

INTERNATIONAL FISHERIES
COMMISSION

Pacific
Halibut Fishery
Regulations

Effective March 25, 1940

REGULATIONS OF THE INTERNATIONAL FISHERIES COMMISSION
ADOPTED PURSUANT TO THE PACIFIC HALIBUT FISHERY CONVENTION
BETWEEN THE UNITED STATES OF AMERICA AND THE DOMINION
OF CANADA, SIGNED JANUARY 29, 1937.

Regulatory Areas

1. The convention waters shall be divided into the following areas, all directions given being magnetic.

(a) Area 1 shall include all convention waters southeast of a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in May, 1926, by the United States Coast and Geodetic Survey, which light is approximately in latitude $46^{\circ}43'07''$ N., longitude $124^{\circ}04'18''$ W.

(b) Area 2 shall include all convention waters off the coasts of the United States of America and of Alaska and of the Dominion of Canada between Area 1 and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in September, 1923, by the United States Coast and Geodetic Survey, which light is approximately latitude $58^{\circ}11'48''$ N., longitude $136^{\circ}38'24''$ W., thence south one-quarter east and is exclusive of the areas closed to all halibut fishing in Section 9 of these regulations.

(c) Area 3 shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running south from the southwestern extremity of Cape Sagak on Umnak Island, at a point approximately latitude $52^{\circ}41'25''$ N., longitude $168^{\circ}58'05''$ W., and that are south of the Alaska Peninsula and of the Aleutian Islands including the intervening straits or passes.

(d) Area 4 shall include all convention waters which are not included in Areas 1, 2, and 3, and in those areas defined in Section 9.

Limit of Catch in Each Area

2. (a) The catch of halibut to be taken during the halibut fishing season of 1940 from Area 2 shall be limited to approximately 22,700,000 pounds of salable halibut, and from Area 3 to approximately 25,300,000 pounds of salable halibut, or, if the International Fisheries Commission shall at any time so decide, the catch shall not be limited separately in Areas 2 and 3, but shall be limited to 48,000,000 pounds of salable halibut from the combined Areas

2 and 3, the weights in each or any such limit to be computed as with heads off and entrails removed.

(b) The catch of halibut to be taken from each area during the halibut fishing season of 1940 shall also be limited to halibut weighing 5 pounds or over as computed with heads off, entrails removed or to halibut weighing 5 pounds 13 ounces or over as computed with heads on, entrails removed and the possession of any halibut of less than the above weights by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

(c) The International Fisheries Commission shall as early in the said year as is practicable determine the date on which it deems each limit of catch defined in Section 2 (a) will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for or catching of halibut in the area or areas to which such limit applies shall at that date be prohibited until after the end of the closed season as defined and modified in Section 3 of these regulations, except as provided in Section 4 thereof and in Article I of the Convention, and provided that if it shall at any time become evident to the International Fisheries Commission that the limit will not be reached by such date, it may substitute another date.

Length of Closed Season

3. (a) Under the authority of Article I of the aforesaid Convention the closed season as therein defined shall be modified so as to end at 12 midnight of March 31 of each year and shall begin at 12 midnight of November 30 of each year unless an earlier date is determined upon for any area under the provisions of this Section, paragraph (b) of these regulations, provided that the International Fisheries Commission may fix any date subsequent to November 1 as the commencement of the closed season regardless of the catch which it deems will be attained by such date.

(b) Under authority of Article I of the Convention, the closed season as therein defined shall begin in each area

on the date on which the limit is reached as hereinbefore provided, and the closing of such area or areas shall be taken to have been duly approved unless before the said date either the President of the United States of America or the Governor General of Canada shall have signified his disapproval, (the onus of proving any such signification being upon the person alleging it) and provided that the closure of Area 2 or of Area 3, whichever shall be later, shall apply to Area 4, and that the closure of Area 2 shall apply to Area 1, and provided further that nothing in this regulation shall prohibit the fishing for other species of fish and fishing by the International Fisheries Commission as provided for in Article I of the Convention.

Retention of Halibut Taken with Other Fish

4. There may be retained in possession on any vessel which shall have a permit as provided in Section 5 (b) that halibut which is taken incidentally to fishing by that vessel in any area that is closed to halibut fishing under Section 1 of these regulations with set lines for other species, not to exceed at any time one pound of halibut for each seven pounds of other species not including salmon or tuna, and such halibut may be sold as the catch of said vessel, the weight of all such fish to be computed as with heads off and entrails removed.

