

FINAL MINUTES
KLAMATH FISHERY MANAGEMENT COUNCIL MEETING
February 23-24, 2005
Red Lion Inn, Eureka, California
Meeting #78

Wednesday, February 23, 2005

9:00am Convene Klamath Fishery Management Council (KFMC) meeting and introduce members.

Representative Seat

California Department of Fish and Game	Eric Larson
California In-River Sport Fishing Community	Virginia Bostwick
California Ocean Commercial Salmon Fishery	Dave Bitts
Hoopa Valley Tribe	George Kautsky
National Marine Fisheries Service	Greg Bryant
Non-Hoopa Indians Residing in Klamath Conservation Area	Dave Hillemeier
Oregon Commercial Salmon Fishing Industry	Keith Wilkinson
Oregon Department of Fish and Wildlife	Curt Melcher, Chair
Pacific Fishery Management Council	Jim Harp, Vice Chair
U.S. Department of the Interior	Phil Detrich
California Offshore Recreational Fishing Industry	vacant

Agendum 1. Review and approve agenda

Curt Melcher noted that Mike Orcutt and Dan Viele submitted letters to designate George Kautsky and Greg Bryant, respectively, as their participants for this week. Curt Melcher reviewed the agenda with the group. Keith Wilkinson stated that there is an issue regarding the budget that this group will need to wait until Thursday to speak about. Eric Larson proposed adding an agenda item before Agendum 7 to discuss constant fractional marking at Iron Gate Hatchery. Curt Melcher added this to the agenda as Agendum 6.5. Curt Melcher noted that under administrative Agendum 3, the group will need to approve the minutes from the previous three KFMC meetings. Dave Hillemeier suggested moving that discussion until Thursday morning, and Curt Melcher agreed. George Kautsky noted that under Agendum 5, Ed Solbos from the Trinity Restoration Program would be attending the meeting around 10:00am to provide an update.

Dave Hillemeier noted the passing of Ronnie Pierce. He added that she had been an integral part of the process, and he wanted to recognize the major contributions she had made to the Klamath Basin.

Motion by Keith Wilkinson to approve the agenda as amended.

Seconded by Curt Melcher.

Motion passed unanimously.

Agendum 2. Review materials and correspondence

Phil Detrich reviewed the list of handouts for the meeting. There are three sets of draft minutes to be approved, two handouts relevant to Agendum 10, one handout relevant to Agendum 17, and a draft of a letter that staff was assigned to write that was never completed. The letter and Agendum 17 handout will be discussed during Thursday's meeting. Also included in the packet are a piece of correspondence for Agendum 17, a letter from the Fish and Game Commission, and a draft proposed agenda for the Pacific Fisheries Management Council (PFMC) meeting in March in Sacramento.

Agendum 3. Charter and Member update

Phil Detrich reminded the group that the Federal Advisory Committee Act requires that the KFMC's charter be renewed every two years. The current charter expires in February 2006. His staff will begin the application for a charter revision starting this spring, and the charter should be in place by next February. Regarding members, there is currently a question about the membership status of the Department of Fish and Game, as a subsequent member has not been delegated since the former director resigned. In addition, the Governor has not yet designated a member for the ocean recreational fishing sector.

Curt Melcher asked whether there will be any significant change to the previous charter. Phil Detrich responded that the Department of Interior would simply be rolling over the existing charter and updating it. Dave Hillemeier asked about the status of the ocean recreational fishing representative. Eric Larson responded that he has nominated a representative and CDFG is currently waiting for a response from the Governor's office.

Phil Detrich reminded the group that the Department of the Interior is currently the subject of an investigation by the General Accounting Office, looking into the implementation of the Klamath Act.

Agendum 4. Klamath River Basin Fisheries Task Force update

Keith Wilkinson noted that the Klamath River Basin Fisheries Task Force met several weeks ago. He described a letter from Sue Ellen Wooldridge, Department of the Interior, to the Task Force Chairman concerning the future of the KFMC and the Task Force in light of the fact that they are not currently reauthorized. She commented in the letter that she will encourage the USFWS to examine the priority of this work in the context of other activities to maintain and enhance fish runs and will see if funding can be continued in 2006 and beyond.

Keith Wilkinson noted that discussion of the Task Force budget report will need to be postponed until Thursday's meeting due to some missing information. He also provided an update on the status of the Klamath River Fisheries as presented to the Task Force by CDFG. There are major concerns regarding fish diseases based on the work of Scott Foott and Jerri Bartholomew. There are five different diseases identified that are critical in the Basin. Keith Wilkinson noted that it was a startling presentation that he had hoped could be brought to the KFMC.

Keith Wilkinson noted that the disease presentation affects the budget for the upcoming year, as there was discussion about rearranging budget expenditures to address the disease issue. He hoped that the KFMC would make a decision on whether or not they would like to prioritize the study of disease issues and then craft a letter to the Chairman of the Task Force.

George Kautsky asked whether USFWS has suspended some of the outmigrant trapping in the Klamath Basin. Dave Hillemeier responded that the issue is still undetermined. The USFWS is considering not running some of the traps that have been operated in the past that had been useful in identifying disease in juveniles.

Keith Wilkinson noted that the 2006 budget has a stable level of funding for monitoring. Phil Detrich stated that he would compile information on what the Task Force recommendation was for the 2006 budget. He has seen a request for proposals that includes the prospect of funding fish health work. Dave Hillemeier noted that the Task Force will be recommending projects to fund during 2006, though the Klamath Act will expire in February. He commented that it would be a worthwhile agenda item for the KFMC to ensure that critical monitoring tasks are completed.

Keith Wilkinson added that the next meetings for the Task Force will be June 15-16 in Yreka and October 19-20 in Klamath Falls. The final budget decision will be made in June, so that is the deadline that the KFMC will need to observe for recommendations.

Dave Bitts added to the Task Force report that the coordinator of the coho spawning surveys in the Scott River system found almost a thousand coho redds in that system. This is the fourth year that the monitoring has been done, and the results are encouraging. There is some concern that this monitoring program may not continue, but it does have the most detailed and specific information on coho spawning numbers.

