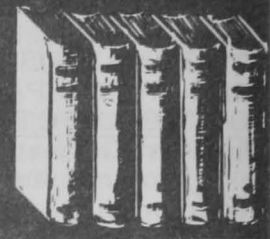




# FEDERAL ACTIONS



## Department of Commerce

### AREA REDEVELOPMENT ADMINISTRATION

#### STUDY OF IMPACT OF NEW ALASKA FERRY SYSTEM AUTHORIZED:

A \$49,000 technical assistance study of the economic impact of the new Alaska Ferry System on the economy of southeastern Alaska has been approved by the Area Redevelopment Administration (ARA) of the U. S. Department of Commerce. The study will take approximately one year. Traffic carried by the ferry system, inaugurated in January 1963, has already equaled previous forecasts of traffic projected through 1966. The study will cover the ferry's first year of operation and will identify new industries that could be established or expanded as a result of the ferry system to aid in creating all-season employment for the area's labor forces.

### BUREAU OF THE CENSUS

#### SURVEY OF DISTRIBUTORS STOCKS OF CANNED FOODS:

Notice of consideration having appeared in the Federal Register of October 31, 1963, the final notice of determination was published in the Federal Register of December 4, 1963, as follows:

In conformity with the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225, and due Notice of Consideration having been published October 31, 1963 (28 F.R. 11647), pursuant to said act, I have determined that year-end data on stocks of 29 canned and bottled products, including vegetables, fruits, juices, and fish, are needed to aid the efficient performance of essential governmental functions, and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources. This is a continuation of the survey conducted in previous years.

All respondents will be required to submit information covering their December 31, 1963 inventories of 29 canned and bottled vegetables, fruits, juices, and fish. Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers

and retail multiunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measured reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger". In addition, a number of selected multiunit firms will be requested to provide information on the location of establishments maintaining canned food stocks that are not currently reporting in the Canned Food Survey.

Report forms will be furnished to firms covered by the survey. Additional copies of the forms are available on request to the Director, Bureau of the Census, Washington 25, D.C.

Reports are due 8 days after receipt of the report forms.

I have therefore directed that this annual survey be conducted for the purpose of collecting these data.

RICHARD M. SCAMMON,  
*Director,*  
*Bureau of the Census.*



## Department of Health, Education, and Welfare

### PUBLIC HEALTH SERVICE

#### STUDY OF FISH KILLS IN LOUISIANA:

The U. S. Public Health Service announced on December 4, 1963, that it was sending a team of two nationally-known aquatic biologists to help the State of Louisiana find out what has been causing fish deaths in the lower Mississippi River and the Gulf Coast.

The Chief of Louisiana's Division of Water Pollution Control had requested assistance from the Public Health Service after receiving reports that the fish may be dying as far upstream as St. Louis, Mo.

In his request for assistance, the Louisiana official said that he asked the Public Health Service to cooperate with the State as

preventative measure to find the causes of the fish dying.

In response to this request, the Public Health Service is sending a fishery toxicologist and a microbiologist, both of the Robert A. Taft Sanitary Engineering Center in Cincinnati, to help the State.

The two Federal biologists reported to the State's water pollution laboratory in Baton Rouge on December 3, 1963. With headquarters there, the two scientists will work with the State team in the affected area.

Fish deaths similar to those now occurring have been reported from time to time since the winter of 1960. Louisiana has been investigating the cause of these deaths with help from other State and Federal agencies ever since the deaths were first reported.

The Public Health Service will take samples further upstream from the river waters and river bottoms for comparison purposes with samples already taken in the lower Mississippi. The States of Missouri and Illinois have been asked to send samples to the Public Health Service's Sanitary Engineering Center where these samples and those collected from the Service's National Water Quality Network will be examined carefully for clues to help solve the riddle of what is causing the fish deaths. (U. S. Public Health Service, press release, December 4, 1963.)



**Department of the Interior**

INTERNATIONAL REGULATORY AGENCIES  
(FISHING AND WHALING)

**NORTH PACIFIC HALIBUT  
FISHERY REGULATIONS:**

Revised regulations of the International Pacific Halibut Commission approved by the United States June 8, 1963, pursuant to the Pacific Halibut Fishery Convention between the United States and Canada were issued as a revision to Part 301 of Title 50--Wildlife and Fisheries--Code of Federal Regulations and published in the Federal Register, October 23, 1963, as follows:

**Chapter III—International Regulatory Agencies (Fishing and Whaling)  
PART 301—PACIFIC HALIBUT FISHERIES**

Regulations of the International Pacific Halibut Commission adopted pursuant to the Pacific Halibut Fishery Convention between the United States of America and Canada, signed March 2, 1953: Part 301 of Title 50 is revised to read as follows:

