the Treaty. The result was lost harvest opportunity for some U.S. fisheries in Puget Sound.

In 2015, a disagreement over the “best available science” for characterizing Chinook abundance in S.E. Alaska erupted, causing substantial disruption for all parties. While the participants were ultimately able to proceed with domestic fishery management, the underlying issue has yet to be fully resolved.

Renegotiation

The current agreement on Chinook salmon will expire after 2018. Unlike other chapters of the agreement, which are negotiated by members of the appropriate PSC panels, the Chinook chapter is negotiated directly by the U.S. and Canadian Commissioners. Negotiations for the next agreement began in 2015, and need to be concluded by the end of 2017, in order to allow for necessary Federal actions in both countries.

Because of the importance of Chinook across multiple jurisdictions, these negotiations are highly sensitive, and are confined to the PSC Commissioner’s and their advisors.

From an Oregon perspective, we believe that the Chinook agreement should:

- First and foremost, be consistent with the conservation and sustainability of Oregon Chinook stocks, as specified in our agency mandate to protect and enhance for present and future generations;
- Achieve a share of harvestable Chinook that is appropriate for Oregon’s contribution to coastwide production, while recognizing that other parties, per the Treaty, are entitled to reasonable catches in their fisheries;
- Supports the collection and analysis of information needed to manage Chinook under the agreement.

Additional Information

Pacific Salmon Commission informational brochure – provided as part of Commission packet.

Pacific Salmon Commission “Information for new delegates” – provided as part of Commission packet.

The United States-Canada Pacific Salmon Interception Treaty: An Historical and Legal Overview. Thomas C. Jensen. Environmental Law, Northwestern School of Law of Lewis and Clark College. 1986.

The Pacific Salmon Treaty. Joy A. Yanagida. The American Journal of Environmental Law. Volume 81, 1987. (Ms. Yanagida served as the State Department legal representative to the negotiations with Canada on the Treaty from 1983 to 1985).

DRAFT MOTION	NA
EFFECTIVE DATE	NA