Agendum 5. Trinity Management Council update

George Kautsky provided background information on the Trinity Management Council (TMC). A Record of Decision (ROD) in 2000 identified flows and rehabilitation actions to bring the Trinity River back to its former self. A subsequent court decision noted that all measures should be pursued except for the flows identified in the ROD. After an appeal in the Ninth Circuit Court the government secured flows, which will now proceed. The TMC is currently dealing with real estate issues. Although the ROD estimated that all rehabilitation sites would be constructed and maintained by flows by 2008, the timeline will likely be

pushed back to 2012. There is concern about this delayed implementation and about the relative inadequacy of funding, the challenge of implementing sites, and the fact that costs have escalated due to NEPA and CEQA permitting. However, the program has a sustained, comprehensive system of adult escapement enumeration for steelhead, coho, and spring and fall Chinook. This data informs the restoration system and helps the KFMC in its process. Ed Solbos, Trinity River Restoration Program Rehabilitation Implementation Group Leader, will provide the remainder of the TMC update.

Ed Solbos stated that the TMC is working to finalize the Fiscal Year 2005 budget. Current priorities are in-river restoration activities, monitoring, and new activities such as compiling a science framework document and other research to implement the 2000 ROD. The Council is working to implement 8,500 cfs flows in the Trinity and is negotiating with several landowners to avoid flooding residences. There are four river crossings that have been built and are virtually finished. A contract has been awarded to construct the first of the channel rehabilitation sites. In order to prepare the floodplain for the flows, the Council needs to widen the river, remove vegetation, and widen the floodplain. CEQA permitting has been difficult because a lead agency has not been selected. The Council has written a letter to the state clearinghouse requesting that they appoint a CEQA lead agency. They hope to have four more rehabilitation sites awarded in the fall and eleven sites awarded in the spring of 2007. Twenty-four sites will be done in spring 2008 and twenty more sites will be completed after that. In addition, the Council is working on the website, which should be completed by the summer.

Greg Bryant noted that CDFG helped to fund a lot of the work on the bridges. Ed Solbos commented that they actually funded two million dollars. Curt Melcher asked why the floodplain rehabilitation involved removing vegetation and lowering adjacent areas rather than adding gravel to raise the riverbed structure. Ed Solbos responded that there is not enough rearing habitat. Because dam flows are not sufficient to maintain the channel, the river has been turning into a canal with steep banks. As flows rise in the spring, the canal becomes deep and fast-flowing, leaving little habitat for rearing fish. The concept of the rehabilitation is to remove the berms and encourage the river to develop a new healthy shape based on the flow regime.

George Kautsky noted that the TMC does a lot of monitoring, which allows scientists to see what proportion of fish is of hatchery origin. Currently the hatchery fish are sustaining the fall run. By encouraging rehabilitation flows, the Council is hoping to improve natural rearing.

Agendum 6. Pacific Fishery Management Council update

Jim Harp noted that the PFMC will meet on March 6-11 in Sacramento, and this will be the first of two meetings to deal with salmon diseases. The PFMC salmon technical team is working on several reports which should be released this week. The PFMC met several times in fall 2004 and discussed ground fish, habitat issues, pelagics, and marine protected areas. Salmon issues were not on the agenda. In October 2004, the PFMC met with the seven other regional councils in Baltimore, which was the first time that all eight groups met together. That meeting was a two-day session billed as a workshop. There was a lot of information exchanged, ranging from discussion of the Magnuson Stevens Act to funding regional issues, which has been a major issue. The Migratory Fishery Management Plan that had been sent to NMFS did not get funding, and the PFMC has not been able to implement it. The plan has been held up for almost two years, which is of concern.

Curt Melcher noted that he and Jim Harp and Keith Wilkinson are involved in the Pacific Salmon Commission process. They do not see any significant changes from the 2004 Canadian Fishery Package.

Agendum 7. Constant Fractional Marking at Iron Gate Hatchery

Neil Manji, CDFG, wanted to clarify that under the California Environmental Quality Act (CEQA), a California organization has to become the lead agency, and agencies must have the discretionary permitting authority. The California Department of Water Resources no longer has the regulatory authority to be the lead agency, and CDFG does not have that authority either. The only entities that CDFG feels have the authority are the North Coast Regional Water Quality Control Board and the County. The state clearinghouse will look at who has the authority to be the lead agency and will make a decision based on that.

Neil Manji noted that CDFG is currently having discussions with the Hoopa Valley Tribe regarding constant fractional marking. There is a very limited constant fractional mark on Chinook that come out of

Iron Gate Hatchery. There are discussions that PacifiCorp might increase the constant fractional mark from 3-6% up to 25%. The Hoopa Valley Tribe is wondering if the KFMC would give some additional funding to Iron Gate and encourage other agencies and tribes to increase the marking ratios at Iron Gate. It would be beneficial to have both the Klamath and Trinity systems at that constant fractional mark. The fish will be marked in early April, and Neil Manji asked that the KFMC discuss the possibility of making a recommendation for an appropriate marking rate based on the dollars available this year. In addition, the KFMC should discuss whether to go up to a 25% marking rate if PacifiCorp is not required to do additional marking through the FERC relicensing process.

George Kautsky commented that the KFMC needs to have a more technical discussion to determine to what degree the marking rate should be increased. It makes sense to increase the rate to 25%, but at Iron Gate Hatchery the funding and appropriations from the federal settlement would likely only support two to three years of funding. Perhaps the Klamath Technical Advisory Team could provide some technical assistance. With the current budget, the hatchery should be able to achieve a 25% marking rate.

