

INTERNATIONAL FISHERIES COMMISSION

Pacific
Halibut Fishery
Regulations

Effective March 20, 1944

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

(b) 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 July, 1939, by the United States Coast and Geodetic Survey, which light is approximately in latitude 46° 43' 17" N., longitude 124° 04' 15" W.

(c) 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 June, 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude 58° 11' 57" N., longitude 136° 38' 18" W., thence south one-quarter east and is exclusive of the areas closed to all halibut fishing in Section 9 of these regulations.

(d) 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° 49' 30" N., longitude 169° 07' 00" W., according to Chart 8802, published in January, 1942, by the United States Coast and Geodetic Survey, and that are south of the Alaska Peninsula and of the Aleutian Islands and shall also include the intervening straits or passes of the Aleutian Islands.

(e) 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 of these regulations.

Limit of Catch in Each Area

2. (a) The catch of halibut to be taken during the halibut fishing season of the year 1944 from Area 2 shall be limited to approximately 23,500,000 pounds of salable halibut, and from Area 3 to approximately 27,500,000 pounds of salable halibut, 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 the year 1944 shall also be limited to halibut

which with the head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length or the above weight, according to whether the head is on or off, 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 paragraph (a) of this Section 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 5 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 the 15th day of April of the year 1944 and of each year thereafter and shall begin at 12 midnight of the 30th day of November of each year unless an earlier date is determined upon for any area under the provisions of paragraph (b) of this Section of these regulations, provided that the International Fisheries Commission may fix any date subsequent to the 1st day of November 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 provided in paragraph (c) of Section 2 of these regulations 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 burden of proving any such signification being upon the person alleging it) and provided that the closing date 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.

(c) Nothing contained in these regulations shall prohibit the fishing for species of fish other than halibut or prohibit the International Fisheries Commission from conducting fishing operations as provided for in Article I of the Convention.

Issuance of Licenses and Conditions Limiting Their Validity

4. (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 Government of the United States or of Canada 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 need not be licensed unless they shall require a permit as provided in Section 5 of these regulations.

(b) 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 provided in Section 6 of these regulations and this license shall at all times be subject to inspection by authorized officers of either of said Governments or by representatives of the International Fisheries Commission.

(c) The license shall be issued without fee by the customs officers of either of said Governments or by representatives of the International Fisheries Commission. A new license may be issued by the officer accepting statistical return 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.

(d) The license of any vessel shall be validated before departure from port for each fishing operation for which statistical returns are required. This validation of a license shall be by customs officers or by fishery officers of either of said Governments when available at places where there are no 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 of these regulations have been complied with for all landings and all fishing operations since issue of the license, provided that if the master or operator of any vessel shall fail to comply with the provisions of Section 7 of these regulations, the license of such vessel may be validated by customs officers 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.

(e) No license shall be validated for departure for halibut fishing in Areas 1 or 2 more than three days, and in Areas 3 or 4 more than 5 days before the end of the closed season as defined in Section 3(a) of these regulations.

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(f) No license shall 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.

(g) 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 actual transit to or within a port of sale.

(h) 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.

(i) The license of any vessel shall not be valid for the possession of any halibut in any area other than that for which validated, if such vessel is in possession of baited gear, except in those waters included within a twenty-five mile radius of Cape Spencer Light, Alaska.

Retention of Halibut Taken with Other Fish Under Permit

5. (a) There may be retained in possession on any vessel which shall have a permit as provided in Section 6 of these regulations such halibut as is caught incidentally to fishing by that vessel in any area that is closed to halibut fishing under Section 2 of these regulations with set lines (of the type commonly used in the Pacific coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish, actually utilized, of other species not including salmon or tuna, and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed.

(b) The catch of halibut taken and retained under such permit shall be limited to halibut which with the head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight and the possession of any halibut of less than the above length or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

(c) Halibut retained under such permit shall not be landed or otherwise removed or be received by any person, firm or corporation from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized officer of either of said Governments nor shall any vessel receive it for transportation unless it shall be reported to the said officer prior to departure from port, and no halibut or other fish shall be landed or removed or be received from the catching vessel except under such supervision as the said officer may deem advisable.

(d) Halibut retained under such permit shall not be purchased or

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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, fishery or other authorized officers of either of said Governments. 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.

(e) Permits for the retention and landing of halibut in the year 1944 shall become invalid at 12 midnight of the 30th day of November of said year or at such earlier date as the International Fisheries Commission shall determine.

Issuance of Permits and Conditions Limiting Their Validity

6. (a) Any vessel which shall be used in fishing for other species than halibut in any area closed to halibut fishing under Section 2 of these regulations must have a license and 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 5 of these regulations.

(b) 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.

(c) The permit shall terminate at the time of first landing thereafter of fish of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while said vessel was 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 5 of these regulations.

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific coast halibut fishery.

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port for each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of either of said Governments when available at places where there are no 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 of these regulations 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 of these regulations, the permit of such vessel may be granted

by customs officers 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.

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 5 and 6 of these regulations, within 48 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return, 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.

(b) 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.

(c) 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.

(d) 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 of said Governments 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.

(e) 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.

(f) 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 of said Governments 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 Return by Dealers

8. (a) 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 of said Governments or to representatives of 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.

(b) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be open at all times to inspection of any enforcement officer of either of said Governments 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.

(c) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by an unlicensed vessel or a vessel without a permit when such license or permit is required, is prohibited.

Closed Small Halibut Grounds

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

(b) 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' 48" N., longitude 133° 43' 35" W., to the south extremity of Wood Island, approximately latitude 55° 39' 44" N., longitude 133° 42' 29" W.; thence to the east extremity of Timbered Islet, approximately latitude 55° 41' 47" N., longitude 133° 47' 42" W.; thence to the true west extremity of Timbered Islet, approximately latitude 55° 41' 46" N., longitude 133° 48' 01" W.; thence southwest three-quarters south sixteen and five-eighths miles to a point approximately latitude 55° 34' 46" N., longitude 134° 14' 40" W.; thence southeast by south twelve and one-half miles to a point approximately latitude 55° 22' 23" N., longitude 134° 12' 48" W.; thence northeast thirteen and seven-eighths

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miles to the southern extremity of Cape Addington, Noyes Island, latitude 55° 26' 11" N., longitude 133° 49' 12" W.; and to the point of origin on Cape Ulitka. The boundary lines herein indicated shall be determined from Chart 8157, as published by the United States Coast and Geodetic Survey at Washington, D. C., in June, 1929, and Chart 8152, as published by the United States Coast and Geodetic Survey at Washington, D. C., in March, 1933, and reissued March, 1939, 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.

(c) 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

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 all convention waters.

Nets Prohibited

11. It is prohibited to retain halibut taken with a net of any kind or to have in possession any halibut while using any net or nets other than bait nets for the capture of other species 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 net or nets other than bait nets which are utilized for no other purpose than the capture of bait for said vessel.

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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 fulfilment of the provisions of these regulations.

Previous Regulations Superseded

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. These regulations shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the International Fisheries Commission pursuant to these regulations shall become effective immediately.

G. W. NICKERSON, Chairman

CHARLES E. JACKSON

A. J. WHITMORE

EDWARD W. ALLEN, Secretary.

Approved by THE PRESIDENT OF THE UNITED STATES OF AMERICA,
March 20, 1944.

Approved by THE GOVERNOR GENERAL OF THE DOMINION OF
CANADA, by Order in Council of March 7, 1944, P. C. 1486, effective
March 20, 1944.

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