- Sec.
- 301.1 Regulatory areas.
- 301.2 Length of halibut fishing seasons.
- 301.3 Closed seasons.
- 301.4 Catch limits in areas 2, 3A and 3B North Triangle.
- 301.5 Size limits.
- 301.6 Licensing of vessels.
- 301.7 Retention of halibut taken under permit.
- 301.8 Conditions limited validity of permits.
- 301.9 Statistical return by vessels.
- 301.10 Statistical return by dealers.
- 301.11 Dory gear prohibited.
- 301.12 Retention of halibut taken by nets.
- 301.13 Retention of tagged halibut.
- 301.14 Responsibility of master.
- 301.15 Supervision of unloading and weighing.
- 301.16 Sealing of fishing equipment.
- 301.17 Previous regulations superseded.

**AUTHORITY:** §§ 301.1 to 301.17 issued under Art. III, 50 Stat., Part II, 1353.

**§ 301.1 Regulatory areas.**

(a) The "convention waters" which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern and the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(b) Area 1 (south of Willapa Bay) 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 November 1947, by the United States Coast and Geodetic Survey, which light is approximately latitude 46°43'17" N., longitude 124°04'15" W.

(c) Area 2 (Willapa Bay to Cape Spencer) shall include all convention waters off the coasts of the United States of America and of Alaska and 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.

(d) Area 3A (Cape Spencer to Shumagin Islands) shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running southeast one-half east from the highest point on Kupreanof Point, which highest point is approximately latitude 55°34'08" N., longitude 159°36'00" W.; the highest point on Kupreanof Point shall be determined from Chart 8859 as published May 1954 (2d Edition) by the United States Coast and Geodetic Survey.

(e) Area 3B South (Shumagin Islands to Cape Wrangell, Attu Island, not including Bering Sea) shall include all convention waters off the coast of Alaska that are between Area 3A and a straight line running west northwest from Cape Wrangell, the westernmost extremity of Attu Island at a point approximately latitude 52°55'20" N., longitude 172°26'50" E., and that are south of straight lines running from Cape Kabuch Light at the head of Ikatan Bay, which light is approximately latitude 54°49'00" N., longitude 163°21'36" W.; thence to Cape Sarichef Light at the western end of Unimak Island, which light is approximately latitude 54°36'00" N., longitude 164°55'42" W.; thence to the head of Pomicestone Bay on Unalaska Island at a point approximately latitude 53°31'50" N., longitude 166°58'20" W.; thence to Ananiuliak Island Light on the southwest side of Umnak Island, which light is approximately latitude 52°59'48" N., longitude 168°55'06" W.; thence to Seguam Island Light, which light is approximately latitude 52°23'12" N., longitude 172°26'12" W.; thence to Cape Amagalik on Tanaga Island, which cape is approximately latitude 51°40'40" N., longitude 178°07'00" W.; thence to Aleut Point at the northwest end of Amchitka Island, which point is approximately latitude 51°38'20" N., longitude 178°37'15" E.; thence to Cape Wrangell. The positions of Cape Kabuch Light and Cape Sarichef Light were determined from Chart 8860 published in March 1958 (13th Edition), revised August 1961; the position of the head of Pomicestone Bay and Ananiuliak Island Light were determined from Chart 8861, published in May 1942 (1st Edition), revised August 1961; the position of Seguam Island Light was determined from Chart 8862, published in June 1960 (3rd Edition); the position of Cape Amagalik was determined from Chart 8863, published in May 1959 (6th Edition); the position of Aleut Point was determined from Chart 8864, published in June 1962 (6th Edition); and the position of Cape Wrangell was determined from Chart 8865, published 1944 (1st Edition), revised August 1952, all charts as published by the United States Coast and Geodetic Survey.

(f) Area 3B North (Bering Sea exclusive of Area 3B North Triangle) shall include all convention waters which are not included in Areas 1, 2, 3A, 3B South and 3B North Triangle.

(g) Area 3B North Triangle (in Bering Sea) shall include all the convention waters within the following boundary as stated in terms of the magnetic compass, unless otherwise indicated; from Cape Sarichef Light at the western end of Unimak Island, which light is approximately latitude 54°36'00" N., longitude 164°55'42" W., west along the boundary line of Area 3B South, as described in paragraph (e) of this section, to the point of intersection with the meridian of 170° west at a point approximately latitude 52°48'00" N.; thence true north to a point northeast of St. Paul Island, approximately latitude 57°15'00" N., longitude 170°00'00" W.; thence to the point of origin at Cape Sarichef Light. The position of Cape Sarichef was determined from Chart 8860 published in March 1958 (13th Edition), revised August 1961. The position of the point northeast of

St. Paul Island was determined from Chart 8995, published June 1954 (5th Edition), all charts as published by the United States Coast and Geodetic Survey.