Curt Melcher noted that although constant fractional marking is ideal, it would still be helpful to increase the coded wire tagging rate. As the group is intensively managing the stock, a low coded wire tagging rate leads to highly dramatic variation as opposed to what has been predicted. We can address the confidence level by increasing the marking percentage. The KFMC has strongly advocated for higher marking rates as well as constant fractional marking. Dave Bitts noted that another option would be to raise the marking rate to 10% and make it a constant fractional mark, which would double the robustness of the tagging sample and also add constancy. George Kautsky added that he would try to find the draft KFMC letters that were written regarding this issue a few years ago. Curt Melcher noted that constant fractional marking does not provide a constant inventory protocol at any facility, since dead eggs are removed and estimates of mortality are made from then on. There should be an accurate method of accounting prior to and during tagging, rather than simply applying a million tags. George Kautsky added that he would work on a three-dimensional table evaluating cost, error rates, and other variables.

Agendum 8. ESA issues

Greg Bryant noted that there are not any ESA issues at this point under the existing Biological Opinion. Curt Melcher noted that NOAA usually sends a letter to the PFMC in February or March reaffirming or confirming ESA standards for various stocks.

Dave Bitts asked what the current status of the listing of coho is in the Klamath Basin. Greg Bryant responded that NOAA did an updated status review for ESUs and issued a new proposal for several of those ESUs. The Southern Oregon/Northern California Coastal Coho (SONCC) ESU is still listed as threatened under the ESA. George Kautsky requested clarification on the role of hatchery fish in the ESU. Greg Bryant stated that if the hatchery stock is part of the ESU, you cannot just list part of the ESU, so the hatchery fish are listed by default. The evaluation came to no conclusion as to whether hatchery coho are significant to the prospects of recovery. In the case of the Klamath coho, the report found that hatchery stocks affected the abundance of certain basins but overall did not affect the diversity of stocks. There are several 4d exemptions in the ESA to address whether direct harvest of hatchery fish constitutes take.

Curt Melcher added that NOAA has indicated that although the hatchery fish are part of the ESU, it does not mean that the fish cannot have a separate standard for management. The hatchery fish currently have a separate standard in terms of expectations. Dave Hillemeier asked whether the recently proposed rules allow directed take of coho hatchery fish. Greg Bryant responded that as part of the Fishery Management and Evaluation Plan, directed take is allowed. Curt Melcher added that since the Klamath hatchery coho are marked with a maxillary clip rather than an adipose fin clip, none of the fish are subject to harvest in the open.

Agendum 9. FERC update

Phil Detrich provided background on the FERC relicensing process. The current license for the Klamath River Hydro Project expires in June 2006. The relicensing process has been going on for several years. The Final License Application was submitted in March 2004, and on February 17, 2005, FERC issued the Additional Information Request. FERC has requested a number of studies that they will need and has provided a schedule to indicate how they will proceed over the next two years. FERC will issue the

Ready for Environmental Analysis in September 2005, and will issue the Draft Environmental Impact Statement in April 2006. There will be public meetings in June 2006 and a Final EIS issued in October 2006. That date is after the license expires, so it is likely that a temporary license will be issued.

Dave Hillemeier asked whether it would be appropriate to raise the issue of constant fractional marking rate at Iron Gate Hatchery within the FERC relicensing process. George Kautsky added that the FERC relicensing should also address concerns about releasing hatchery fish during hostile flow conditions in the Klamath River. Dave Bitts added that if dams are removed, the hatchery might also cease operation, and he wondered how the ocean fishery would continue without Iron Gate Hatchery. Phil Detrich responded that these concerns, though valid, do not need to be raised yet. If the license were to include a staged institution of fish passage or dam removal there would be discussion of the larger picture of reintroduction of fish into the basin.

Keith Wilkinson noted that when the FERC relicensing process first started there was concern that the dam mitigation number be addressed. He noted that there is desire by members of the KFMC that the numbers be revisited. George Kautsky suggested that the topic of providing comments to the FERC relicensing process should be on the agenda for the next meeting. He also requested a briefing on Iron Gate mitigation for that meeting. Phil Detrich added that the group should also have a summary of the comments that various agencies have already made within the relicensing process.

Agendum 10. Public Comment

Nadine Bailey, a representative of Senator Aanestad from Grass Valley, spoke to the group on behalf of the senator. Senator Aanestad represents both the agricultural and fishing interests of the Klamath Basin, and has shown commitment to both groups by trying to support solution-oriented problem solving events. The Senator is very interested in the Klamath issues and is more than happy to do anything to support groups in this effort on a state level.

Patrick Higgins, Kier Associates, noted that the Water Quality Work Group, within the FERC relicensing, has a compendium of information on the Klamath website: www.klamathwaterquality.com. The comments from NMFS, the Oregon Department of Environmental Quality, the Water Quality Control Board, and others, indicate that decommissioning should be studied. The problems with water quality due to the dams most likely cannot be mitigated. The KFMC should concern itself with these questions, not just regarding fish passage, but also with respect to the annual loss of juvenile salmon. The 40-90% mortality of juveniles is not sustainable for Chinook. The mainstem is a nursery, and it only functions seasonally; there is a huge bottleneck in the mainstem. The information on these water quality problems is available, and the preponderance of evidence indicates that dam decommissioning would solve the water quality problems. The KFMC should put together a position statement on it and should support science in the Basin and a scientific approach to management. He noted that additional information is located at www.krisweb.com.

Tim McKay, Northcoast Environmental Center in Arcata, thanked the group for coming to Arcata to discuss the problems in the Klamath Basin. He noted that March 14th is the International Day of Rivers, and he hoped that that all participants would exercise their citizenship by writing letters or attending meetings to support the cause of improving river health.

Petey Brucker, Technical Working Group Chairman for the Klamath Task Force, noted that some of the items recommended by the Task Force were not in the typical RFP format. The Task Force identified \$143,000 for harvest monitoring but did not specify what the priorities are for that action. There is funding for a science conference, and there have been discussions about highlighting disease and hatcheries. In addition, there is a report on accomplishments that is underway to identify what has occurred within the KFMC and the Task Force. The Task Force would like to capture the accomplishments of the KFMC in that report. The Task Force is also concerned about the ending of the Klamath Act, and would like to develop a Basin-wide approach to studying restoration in the absence of the Task Force and the KFMC. The Task Force would like advice from the Technical Advisory Team (TAT) on these issues.