The catch of halibut taken and retained under such permit shall be limited to halibut weighing 5 pounds or over as computed with heads off, entrails removed or to halibut weighing 5 pounds 13 ounces or over as computed with heads on, entrails removed and the possession of any halibut of less than the above weights by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

Halibut retained under such permit shall not be landed or otherwise removed from the catching vessel until all halibut on board shall have been reported to a customs or other authorized officer of either Government nor shall any vessel receive it for transportation unless it shall be reported to the said officer prior to departure from port, and it and all fish of other species shall be removed from the catching vessel

under such supervision as the said officer may deem advisable.

Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion herein allowed until such excess whatever its origin shall have been forfeited and surrendered to the customs or other authorized officers of either Government. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut, provided that the amount retained shall not exceed the proportion herein allowed.

Permits for the retention and landing of halibut shall become invalid at the expiration of the third day after the closure of the last area open to halibut fishing, unless such third day shall fall upon a Sunday or legal holiday, in which event such permits shall become invalid at the expiration of the next day which is not a Sunday or legal holiday.

Issuance of Licenses and Permits

5. (a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the respective Governments for the carriage of freight, must be licensed by the International Fisheries Commission, provided that vessels of less than five net tons or vessels which do not use set lines or bottom nets or trawls, need not be licensed unless they shall require a permit as provided in Section 4.

Each licensed vessel shall carry this license on board at all times while at sea whether it is validated for halibut fishing or endorsed with a permit as hereinafter provided, and this license shall at all times be subject to inspection by authorized officers of either Government or by representatives of the International Fisheries Commission.

The license shall be issued without fee by the customs officers of either Government or by representatives of the International Fisheries Commission. A new license may be issued by the officer accepting statistical returns at any time to vessels which have furnished proof of loss of the license form

previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred. The old license form shall be forwarded in each case to the International Fisheries Commission.

(b) Any vessel which shall be used in fishing for other species than halibut in any area closed to halibut fishing must have a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in Section 4. The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area for which the permit is issued. The permit shall terminate at the time of first landing thereafter of fish of any species and a new permit may be granted in accordance with Section 6. A permit shall not be issued to any vessel which shall have halibut on board taken while licensed to fish in an open area unless such halibut shall be considered as taken under the issued permit and as thereby subject to forfeiture when landed if in excess of the amount permitted in Section 4. A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines.

Conditions Limiting Validity of Licenses and Permits

6. The license or permit of any vessel shall not be valid unless the license is validated or the permit is granted before departure from port for each fishing operation for which statistical returns are required. This validation of a license or granting of a permit shall be by customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of Section 7 (a) and 7 (b) have been complied with for all landings and all fishing operations since issue of the license or permit, provided that if the master or operator of any vessel shall fail to comply with the provisions of Section 7 (a) and 7 (b) the license or permit of such vessel may be validated

or issued by customs officers or authorized representatives of the International Fisheries Commission only upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

The license shall not be valid for halibut fishing in more than one area, as defined in Section 1 of these regulations, during any one trip nor shall it be revalidated for halibut fishing in another such area while the vessel has any halibut on board.

The license shall not be valid for halibut fishing in any area closed to halibut fishing or for the possession of halibut in any area closed to halibut fishing except while in transit to or within a port of sale.

The license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated while halibut taken under such permit is on board.

Statistical Return by Vessels

7. (a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any licensed vessel and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in Sections 4 and 5 (b), within 48 hours of landing, sale or transfer of halibut or of first port entry thereafter, except that when operating within any area in which the catch is not limited in amount by these regulations the master or operator of a licensed vessel shall make statistical returns at such times as are required by the customs officers or the International Fisheries Commission, but shall at all times keep with the license form such records as are necessary to make such return.

The statistical return must state the port of landing and the amount of each species taken within the area defined in these regulations, for which the vessel's license is validated.

The statistical return must include all halibut landed or transferred to other vessels and all halibut held

in possession on board and must be full, true and correct in all respects herein required. A copy of such return must be forwarded to the International Fisheries Commission at such times as the latter shall require.

The master or operator and/or any person engaged on shares in the operation of any vessel licensed or holding a permit under these regulations may be required by the International Fisheries Commission or by any officer of either Government authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(b) The master or operator of any vessel holding a license or permit under these regulations shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and the amount of halibut taken daily in each such locality. This log record shall be open to inspection of representatives of the International Fisheries Commission authorized for this purpose.