#### § 301.2 Length of halibut fishing seasons.

(a) In Area 1, the halibut fishing season shall commence and terminate at the same time as the halibut fishing season in Area 2 shall commence and terminate.

(b) In Area 2, the halibut fishing season shall commence at 6:00 p.m. on the 9th day of May and terminate at 6:00 p.m. on a date to be determined and announced under paragraph (b) of § 301.4.

(c) In Area 3A, the halibut fishing season shall commence at 6:00 p.m. of the 9th day of May and terminate at 6:00 p.m. on a date to be determined and announced under paragraph (b) of § 301.4.

(d) In Area 3B South, the halibut fishing season shall commence at 6:00 p.m. of the 19th day of April and terminate at 6:00 p.m. of the 15th day of October.

(e) In Area 3B North, the halibut fishing season shall commence at 6:00 p.m. of the 25th day of March and terminate at 6:00 p.m. of the 15th day of October.

(f) In Area 3B North Triangle, the halibut fishing season shall commence at 6:00 p.m. of the 25th day of March and terminate at 6:00 p.m. on a date to be determined and announced under paragraph (b) of § 301.4, or at 6:00 p.m. of the 15th day of October, whichever is earlier.

(g) All hours of opening and closing of areas in this section and other sections of the regulations of this part shall be Pacific Standard Time, except in Area 3B North and in Area 3B North Triangle where they shall be local standard time.

#### § 301.3 Closed seasons.

(a) Under paragraph 1 of Article I of the Convention, all convention waters shall be closed to halibut fishing except as provided in § 301.2.

(b) All convention waters, if not already closed under other provisions of the regulations of this part, shall be closed to halibut fishing at 6:00 p.m. of the 30th day of November and shall remain closed until reopened as provided in § 301.2, and the retention and landing of any halibut caught during this closed period shall be prohibited.

(c) Nothing contained in these regulations shall prohibit the fishing for species of fish other than halibut during the closed halibut seasons, provided that it shall be unlawful for a vessel to have halibut aboard, or for any person to have halibut in his possession while so engaged except as provided for in § 301.7. Nor shall anything in these regulations prohibit the International Pacific Halibut Commission, hereafter in the regulations of this part referred to as "the Commission", from conducting or authorizing fishing operations for investigation purposes as provided for in paragraph 3 of Article I of the Convention.

#### § 301.4 Catch limits in Areas 2, 3A and 3B North Triangle.

(a) The quantities of halibut to be taken during the halibut fishing seasons

in areas with catch limits shall be limited to 28,000,000 pounds in Area 2, to 34,000,000 pounds in Area 3A, and to 11,000,000 pounds in Area 3B North Triangle, each of the above quantities to consist of salable halibut and the weights in each limit to be computed as with heads off and entrails removed.

(b) The Commission shall as early in the said year as is practicable determine and announce 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 halibut in the area to which each limit applies shall at that date be prohibited until each area is reopened to halibut fishing as provided in § 301.2, and provided that if it shall at any time become evident to the Commission that the limit will not be reached by such date, it may substitute another date.

(c) Catch limits shall apply only to the halibut fishing season in Area 2 and to the halibut fishing season in Area 3A and to the halibut fishing season in Area 3B North Triangle.

#### § 301.5 Size limits.

The catch of halibut to be taken from all areas shall be limited to halibut which with 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.

#### § 301.6 Licensing of vessels.

(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 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 § 301.7.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured whether it is validated for halibut fishing or endorsed with a permit as provided in § 301.8, and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the 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.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical return is required and at such times as required by other provisions of the regulations in this part. This validation of a license shall be by customs officers or by fishery officers of the Governments of Canada or the United States 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 § 301.9 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 § 301.9, the halibut license of such vessel may be validated by customs officers or by fishery 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) The halibut license of any vessel fishing for halibut in Area 3B South when Area 3A is closed to halibut fishing must be validated at Sand Point, Alaska prior to such fishing, except as provided in paragraph (f) of this section.

(f) Any vessel already fishing in Area 3B South prior to the date of closure of Area 3A may continue to fish in said area until first entry at a port or place with a validating officer or until any halibut is unloaded. The vessel must comply with paragraph (g) of this section when it departs from Area 3B South.

(g) The halibut license of any vessel departing from Area 3B South into Area 3A with any halibut on board when Area 3A is closed to halibut fishing, must be validated at Sand Point, Alaska subsequent to fishing and prior to such departure.