George Kautsky responded that the KFMC should add these concerns to the agenda for the February 24th meeting. Petey Brucker responded that he would review the records from the past few years to find out what the Task Force has funded and would recommend that the KFMC have a discussion on March 8-9 to determine what the priorities should be. Petey Brucker noted that some examples of harvest

monitoring activities that have been funded in the past include redd and carcass counts in the mainstem and trapping outmigrants.

Ed Duggan, Trinity Adaptive Management Working Group, stated that he supports the concern about constant fractional marking and would like to see the marking rate improve from 5% to 25%. This would provide a better way to determine the in-river salmon harvest and would improve modeling. Incremental steps may be the most reasonable way to reach the 25% marking rate.

Agendum 11a. Spring Chinook management issues/Technical Advisory Team report

George Kautsky noted that the KFMC has asked the TAT to recommend management strategies for spring Chinook. In order to do so, the TAT needs more biological information on the natural populations of spring Chinook. In the past, the group has discussed an array of alternatives for management ranging from focusing on natural populations to a broader activity of looking at historic impacts and altering management activities based on that. After Jerry Barnes (TAT) reviews the data sets, the KFMC can move to a more generic discussion about what the management objectives would be for the KFMC in the future.

Phil Detrich requested that the group add "Product of the KFMC TAT, February 23, 2005" to the handout for Agendum 11a. Dave Hillemeier noted that there was a problem in photocopying and asked that everyone remove the last two pages of the handout that are not part of the megatable.

Jerry Barnes, TAT, reviewed the megatable on the handout for Agendum 11a with the group (see Agendum 11a handout). All the bar graphs represented river data, not the ocean harvest. The numbers are all low this year. Jerry Barnes noted that they are finding a significant number of spring Chinook in the fall Chinook harvest. The fall harvest begins on August 6th of each year, and they are getting coded wire tagged spring Chinook well into September, and sometimes October. George Kautsky asked whether this is an artifact of hatchery practices that are mixing spring and fall Chinook runs together. Jerry Barnes responded that there is probably an overlap on the bell curve of spring and fall Chinook at the hatchery, and there is probably only a ten-day hiatus to separate the spring and fall races.

Greg Bryant noted that there was a Klamath Symposium session that focused on the differences between spring and fall Chinook in the Sacramento and Klamath Basins. The scientists could not separate the spring Chinook in the Klamath Basin as they could in the Sacramento Basin. The true spring Chinook populations do not spawn much below 2,000 feet, which is why there are so many runs on the Salmon and South Fork Trinity rivers where there is still a substantial snowmelt. If spring Chinook recovery were to start, there would need to be investigation into the resources in those Basins.

Jerry Barnes noted that since all the data comes from expanded tags, the data do not reflect the total catch of spring Chinook, but only the Trinity River harvest coded wire tags. Dave Hillemeier wondered whether the CDFG expansion includes the natural population as well. Jerry Barnes responded that he did not think it was likely that Sara Borok expanded for naturals, but he would find out whether she had more complete harvest numbers.

Curt Melcher asked what other than adult run timing distinguishes spring Chinook from fall Chinook. Greg Bryant noted that there tends to be a higher percentage of stream-type fish in the spring run than in the fall run. There are some differences between spring and fall, but not to the extent that spring Chinook would be an ESU. NOAA has more samples now and is trying to use mitochondrial DNA testing to distinguish more differences. Dave Hillemeier added that the spring Chinook anecdotally seem to have a higher fat content than the fall run.

George Kautsky noted that an unintended consequence of fall flows in the Trinity River might be the potential for hybridization at the hatchery and natural areas. The TAT has been evaluating the effectiveness of a two-week window in which the Trinity River Hatchery excludes fish entry to allow only fall Chinook to enter after the spring Chinook have spawned. The group should have a report on this work at this time next year. George Kautsky also noted that the coded wire tag data that the TAT uses does not have sufficient information about the natural population. If the KFMC wants to continue to manage for the status quo, this data might not be needed. If the group decides to manage for spring Chinook, or manage for sub-populations, the data needs increase as there would be some target to maintain specific stocks. There is not currently that level of data.

Greg Bryant asked what the objectives are for spring Chinook management, and if there has been discussion on whether escapement could be increased. The KFMC is trying to develop models to answer questions, but the models are only working on a few small populations and are not at the level that they should be. Greg Bryant wondered what has been done in this area. Petey Brucker responded that this issue will be discussed in March at the Task Force's Technical Work Group (TWG) meeting. A draft is currently under review. The work group will need to identify the key limiting factors and the major problems.

Greg Bryant noted that when NOAA was developing ESUs for Chinook they put in coded wire tags to look at migration patterns. There did not seem to be a lot of separation between areas occupied between fall and spring Chinook populations. Petey Brucker did not think any additional research had been done on this issue. Greg Bryant suggested using fall Chinook as a surrogate for spring Chinook to develop models. Dave Hillemeier responded that there is a lack of technical tools to make assessments about productivity. Regarding harvest management, it would be worthwhile to monitor harvest rates and the harvest of late-entering fish that are being called spring Chinook.

Dave Hillemeier commented that the TAT should help to develop studies to get a better understanding of the late-entering spring Chinook. Greg Bryant noted that U.S. Fish Commission reports from the 1870s described a dual peak spring run, with one peak in mid-June and a secondary peak starting again in August. This was before there were hatchery populations, and now the peaks have gotten fuzzy.

Agendum 12. Public Comment

Petey Brucker, TWG, noted that 3% of the historical habitat for Spring Chinook is now being used, and it is likely that the significant problem is not the harvest, but the fact that so much habitat has been lost. We need a larger area of habitat than just the refugia in the Salmon River. Perhaps the fish will benefit from passage into the Upper Basin.

Phil Detrich noted that at the early March meeting in 2004, the KFMC appointed a subcommittee to discuss reauthorization. The KFMC subsequently noted in the April meeting minutes that it might not be useful for both the Task Force and the KFMC to undertake this issue. Curt Melcher announced the disbanding of the subcommittee that was tasked with discussing reauthorization.

Recess.