The master, operator and/or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the International Fisheries Commission or by any officer of either Government to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

Statistical Returns by Others

8. All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of either Government or to the International Fisheries Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories

of the halibut and other species landed with the halibut.

All records of all persons, firms or corporations concerning the landing, purchase and sale of halibut and other species landed therewith shall be open at all times to inspection of any enforcement officer of either Government or of any authorized representative of the International Fisheries Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

The possession by any persons, firms or corporations of halibut which they know to have been taken by an unlicensed vessel or a vessel without a permit when such license or permit is required, shall be prohibited.

Closed Small Halibut Grounds

9. The following areas having been found to be populated by small immature halibut, are hereby closed to all halibut fishing and the possession of halibut of any origin is prohibited therein during fishing for other species:

First, that area in the waters off the coast of Alaska within the following boundary as stated in terms of the magnetic compass unless otherwise indicated; from the north extremity of Cape Ulitka, Noyes Island, approximately latitude 55° 33' 42" N., longitude 133° 43' 39" W., to the south extremity of Wood Island, approximately latitude 55° 39' 38" N., longitude 133° 42' 32" W.; thence to the east extremity of Timbered Islet, approximately latitude 55° 41' 42" N., longitude 133° 47' 45" W.; thence to the true west extremity of Timbered Islet, approximately latitude 55° 41' 41" N., longitude 133° 48' 04" W.; thence southwest three-quarters south sixteen and five-eighths miles to a point approximately latitude 55° 35' 00" N., longitude 134° 14' 45" W.; thence southeast by south twelve and five-eighths miles to a point approximately latitude 55° 22' 24" N., longitude 134° 13' 05" W.; thence northeast fourteen miles to the southern extremity of Cape Addington, Noyes Island, latitude 55° 26' 06" N., longitude 133° 49' 14" W.; and to the point of origin on Cape Ulitka. The boundary lines here-

in indicated shall be determined from Chart 8157, as published by the United States Coast and Geodetic Survey at Washington, D. C., in April, 1925, except for the point of Cape Addington which shall be determined from Chart 8158, as published by the United States Coast and Geodetic Survey in December, 1923, provided that the duly authorized officers of the United States of America may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such mark or marks shall thereafter be considered as correctly defining said boundary.

Second, that area lying in the waters off the north coast of Graham Island, British Columbia, within the following boundary: From the northwest extremity of Wiah Point, latitude 54° 06' 50" N., longitude 132° 19' 18" W., true north five and one-half miles to a point approximately latitude 54° 12' 20" N., longitude 132° 19' 18" W.; thence true east approximately sixteen and three-tenths miles to a point which shall lie northwest (according to magnetic compass at any time) of the highest point of Tow Hill, Graham Island, latitude 54° 04' 24" N., longitude 131° 48' 00" W.; thence southeast to the said highest point of Tow Hill. The points on the shoreline of the above mentioned island shall be determined from Chart 3754, published at the Admiralty, London, April 11, 1911, provided that the duly authorized officers of the Dominion of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary.

Dory Gear Prohibited in Areas 1 and 2

10. The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of these regulations is prohibited in Areas 1 and 2.

Set Nets Prohibited

11. It is prohibited to take or to retain halibut with a set net of any kind or to have in possession any halibut while using any such net for other spe-

cies of fish, nor shall any license or permit held by any vessel under these regulations be valid during the use or possession on board of any such net.

Responsibility of Master

12. Wherever in these regulations any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty.

This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

Supervision of Unloading and Weighing

13. The unloading and weighing of the halibut of any vessel licensed or holding a permit under these regulations shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of these regulations.

Supersede Previous Regulations

14. These regulations shall supersede all previous regulations adopted pursuant to the Convention between the United States of America and the Dominion of Canada for preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, signed January 29, 1937, except as to offenses occurring prior to the approval of these regulations. Any determination made by the International Fisheries Commission pursuant to these regulations shall become effective immediately.

L. W. PATMORE,
Chairman

CHAS. E. JACKSON
A. J. WHITMORE
EDWARD W. ALLEN,
Secretary

Approved:

FRANKLIN D. ROOSEVELT,
March 25, 1940.

Approved by THE ADMINISTRATOR
OF THE DOMINION OF CANADA,
by Order in Council of February 29,
1940, P. C. 871, effective March 25,
1940.