(h) The halibut license of any vessel fishing for halibut in Area 3B North or in Area 3B North Triangle must be validated at Sand Point, Alaska, both prior to such fishing and prior to unloading any halibut at any port or place other than Sand Point, Alaska.

(i) A halibut license shall not be validated for departure for halibut fishing in Areas 1 or 2 more than 48 hours prior to the commencement of any halibut fishing season in said areas.

(j) A halibut license shall not be validated for departure for halibut fishing in Areas 3A or 3B South or 3B North or 3B North Triangle from any port or place inside said areas more than 48 hours prior to the commencement of the halibut fishing season in each of said areas, except that a halibut license validated for fishing in Area 3B North or in Area 3B North Triangle prior to the opening of Area 3B South may at the same time be validated for halibut fishing in Area 3B South when the latter area is opened; nor shall a halibut license be validated for departure for halibut fishing in Area 3A from any port or place outside said area more than 5 days prior to commencement of the halibut fishing season in said area.

(k) A halibut license shall not be valid for halibut fishing in more than one of Areas 1, 2 or 3A, as defined in § 301.1, during any one trip nor shall it be revalidated for halibut fishing in another of said areas while the vessel has any halibut on board.

(l) A halibut license may be validated for halibut fishing in Areas 3A and 3B South except that when Area 3A is closed such validation shall be subject to the conditions contained in paragraphs (e), (f) and (g) of this section and to any other applicable provisions of these regulations.

(m) A halibut license may be validated for halibut fishing in more than one of Areas 3B South, 3B North or 3B North Triangle provided that when Area 3B North Triangle is open to halibut fishing the master or operator of the vessel shall declare in which one of the three said areas the vessel intends to fish for halibut, and provided the master or operator shall report by radio to any authorized officer at Sand Point, Alaska the intention of the vessel to shift its fishing activities to another of said areas, the date and approximate time of the shift and the amount of halibut caught in Area 3B North Triangle that is on board at the time of shifting, and such radio report shall be recorded at the time in the log book of the vessel.

(n) A halibut license shall not be valid for halibut fishing in any area closed to halibut fishing nor for the possession of halibut in any area closed to halibut fishing except while in actual transit to an area open to halibut fishing, or to or within a port of sale and as provided in paragraph (q) of this section. The said license shall become invalid for the possession of halibut if the licensed vessel is fishing or attempting to fish for any species of fish in any area closed to halibut fishing, or if the vessel has not complied with the provisions of § 301.16, if applicable.

(o) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) of this section shall not possess any halibut of any origin in any area closed to halibut fishing except while in actual transit to or within a port of sale.

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

(q) A halibut license when validated for halibut fishing in Area 3A shall not be valid for the possession of any halibut in Area 2 if said vessel is in possession of baited gear more than 25 miles from Cape Spencer Light, Alaska; and a halibut license when validated for halibut fishing in Area 3B South or in Area 3B North or in Area 3B North Triangle shall not be valid for the possession of any halibut in Area 3A, when Area 3A is closed to halibut fishing, if said vessel is in possession of baited gear more than 20 miles by navigable water route from the boundary between Areas 3A and 3B South.

(r) No person on any vessel which is required to have a halibut license under paragraph (a) of this section shall fish for halibut or have halibut in his possession, unless said vessel has a valid license issued and in force in conformity with the provisions of this section.

#### § 301.7 Retention of halibut taken under permit.

(a) There may be retained for sale on any vessel which shall have a permit as provided in § 301.8 such halibut as is caught incidentally to fishing by that vessel in any area except in Area 3B North Triangle after it has been closed to halibut fishing under § 301.2 or § 301.4 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, provided that it shall not be a violation of this regulation for any such vessel to have in possession except in Area 3B North halibut in addition to the amount herein allowed to be sold if such additional halibut shall not exceed thirty percent of such amount and shall be forfeited and surrendered at the time of landing as provided in paragraph (d) of this section.

(b) Halibut retained under such permit shall not be filleted, flitched, steaked or butchered beyond the removal of the head and entrails while on the catching vessel.

(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 enforcement officer of the Governments of Canada or the United States by the master or operator of said vessel and also by the person, firm or corporation receiving the halibut, and no halibut or other fish shall be landed or removed or be received from the catching vessel, except with the permission of said officer and under such supervision as the said officer may deem advisable.

(d) 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 allowed in paragraph (a) of this section until such excess, whatever its origin, shall have been forfeited and surrendered to the customs, fishery or other authorized officers of the Governments of Canada or the United States. 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 caught in all convention waters in the year 1963 shall become invalid at 6:00 p.m. of the 15th day of November of said year.