Thursday, February 24, 2005

8:00am Reconvene meeting.

Agendum 13. Review of Meeting Minutes from 2004

Curt Melcher asked to clarify the meeting number. Phil Detrich noted that meeting 77 for October 2004 was cancelled, which makes this meeting number 78. Curt Melcher noted that the meeting minutes from April 4th should say meeting number 76.

Curt Melcher asked for edits to the three sets of notes included in the packet from the 2004 KFMC meetings (see Agendum 13 handouts). The KFMC members provided edits to the 2004 meeting minutes.

Keith Wilkinson moved to approve the March 1-3, March 8-12, and April 4-9 minutes as amended.

Dave Bitts seconded the motion.

Curt Melcher called for the question.

One abstention.

Motion carried.

Agendum 14. Report on 2004 Salmon returns to the Klamath River

Neil Manji, CDFG, provided a presentation on Klamath Basin Fall Chinook Preliminary Run Size Estimates for 2004. He noted that the megatable for 2004 is a preliminary estimate that will not be finalized until after 2005, though the numbers are not likely to change substantially. Neil Manji described the geographic area of sampling, the contributors to the study, the methods for escapement studies, and an age analysis of the fish in the Basin that indicates the difference in the ratio of jacks to adults in the

runs. In conclusion, this was the eighth lowest run since 1978. The floor escapement of 35,000 was not met this season, the Salmon and Scott River returns were the lowest on record, and the Trinity River adult Chinook returns exceed the Klamath returns.

Eric Larson noted that the floor number is a goal number. Fifty percent of the time the actual number will be above the floor number, and 50% of the time it will be below.

Agendum 15. Reports on 2004 Harvests

Dave Hillemeier stated that the total fall Chinook Yurok Tribe harvest was 23,333. The commercial fishery was halted about a week before Memorial Day until Labor Day weekend to slow down fishing. The fishery was also closed every day from midnight to 6am.

George Kautsky noted that the Hoopa fishery was less than the average with respect to fall Chinook. It was the second year in which the spring fishery exceeded fall take. In combination with the Yurok fishery, the total tribal allocation was 31,100, and the Hoopa fishery fell short of the objective. A possible explanation is that more than 80% of the Trinity run was composed of 2- and 3-year-old fish (see Agendum 15 handouts).

Eric Larson provided an update on the ocean fishery. The overall sport harvest for ocean (age 3 and 4 fish) in the Klamath Management Zone (KMZ) was 3,970 fish, while the total ocean harvest with sport and troll combined was 108,032 fish. Dave Bitts noted that the predicted catch was about 26,000 fish and asked why the estimate was so far off. Eric Larson responded that the impacts were higher, and fishermen contacted many more 4-year-old fish than anticipated. Dave Hillemeier noted that either the effort or the contact rate was not accurately predicted. Michael Mohr, TAT, noted that in general, the contact rate per unit of effort was off the scale. The effort was not badly predicted.

Eric Larson added that from 2000 to 2003, the fish off California had moved, while during the 2004 season there was more of an even distribution. Dave Bitts recalled that the last time this sort of result occurred was in 1990. Curt Melcher added that in 1990, all the Klamath fish were moving north, but in this case the result does not seem to be due to distribution. The ocean-wide catchability was up for some reason. Curt Melcher noted that the Klamath Ocean Harvest Model (KOHM) has the ability to learn each year from the data; the results from this year will be incorporated into the model in order to better predict future years.

Agendum 16. Inseason prediction of river recreational harvest

Neil Manji, CDFG, reviewed the two models that have been discussed. The first model regulates harvest within the Lower Klamath River. As soon as a certain number of fish are caught in the Lower Klamath, the mouth of the Klamath River is closed. The second model uses the lower river catch rate to project the upper river catch. The Upper Klamath River does not have a monitored fishery. The model determines when the Upper Klamath or Upper Trinity will be closed. Neil Manji will meet with Eric Larson's staff to review sampling methods and determine whether dollars can be saved from oversampled areas and used in undersampled areas such as the Upper Klamath and Upper Trinity creels. Eric Larson added that his staff is doing an internal review of the sampling, and they are trying to find methods to improve the creel survey.

George Kautsky asked what this agenda item originally was intended to discuss. He recalled that it was supposed to be a discussion of full utilization, to avail fish to other harvest sectors within the river. Dave Bitts thought that discussion was intended to develop a better handle on the actual in-river run size in real time. Phil Detrich suggested agreed that the KFMC review the agenda prior to the meeting in order to provide the staff with suggestions on the agenda topics.

Eric Larson stated that the issue of full utilization has come up previously, and CDFG does not have the ability to do real-time monitoring at this point. His staff will attempt to make improvements based on the available funding. George Kautsky added that the Hoopa Valley Tribe is looking into potential appropriations from the settlement between the Bureau of Reclamation and the tribes. He will attempt to identify potential areas for recreational fishery monitoring within the Klamath Basin, and suggested that both of the models that Neil Manji referred to should be reviewed. Dave Bitts added that the KFMC has gone on record several times saying that all fisheries taking stocks should be monitoring those stocks. George Kautsky added that he could meet with Dave Bitts and the California Ocean Commercial Salmon

Fishery to design additional monitoring programs. Dave Hillemeier recommended that the monitoring be used to estimate the entire harvest above Coon Creek, if possible.

Agendum 17. Public Comment

Jim Welter, Port of Brookings/Salmon Advisory Subpanel, noted that there is a problem counting fish caught in-river. He wondered how accurate the megatable is for the in-river fishery.

Ed Duggan, Trinity Adaptive Management Working Group, noted that the harvest for 2004 showed an overharvest by about 300% with no closures, while in the past the in-river sport fishing has been shut down repeatedly. It is a severe hit to small communities, and this should be considered when quotas are developed. True in-river creel counts are the only way to get an accurate count of fish caught on the Trinity River. From Hawkins Bar farther up river there is no count. The KFMC should consider the best way possible to allow fishing to continue in-river.

Virginia Bostwick noted that the KFMC has tried very hard to get a fair share of fish to everyone. Dave Bitts noted that it might be possible to do partial monitoring, perhaps two days a week. Dave Hillemeier added that those who are suffering economic impacts along the Trinity should make those comments known in various forums that affect the health of the fisheries resource.

Eric Larson noted that there is a certain allocation of Klamath fish to the ocean fisheries, and those fish are contacted along the entire coastline. There is no way to know the actual contact rate until after the head returns are received. There is no way to know during the season that the contact rate is exceeding what was predicted and that the fishery should be closed down. The predictor has been fairly accurate, but there are anomalies like this past season.

Agendum 18. Report on 2005 fall Chinook stock size projections

Michael Mohr, TAT, stated that there was not a section on the agenda for the age composition report that the TAT does every year, and that should be on the agenda in the future. The TAT noticed that the age 5 component was unusually high this year. Dave Hillemeier noted that the age 4 class in 2003 was pretty strong, and the age 3 class in 2002 was also strong; it seems to be a relatively strong brood. Michael Mohr then presented an update on the fall Chinook stock size projections, referencing the handout in the packet for Agendum 18 (see Agendum 18 handout).

Dave Hillemeier noticed that there is a larger proportion of hatchery fish in recent years than in the late 1990s, or a smaller proportion of natural fish. Dave Bitts commented that it might be part of the reason that the floor was not met last year. There is also a higher percentage of hatchery fish amongst spawners than anticipated.

In reviewing the data, Michael Mohr noted that the group has under-predicted abundance for the last several years. George Kautsky noted that there will not be a full fishing scenario option for the upcoming season, and that there will have to be efforts on the side of conservation to protect the floor. Michael Mohr proceeded to review the preseason and post-season comparisons from last year. He noted that the contact rate in the ocean fishery was unusually high in several cases. George Kautsky and Dave Hillemeier noted that having higher marking rates at the hatchery would improve estimates and provide more confidence. Michael Mohr also noted that some cases showed a higher effort than what had been predicted in the commercial sector. Curt Melcher noted that the weather had been exceptionally good in 2004. He added that with the precision of the model, it is not unusual to see these contact rates, but it is unusual to see so many rates under-predicted. Michael Mohr agreed and noted that the observed data will go into the new predictor.

Agendum 19. California Fish and Game Commission Update

Eric Larson stated that the Fish and Game Commission was approached by the in-river sport fishing interest to address their concerns. Two meetings were held, letters have been exchanged back and forth, but there has been no resolution of the issue. The Commission has not made a decision yet, but is likely to at their March meeting. There has been no letter from the Commission with their recommended action. There is a PFMC letter in the packet that asks the Commission to allow this process to work and to not make adjustments (see Agendum 19 handout). There have been meetings with interest groups, but no public comments have been received in writing. There has been public comment in favor of in-river sport fishing interests as well as commercial fishing interests. The in-river interests would like to see a larger

allocation of fish, and the commercial and recreational ocean interests voiced concerns about how that might affect their fishery.

Dave Hillemeier asked whether the letter drafted by the KFMC was ever sent to the Commission. Eric Larson responded that the contents of the letter were presented before the Commission, but the letter itself was never sent. He thought it would be timely to send the letter after updating the information in it and providing additional information regarding this year's abundance and the estimated effect of changing allocation.

Agendum 20. ESA requirements for 2005

Curt Melcher noted that the group covered this topic yesterday. To review, it is likely that the NOAA standard for Klamath coho will be a 13% impact in ocean fisheries. There will likely not be a change to the North Coast California Chinook standard, at 16% impact. The lower Columbia natural coho may be a new listing. For central California coho, there will likely be a continuation of the prohibition of the retention of coho in fisheries off the California coast.

George Kautsky noted that the 16% Klamath standard for the protection of California coastal Chinook was inadvertently violated last year and wondered whether NOAA would provide a response to that. Greg Bryant answered that Rod McInnis has indicated that as long as NOAA stays with what the law requires, there should not be any different allocations or changes. Eric Larson added that the 16% is a management goal used to set targets. If the predictions continue to be off, NOAA would re-evaluate them.

Agendum 21. Action: Develop a range of options for the 2005 management season, for discussion with the Salmon Advisory Subpanel and presentation the Pacific Fishery Management Council.

Eric Larson commented that, prior to developing a range of options for 2005, he would like to have more information from the TAT about the initial model runs that they present to the KFMC at the beginning of each cycle. If the KFMC is going to increase the in-river allocation, where would the fish come from? Curt Melcher agreed that he would like to look at some additional modeling runs. He would like to see an approximation of what it takes to meet the floor and what that would mean for the recreational fishery and the in-river tribal fishery. From there, the group could entertain discussions of what it would take to get an additional 1,000 fish to the recreational fishery and its associated impact.

Agendum 22. Assignments to the Technical Advisory Team

The group developed several modeling runs for the TAT to perform prior to the March KFMC meetings. If completed prior to the March meetings, the TAT will provide the results to the KFMC via email. The proposed modeling exercise assumes last year's allocation framework with reductions to fishery sectors as follows:

- First model run: Oregon commercial troll closures (as necessary to meet floor) in sequence: 1) July, all areas, 2) August, all areas, 3) June, all areas; Entire KMZ recreational fishery closures (as necessary to meet floor) in sequence: 1) July, 2) June and August, equally, as needed; California troll closures (as necessary to meet floor) in sequence: 1) Fort Bragg area, as necessary, July first and August to follow, 2) Below Point Arena in May, 3) Below Point Arena in June; Oregon and California non-KMZ recreational fisheries: no modifications (impacts assumed for this purpose to be low)
- Second model run: Same as model run #1 except reduce CA ocean fisheries to achieve a 17% in-river recreational allocation. Maintain proportion of CA KMZ recreational to CA commercial as determined by model run #1. California troll closures (as necessary to meet floor) in sequence: 1) Fort Bragg area, as necessary, July first and August to follow, 2) Below Point Arena in May, 3) Below Point Arena in June; CA KMZ recreational fishery closures (as necessary to meet floor) in sequence: 1) July, 2) June and August, equally, as needed
- Third model run: Same as model run # 2 except reduce CA ocean fisheries to achieve 20% in-river recreational allocation. Maintain proportion of CA KMZ recreational to CA commercial as determined by model run #1. California troll closures (as necessary to meet floor) in sequence: 1) Fort Bragg area, as necessary, July first and August to follow; 2) Below Point Arena in May, 3) Below Point Arena in June, and 4) Below Point Arena in July; CA KMZ recreational fishery closures (as necessary to meet floor) in sequence: 1) July, and 2) June and August, equally, as needed.