#### § 301.8 Conditions limiting validity of permits.

(a) Any vessel which shall be used in fishing for other species than halibut in any area except in Area 3B North Triangle after it has been closed to halibut fishing under § 301.2 or § 301.4 must have a halibut 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 § 301.7.

(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 or areas for which the permit is issued.

(c) The permit shall terminate at the time of the 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 halibut in an open area unless such halibut shall be considered as taken under the issued permit and shall thereby be subject to forfeiture when landed if in excess of the proportion permitted in paragraph (a) of § 301.7.

(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 the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area or areas in which the vessel will fish is entered on the halibut license form and unless the provisions of § 301.9 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 § 301.9 of these regulations the permit of such vessel may be granted by customs or fishery 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.

(g) The permit of any vessel shall not be valid if said vessel shall have in its possession at any time halibut in excess of the amount allowed under paragraph (a) of § 301.7.

(h) No person shall retain, land or sell any halibut caught incidentally to fishing for other species in any area closed to halibut fishing under § 301.2 or § 301.4, or shall have halibut of any origin in his possession during such fishing, unless such person is a member of the crew of and is upon a vessel with a halibut license and with a valid permit issued and in force in conformity with the provisions of §§ 301.7 and 301.8.

#### § 301.9 Statistical return by vessels.

(a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under the regulations of this part 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 §§ 301.7 and 301.8, within 96 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.

(b) The statistical return must state the port of landing and the amount of each species taken within the area or areas defined in the regulations in this part, for which the vessel's license is validated for halibut fishing or within the area or areas for which the vessel's license is endorsed as a permit.

(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.

(d) The master or operator or any person engaged on shares in the operation of any vessel licensed or holding a permit under the regulations of this part may be required by the Commission or by any officer of the Governments of Canada or the United States 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 halibut 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 the regulations in this part shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be retained for a period of two years and shall be open to inspection by representatives of the Commission authorized for this purpose.

(f) The master, operator or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the Commission or by any officer of the Governments of Canada or the United States 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.

(g) The master or operator of any vessel holding a license validated for fishing in Area 3B North or in Area 3B North Triangle on entering Sand Point, Alaska enroute to another port to unload, must report to an authorized representative of the United States or of the Commission the estimated amount of halibut on board that was caught in each regulatory area.

#### § 301.10 Statistical return by dealers.

(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 the Governments of Canada or the United States or to representatives of the 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 persons, firms or corporations receiving fish from a vessel fishing under permit as provided in § 301.7 shall within 48 hours make to an authorized enforcement officer of the Governments of Canada or the United States a signed statistical return showing the date, locality,

name of vessel received from and the amount of halibut and of other species landed with the halibut and certifying that permission to receive such fish was secured in accordance with paragraph (c) of § 301.7. Such persons, firms or corporations may be required by any officer of the Governments of Canada or the United States to support the accuracy of the above signed statistical return with a sworn statement.

(c) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be retained for a period of two years and shall be open at all times to inspection by any enforcement officer of the Governments of Canada or the United States or by any authorized representative of the 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.

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

(e) No person, firm or corporation shall unload any halibut from any vessel that has fished for halibut in Area 3B South or in Area 3B North or in Area 3B North Triangle after the closure of Area 3A unless the license of said vessel has been validated at Sand Point, Alaska as required in paragraphs (e) and (g) of § 301.6, and unless the vessel has complied with the provisions of § 301.16, or unless permission to unload such halibut has been secured from an enforcement officer of the Governments of Canada or the United States.

#### § 301.11 Dory gear prohibited.

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.

#### § 301.12 Retention of halibut taken by nets.

(a) It is prohibited to retain halibut taken with a net of any kind or to have in possession any halibut while fishing with any net or nets other than bait nets in any convention waters except in those waters of Area 3B North that are west of the meridian of 175° W. longitude and north of a line running from Cape Newenham, which cape is approximately latitude 58°39'00" N., longitude 162°10'25" W. to a point northeast of St. Paul Island, approximately latitude 57°15'00" N., longitude 170°00'00" W.; thence to a point of intersection with the meridian of 175° W. longitude at approximately 58°38'00" N. latitude. The position of Cape Newenham was determined from Chart 9103 published September 29, 1958 (3d Edition), revised April 30, 1962 by the United States Coast and Geodetic Survey.

(b) All vessels with any halibut on board except those fishing in or in transit to or in transit from the waters of Area 3B North described in paragraph (a) of this section are prohibited to use or possess any net or nets other than bait nets.