George Kautsky will look into records on a presentation made by Dr. Hankin to the KFMC about constant fractional marking about three years ago. In addition, he will look into what has been done on in-river in-season prediction models and will review and present what has already been accomplished. Dave Hillemeier noted that Petey Brucker has requested help in prioritizing funds set aside for the Task Force for harvest monitoring purposes. Petey Brucker will be providing copies of what was funded last year and will work with the TAT on prioritizing funds.

Agendum 23. Review of motions and assignments

Curt Melcher reviewed the assignments to the TAT. The only two motions were to approve the agenda and the minutes from 2004. George Kautsky added that there had been discussion during the February 23rd session about a presentation on KFMC accomplishments. He wondered whether staff should compile a list of what the KFMC has accomplished. Phil Detrich noted that Gary Curtis had presented a similar list in the past year. Curt Melcher suggested that a review of Gary Curtis' presentation should be placed on the agenda for the next meeting. Phil Detrich added that the staff should return the document to the KFMC, and the KFMC should review it prior to that meeting.

Phil Detrich added that, as authorization comes to a close, it would appropriate for the KFMC to send a letter to the Secretary regarding the KFMC's accomplishments during the tenure of the Act. He suggested sending the letter soon, as the 2007 budget will begin shortly, and requested that the staff should prepare an executive summary of the existing document regarding accomplishments and should put the letter in draft form for the KFMC to review. The KFMC agreed.

Agendum 24. Agenda items for the March 6-11, 2005, meeting in Sacramento

Keith Wilkinson noted that two things had been delayed on the Task Force update. One was a request for a letter to the Task Force concerning disease study funding, and the other issue was a report on the budget for 2006. These two agenda items should be coupled together to determine what, if any, funds are needed to deal with the disease issue. Curt Melcher suggested that the April meeting would be a better time to review these issues.

Dave Bitts requested that potential transportation options to mitigate for disease risk should be discussed at the March meetings. He added that it would be reasonable to ask Scott Foott to present on Monday March 6th, especially since it will be a dry water year and the public should be aware of the downstream river conditions.

Agendum 25. Public Comment

Jim Welter, Port of Brookings/SAS, reminded the KFMC that their seat representing the offshore recreational fishery is vacant, so no one is representing the Klamath Management Zone fishery.

Jimmy Smith, Humboldt County Supervisor/California Ocean Recreational Fishermen, remarked on the KFMC's accomplishments, and said that according to Congressman Herger's office, there is a movement to reorganize the KFMC.

Ed Duggan, Trinity Adaptive Management Working Group, said Willow Creek community members send their thank yous for consideration of in-river needs.

Petey Brucker, TWG, added that the KFMC is an amazing group. He said he recently accompanied a survey crew in the Shasta River, and predicted a die-off of juveniles there this year, because the blue green algae is already growing heavily. He noted that other entities are working with CDFG on the creel censuses, and added that they need to build stronger relationships.

Mark Warner, Friends of California/Oregon Fish noted that the in-river fishery has declined as a whole. The angling interest is becoming upset with the regulations and the low fish numbers. The fish population problems will continue in a downward trend in the coming years.

FINAL AGENDA
Klamath Fishery Management Council Meeting
February 23-24, 2005
Red Lion Inn, Eureka, California
Meeting # 78

Wednesday February 23, 2005

9:00 am Convene meeting and introduce members

Administration

- 1) Review and approve agenda
- 2) Review materials and correspondence (Staff)
- 3) Charter and Member update (Staff)

General

- 4) Klamath River Basin Fisheries Task Force update (Wilkinson)
- 5) Trinity Management Council update (Orcutt)
- 6) Pacific Fishery Management Council update (Harp)
- 7) ESA issues (CDFG, NOAA Fisheries)
- 8) FERC Update (Detrich)
- 9) Public Comment

Management Issues

- 10) Spring Chinook management issues
 - a) Technical Advisory Team report
- 11) Public Comment

Recess

Thursday, February 24, 2005

8:00 am. Reconvene

2004 Management Season

- 12) Report on 2004 salmon returns to the Klamath River (CDFG)
- 13) Reports on 2004 harvests
- 14) Inseason prediction of river recreational harvest
- 15) Public Comment

2005 Management Season

- 16) Report on 2005 fall Chinook stock size projections (TAT)
- 17) California Fish and Game Commission update
- 18) ESA requirements for 2005
- 19) **Action:** Develop a range of options for the 2005 management season, for discussion with the Salmon Advisory Subpanel and presentation to the Pacific Fishery Management Council
- 20) Assignments to the Technical Advisory Team
- 21) Review of motions and assignments
- 22) Agenda items for the March 6-11, 2005, meeting in Sacramento.
- 23) Public Comment

Adjourn

LIST OF HANDOUTS
Klamath Fishery Management Council
February 23-24, 2005
Red Lion Inn
Eureka, California
Meeting #78