(c) The character and the use of bait nets referred to in paragraphs (a) and

b) of this section shall conform to the laws and regulations of the country where they may be utilized and shall be of a type commonly used for such purposes and said bait nets shall be utilized for no other purpose than the capture of bait for use of the vessel carrying them.

**301.13 Retention of tagged halibut.**

Nothing contained in the regulations in this part shall prohibit any vessel at any time from retaining and landing any halibut which bears a Commission tag at the time of capture, provided that such halibut with the tag still attached is reported at the time of landing to representatives of the Commission or to enforcement officers of the Governments of Canada or the United States and is made available to them for examination.

**301.14 Responsibility of master.**

Wherever in the regulations of this part 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.

**§ 301.15 Supervision of unloading and weighing.**

The unloading and weighing of the halibut of any vessel licensed under the regulations in this part and the unloading and weighing of halibut and other species of any vessel holding a permit under the regulations in this part 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 the regulations in this part.

**§ 301.16 Sealing of fishing equipment.**

Any fishing vessel, prior to departing from Area 3B South into Area 3A with any halibut on board when Area 3A, as defined in § 301.1, is closed to halibut fishing, shall be equipped with approved attachments on the chute to permit the securing of a seal or seals, and prior to such departure shall request that said chute or the gurdy used for hauling gear or both chute and gurdy be sealed with such seal or seals as shall be required by any customs or fishery officer or any other duly authorized officer of the Government of the United States. The vessel shall keep such seal or seals intact until removed by a customs or fishery officer of the United States or of Canada and shall not unload any halibut until

such time as said officer removes the seal or seals and grants permission to unload.

**§ 301.17 Previous regulations superseded.**

The regulations in this part shall supersede all previous regulations adopted pursuant to the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, signed March 2, 1953, except as to offenses occurring prior to the approval of these regulations. The regulations in this part 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 Commission pursuant to these regulations shall become effective immediately.

WM. M. SPRULES,  
*Chairman.*  
H. A. DUNLOP,  
*Secretary.*  
HAROLD E. CROWTHER,  
*Vice Chairman.*  
WILLIAM A. BATES.  
HAROLD S. HELLAND.  
MATTIAS MADSEN.  
RICHARD NELSON.

Approved: June 8, 1963.

JOHN F. KENNEDY.



**United States Circuit Court of Appeals**

**FISHERMEN CONSIDERED EMPLOYEES FOR TAX PURPOSES:**

The First Circuit Court of Appeals on December 6, 1963, upheld a ruling that fishing vessel crews and captains who operate under the "share" system are considered employees for Federal tax purposes. The ruling had been handed down April 9, 1963, by a Judge of the United States District Court in Portland, Maine. Two New England vessel owners had filed suit to recover a substantial amount of money paid out in Social Security and unemployment taxes over a period of three years. The owners claimed that they should not have had to pay the taxes on fishing vessel payrolls because the crewmen were not considered employees, but were independent contractors. The United States District Court Judge ruled that "the relationship which the parties (vessel owners and fishermen) intended to, and did in fact, establish, was an employment relationship within the meaning of the applicable statutes." The ruling however, applies only to those who are required by law to participate in tax programs

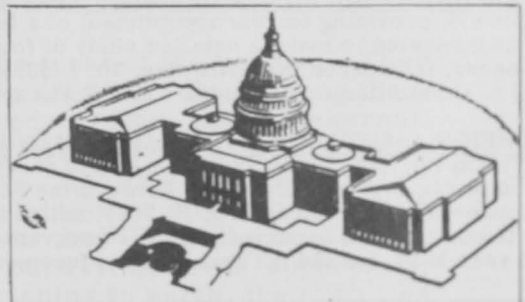
**of the Federal Insurance Contributions Act and Federal Unemployment Tax Act.**

Note: See Commercial Fisheries Review, July 1963 p. 107.



**Eighty-Eighth Congress (First Session)**

Public bills and resolutions which may directly or indirectly affect the fisheries and



allied industries are reported upon. Introduction, referral to committees, pertinent legislative actions by the House and Senate, as well as signature into law or other final disposition are covered.

**CONSERVATION OF MARINE FISHERIES RESOURCES:** On Nov. 22, 1963, Senator Bartlett inserted in the Congressional Record (page 21571) an address by Senator Gruening titled "Our Fisheries Need Greater and Firmer Support and a 12-Mile Limit," delivered to the 16th annual session of the Gulf and Caribbean Fisheries Institute held in Miami, Fla., Nov. 11, 1963.

**FISHERMEN'S FINANCIAL AID FOR ECONOMIC DISLOCATION:** H. R. 9408 (Blatnik) introduced in House Dec. 10, 1963, and S. 2411 (McCarthy et. al) introduced in Senate, Dec. 20, 1963, to authorize the Secretary of the Interior to make payments to reestablish the purchasing power of American fishermen suffering temporary economic dislocation; referred to House Committee on Merchant Marine and Fisheries and the Senate Committee on Commerce, respectively.

**FISHING INDUSTRY CLAIMS AGAINST THE U. S.:** H. R. 9298 (O'Konski) introduced in House Nov. 29, 1963, to confer jurisdiction in the U. S. district courts to hear, determine, and render judgment on the claims of certain commercial fishermen and fish processors against the United States; referred to the Committee on the Judiciary. The bill would confer jurisdiction on the Federal District Courts to litigate "claims of persons engaged in commercial fishing activities on the Great Lakes or in the processing for commercial sale of fish caught in the Great Lakes against the United States for damages to their business resulting from the news release concerning smoked fish issued by the Food and Drug Administration of the Department of Health, Education, and Welfare on October 25, 1963."

**FOOD-FOR-PEACE, AND FISH:** The President on Dec. 16, 1963, signed H. R. 7885, to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes (P. L. 88-205). Included in this law is a provision for the inclusion of domestically produced fishery products under P. L. 480 (Sec. 403 (c)). This would amend section 106 of the Agricultural Trade Development and Assistance Act of 1954 (P. L. 480) to include in title I and title IV programs any domestically produced fishery product if the Secretary of the Interior determines that the product at the time of export is excess of domestic requirements, adequate carry-over, and anticipated exports for dollars. Fish flour will not be included until approved by the Food and Drug Administration. The amendment with respect to title I will not become effective until Jan. 1, 1965.

**FOOD AND FIBER COMMISSION:** S. J. Res. 134 (Humphrey), providing for the appointment of a bipartisan Commission to make a detailed study of food and fiber needs, introduced in Senate Nov. 20, 1963; referred to Committee on Agriculture and Forestry.

**FOREIGN ASSISTANCE ACT OF 1961 AMENDMENT:** On Nov. 21, 1963, conferees met in executive session to resolve the differences between the Senate and House-passed versions of H. R. 7885, authorizing funds to continue the foreign assistance program for fiscal year 1964, but did not reach final agreement.

**IMPORT COMMODITY LABELING:** The Senate on Dec. 16, 1963, and the House on Dec. 18, 1963, adopted the conference report (H. Rept. 1035) on H. R. 2513, to amend the Tariff Act of 1930 to require certain new packages of imported articles to be marked to indicate the country of origin, thus clearing the bill for the President's signature.

**INDIAN FISHING RIGHTS:** H. J. Res. 805 (Stinson) introduced in House Nov. 19, 1963. Provides that: "in accordance with and in furtherance of the purposes of any treaty with American Indians that secures to them a right to take fish at all usual and accustomed places in common with other citizens, the States involved are authorized to enact and to enforce laws of a purely regulatory nature concerning the time and manner of fishing outside an Indian reservation that are reasonably necessary for the conservation of fish, and that are equally applicable to Indians and all other citizens without distinction. State legislation enacted pursuant to this law is hereby declared to be in furtherance of and not in derogation of the treaties involved;" referred to the Committee on Interior and Insular Affairs.

**INTERNATIONAL NORTH PACIFIC FISHERIES PROBLEMS:** On November 20, 1963, Senator Magnuson inserted in the Congressional Record an article from a fisheries periodical commenting on the presence in July 1963 of a Soviet fishing vessel off the coast of Washington State (Appendix page A7186). The Senator also inserted a newspaper article titled, "International Fisheries: The Problems are Complex" (Appendix pages A7207-7208).

**NORTH PACIFIC FUR SEAL CONVENTION:** Protocol amending the interim Convention on Conservation of North Pacific Fur Seals, signed at Washington, October 8, 1963, on behalf of Canada, Japan, the U. S. S. R., and United States (Ex. O, 88th Congress, 1st Session). Received in the Senate on December 2, 1963, and referred to the Committee on Foreign Relations.

**OCEANOGRAPHY WORLD CONFERENCE:** H. J. Res. 877 (Fascell) introduced in House Dec. 17, 1963, providing for a world conference on oceanography to be convened in the United States in 1965; referred to Committee on Foreign Affairs. Representative Fascell on Dec. 18, 1963, extended his remarks in support of this resolution.

**PRICE-QUALITY STABILIZATION:** A special Subcommittee of the Senate Committee on Commerce continued hearings on S. 774, to amend the Federal Trade Commission Act, to promote quality and price stabilization, to define and restrain certain unfair methods of distribution, and to confirm, define and equalize the rights of producers and resellers in the distribution of goods identified by distinguishing brands, names, or trademarks, and for other purposes. Hearings recessed subject to call.