- Agendum 2 Draft Minutes, Klamath Fishery Management Council Meeting, March 1-3, 2004
- Agendum 2 Draft Minutes, Klamath Fishery Management Council Meeting, March 8-12, 2004
- Agendum 2 Draft Minutes, Klamath Fishery Management Council Meeting, April 4-9, 2004
- Agendum 10a Klamath Basin Spring Chinook Run Components
- Agendum 10a Klamath River Basin Spring Chinook Salmon Spawner Escapement, River Harvest and Run-size Estimates, 1980-2004
- Agendum 13 Klamath River Basin Fall Chinook Salmon Spawner Escapement, In-river Harvest and Run-size Estimates, 1978-2004
- Agendum 15 Klamath River Basin Fall Chinook Salmon Spawner Escapement, In-river Harvest and Run-size Estimates, 1978-2004
- Agendum 15 Yurok Spring Chinook Harvest, 2004
- Agendum 16 Ocean Abundance Projections and Prospective Harvest Levels for Klamath River Fall Chinook, 2005 Season
- Agendum 17 Fish and Game Commission letter to Tim King, July 1, 2004
- Agendum 17 Pacific Fishery Management Council letter to California Fish and Game Commission, February 14, 2005
- Agendum 19 Proposed Modeling Exercise Same Size Limits as 2004
- Agendum 20 Klamath River Basin Fisheries Task Force Fiscal Year 2005 Funded Projects

Informational Handouts

“Fishermen should remain tight on the Klamath,” Eureka Times-Standard, February 18, 2005

Draft Proposed Agenda for Pacific Fishery Management Council Meetings, March 6-11, 2005

LIST OF ATTENDEES
Klamath Fishery Management Council
February 23-24, 2005
Red Lion Inn
Eureka, California
Meeting #78

The following individuals attended the Klamath Fishery Management Council meetings in Eureka, California on February 23-24, 2005.

<u>Name</u>	<u>Representing</u>
Neil Manji	California Department of Fish and Game
Ed Solbos	Trinity River Restoration Program
Nadine Bailey	Senator Aanestad's Office
Jerry Barnes	Klamath River Technical Advisory Team
Desma Williams	Yurok Tribe
Richard Heap	Oregon South Coast Fisherman
Denver Nelson	Public
Bob Crouch	Klamath Management Zone Fisheries Coalition
Tim Such	Public
Jim S. Welter	Port of Brookings – Salmon Advisory Sub-panel
Nita Rable	Klamath Management Zone Fisheries Coalition
Judy Mellus	Klamath Management Zone Fisheries Coalition
Jim Simondet	NOAA Fishery
Petey Brucker	Technical Work Group, Salmon River Restoration Council
Tim McKay	North Coast Environmental Center
Pat Higgins	Biologist
E.B. Duggan	In-River Guides & Lodges, Trinity River Adaptive Management Working Group
Herb Holm	Public
Wade Sinnen	California Department of Fish and Game
Morgan Knechtle	California Department of Fish and Game
<u>Name</u>	<u>Representing</u>
Michael Mohr	Klamath River Technical Advisory Team
Jim Waldvogel	Klamath River Technical Advisory Team
Richard Heap	Oregon South Coast Fisherman
Mike Long	U.S. Fish and Wildlife Service
Mark Warner	Friends of Cal-Ore Fish
E.B. Duggan	In-River Guides & Lodges, Trinity River Adaptive Management Working Group
Peter Brucker	Technical Work Group, Salmon River Restoration Council
Amos Pole	Hoopla Valley Tribal Fisheries
Jimmy Smith	Humboldt County
Bob J. Crouch	Klamath Management Zone Fisheries Coalition
Jim S. Welter	Port of Brookings – Salmon Advisory Sub-panel
Desma Williams	Yurok Tribal Fisheries Program
David Gensaw, Sr.	Yurok Tribe
Mike Anderson	Ocean Troller

MOTIONS AND ASSIGNMENTS
Klamath Fisheries Management Council
February 23-24, 2005
Red Lion Hotel
Eureka, CA
Meeting # 78

Motions:

Agendum 1

Motion by Keith Wilkinson to adopt the agenda as amended.
Seconded by Curt Melcher.
Motion passed unanimously.

Agendum 13

Motion by Keith Wilkinson to approve the minutes from March 1-3, 2004, March 8-12, 2004, and April 4-9, 2004, as amended.
Seconded by Dave Bitts.
One abstention.
Motion carried.

Assignments:

Agendum 22

George Kautsky will compile background information on in-river in-season prediction models.

George Kautsky will look for a transcript from a previous KFMC meeting that describes a presentation on Constant Fractional Marking at Iron Gate Hatchery.

Petey Brucker will work with the Technical Advisory Team to prioritize funds set aside for the Task Force for harvest monitoring purposes.

Technical Advisory Team will run the attached modeling exercise prior. If completed prior to March meetings, TAT will email results to KFMC members. (see pages 2-3).

2/24/05 Proposed Modeling Exercise
Same size limits as 2004

First Model Run:

Assumptions: last year's allocation framework with reductions to fishery sectors as follows

Oregon commercial troll closures (as necessary to meet floor) in sequence:

1. July, all areas
2. August, all areas
3. June, all areas

Entire KMZ recreational fishery closures (as necessary to meet floor) in sequence:

1. July
2. June and August, equally, as needed

California troll closures (as necessary to meet floor) in sequence:

1. Fort Bragg area, as necessary; July first, August to follow
2. Below Point Arena in May
3. Below Point Arena in June

Oregon and California non-KMZ recreational fisheries:

1. No modifications (impacts assumed for this purpose to be low)

Second Model Run:

Same as model run #1 except reduce CA ocean fisheries to achieve a 17% in-river recreational allocation
Maintain proportion of CA KMZ recreational to CA commercial as determined by model run #1

California troll closures (as necessary to meet floor) in sequence:

1. Fort Bragg area, as necessary; July first, August to follow
2. Below Point Arena in May
3. Below Point Arena in June

CA KMZ recreational fishery closures (as necessary to meet floor) in sequence:

1. July
2. June and August, equally, as needed

Third Model Run:

Same as model run # 2 except reduce CA ocean fisheries to achieve 20% in-river recreational allocation
Maintain proportion of CA KMZ recreational to CA commercial as determined by model run #1

California troll closures (as necessary to meet floor) in sequence:

1. Fort Bragg area, as necessary; July first, August to follow
2. Below Point Arena in May
3. Below Point Arena in June
4. Below Point Arena in July

CA KMZ recreational fishery closures (as necessary to meet floor) in sequence:

1. July
2. June and August, equally, as needed