**SCIENCE AND TECHNOLOGY OFFICE FOR CONGRESS:** On Nov. 21, 1963, Congressman Sibal spoke from the floor of the House on the background of H. R. 6866 which he stated was "designed to equip the legislative branch with tools it needs to meet the challenge of the new science. This bill would provide Congress with independent continuing advisory staffs of scientists and technologists." Congressman Sibal pointed out that public hearings on H. R. 6866 would be held Dec. 4, 1963, before the Subcommittee on Accounts of the House Administration Committee. (Congressional Record, page 21542.)

Speaking on the floor of the Senate on Nov. 22, 1963, Senator Bartlett called attention to the public hearings on H. R. 6866 and inserted in the Congressional Record (page 21569) an article from a periodical discussing the proposals to establish a Congressional Office of Science and Technology.

Rep. Widnall (New Jersey) on Dec. 17, 1963, spoke from the floor of the House in favor of H. R. 8066, to establish in the legislative branch of the Government the Congressional Office of Science and Technology. He also inserted an article from the Providence Journal of Dec. 11, 1963, concerning problems of the National Science Program.

**SMALL BUSINESS DISASTER LOANS:** On Nov. 21, 1963, the Senate passed S. 1309, to change the name of the Small Business Administration to the Federal Small Business Administration, and increase authorizations for loans therefor, as amended by committee amendment (in nature of a substitute), which had first been amended by adoption of Senator Hart's amendment to make eligible for disaster loans small business concerns that have suffered substantial economic injury through inability to process or market food products because of disease or poison therein occurring through natural or undetermined causes.

**STATE DEPARTMENT APPROPRIATIONS FY 1964:** The Senate on Dec. 12, 1963, passed with amendments H. R. 7063, making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1964, and for other purposes. Included in the appropriations for the Department of State are funds for the international fisheries commissions. The Senate insisted on its amendments, asked for a conference and appointed as conferees Senators McClellan, Ellender, Magnuson, Holland, Fulbright, Smith, Saltonstall and Mundt. The bill passed the House on June 18, 1963.

The House and the Senate on Dec. 18, 1963, adopted the conference report (H. Rept. 1056) on H. R. 7063. The bill is now cleared for signature by the President.

**WATER RESOURCES COUNCIL:** The Senate Committee on Interior and Insular Affairs in executive session on Nov. 22, 1963, ordered favorably reported S. 1111 (amended), to establish a Water Resources Council to assist in the development of comprehensive water resources planning.

**WATER POLLUTION CONTROL ADMINISTRATION:** H. R. 9363 (Flood) introduced in House Dec. 5, 1963, to amend the Federal Water Pollution Act, as amended, to establish the Federal Water Pollution Control Administration, to increase grants for construction of municipal sewage treatment works, to provide financial assistance to municipalities and others for the separation of combined sewers, to authorize the issuance of regulations to aid in preventing, controlling, and abating pollution of interstate or navigable waters; referred to Committee on Public Works. Similar or identical to other bills previously introduced in House.

**WATER RESOURCES COUNCIL:** The Senate on Dec. 4, 1963, passed S. 1111 (amended), to establish a Water Resources Council to assist in the development of comprehensive water resources planning.

**VESSEL COLLISION LIABILITY:** The Merchant Marine and Fisheries Subcommittee of the Senate Committee on Commerce, Dec. 9, 1963, in executive session, approved for full Committee consideration S. 555, to establish principals for the apportionment of liability in cases of collision between vessels (amendment in the nature of a substitute bill).



## COCONUT CRAB

An interesting statement regarding the coconut crab appeared in an article titled "The Quest for the Home of the Coconut," which appeared in the July 1963 issue of the periodical South Pacific Bulletin. The reference to the crab states:

Menon and Pandalai quote Child (1953) as citing an interesting biological association between the Cocos and the coconut robber crab (Birgus latro).

"These crabs live exclusively upon the meat of the coconut. They climb the palms, and, with powerful claws, nip off a nut. Descending then, the crab tears open the fallen nut and proceeds to feast upon the kernel. The crab inturn is considered a delicacy by native people. It is a nighttime marauder, but the native hunter is wily. Knowing that the crab descends backwards from the top of the palm, he ties twisted grass high up around the stems of palms likely to house crabs. When the descending robber's soft posterior touches the grass band, it believes, apparently, that it has touched ground and lets go. Crashing to earth, the crab lies disabled until collected by the hunter.

"This animal's association with the coconut palm is of such ancient standing that an analysis of its fat reveals a strong similarity to coconut oil and very little structural resemblance to animal fat. . . ."