

**FINAL MINUTES**  
**KLAMATH FISHERY MANAGEMENT COUNCIL MEETING**  
**March 1-3, 2004**  
**Yurok Tribal Headquarters**  
**Klamath, California**  
**Meeting #74**

**Monday March 1, 2004**

12:00 pm Convene meeting and introduce members

**Representative Seat**

California Department of Fish and Game  
California In-river Sport Fishing Community  
California Ocean Commercial Salmon Industry  
California Offshore Recreational Fishing Industry  
Hoopa Valley Tribe  
National Marine Fisheries Service  
Non-Hoopa Indians Residing in Klamath Conservation Area  
Oregon Commercial Salmon Fishing Industry  
Oregon Department of Fish and Wildlife  
Pacific Fishery Management Council  
U.S. Department of the Interior

**Members**

Neil Manji/Eric Larson  
Virginia Bostwick  
Dave Bitts  
Paul Kirk  
George Kautsky (Alternate)  
Dan Viele, Chair  
Dave Hillemeier  
Keith Wilkinson  
Curt Melcher  
Jim Harp  
Phil Detrich

**Agendum 1. Review and approve agenda**

Members reviewed the agenda and requested that an update on the KFMC presentation given at the Klamath Workshop be added.

**Motion by Keith Wilkinson to approve the agenda.**

**Seconded by Eric Larson.**

**Motion passed unanimously.**

**Agendum 2. Review materials and correspondence**

Gary Curtis reviewed the list of handouts for the meeting. He noted that the handouts for the Tacoma, Washington meetings are included in this packet. The packet includes three sets of draft minutes from 2003. He asked Council members to provide comments to him by April 1, and Staff will follow up with the Chairman for final approval.

**Agendum 3. Charter update**

Gary Curtis reported that the charter is officially renewed and in-place until February 11, 2006 (see Agendum 3 handout). The charter doesn't include any discussion on temporary attendance of members. The solicitor said the Act should be followed as it is written. Phil Detrich added that he appreciates all of the Council members' work to come up with interim appointments, but despite best efforts this is not possible. Staff needs to be aware should there be a vacancy.

**Agendum 4. Discussion of Council responsibilities and accomplishments**

Dan Viele stated that this Council is due to sunset in 2006, and as discussed, Staff has prepared a summary of recommendations from the last six years (see agendum 4 handout).

**Agendum 4a. Correspondence**

The Council discussed the two letters that referenced habitat and water management and how the letters were viewed to be outside of the authority of this Council. Dan Viele opened up the floor for discussion regarding the

fiscal year 2004 Interior appropriations bill denying funding to the Council. He stressed the seriousness of the accusations.

Dave Hillemeier stated that he believes the Klamath Act does authorize the Council to write letters in regard to fisheries resources. He asked if there is anything in the Act that precludes the Council from making recommendations in response to fisheries. Eric Larson responded that the focus of the Council is narrow and if letters like this continue to be written, we are going to rustle feathers. He supports the letters and reasoning behind them, but the Pacific Fisheries Management Council has the authority to write the same kind of letters. It seems that clarity is needed in regard to what the Council is tasked with doing. Dave Bitts stated that he understands the narrow scope of Council operation in the charter. He pointed out that the charter does not include establishing a long-term escapement policy, which this Council has done.

Curt Melcher added that he had some initial reservations with the letters, but now doesn't have a problem with this Council advocating for fish and fish resources if there is a clear message. Dan Viele read from the March 12<sup>th</sup> letter and stated that the point of the letter was to seek long-term solutions and balance policy. It seems that this first part was viewed as exclusory and outside of the Council's scope. The Council has to recognize that when we go outside of our statutory assigned functions, it's with some risk. Dan Viele stated that more care should be taken in the future with respect to what goes into letters like this. Our comments need to focus on the management effects of events such as the fish kill. He added that the Council has the Task Force as a sister agency, which was developed to deal with habitat issues.

Dave Bitts said that he thinks habitat and flow issues tend to be overlooked by the Task Force due to its make-up. He asked what the venue is for such issues. Eric Larson responded that it is important to realize that there are connections outside of this Council that can make recommendations. This Council needs to keep our focus and work outside of this group for those other purposes. Paul Kirk stated that he thinks some good has come out of this in that different groups throughout the basin have had meetings together and learned more about each others' business. Keith Wilkinson added that the director of Water Resources reacted to Congressman Herger's actions and stated that they would no longer support Herger. It appears that the Council correctly addressed the issue but needs to be aware of political sensitivities.

Dan Viele read a section from the long-term plan that addressed habitat. Phil Detrich stated that over the next few years, the Council needs to carefully weigh the benefits achieved over the years in the realm of which we are authorized vs. the potential benefit or cost to stepping outside of our purpose. The other interests in the watershed poorly understand the achievements and the purposes of the Council. Keith Wilkinson pointed out that there were questions about the Council's tasks at the Klamath Watershed Conference. It was also pointed out that an educational challenge exists to demonstrate that there is no one water user that has created problems. There is no grasp on fish lifecycles either and that is a challenge in itself. He suggested the Council initiate some outreach to the public.

Dave Bitts suggested using the presentation given at the Klamath Watershed Conference to help build an educational road show. Phil Detrich gave some background on the presentation given in February. This presentation is a good foundation and could be given in various forms to increase understanding of harvest. Phil Detrich said he would show the presentation after the meeting today.

Keith Wilkinson stated that the June Task Force meeting might be a good forum for giving the presentation. Phil Detrich said this was a good idea because there are several Task Force members who do not have a good understanding of harvest allocations. The message would get out because various watershed groups regularly attend the Task Force meetings. Dave Hillemeier suggested that the presentation be advertised in the Task Force meeting announcement. Dan Viele added that it might be good to make the presentation available to all Council members for review, comment, and collaboration. Phil Detrich stated that Staff will coordinate the logistics of this with the Task Force Chairman.

**Assignment: Staff will organize an educational presentation for the June Klamath Fisheries Task Force meeting to increase Task Force members' understanding of harvest allocation.**

**Agendum 4b and 4c. Management advice and accomplishments in context of potential reauthorization or sunset in 2006**

an Viele stated that he found the matrix summarizing this Council's recommendations to the PFMC useful in getting a sense of what the Council has been focusing on since 1995 (see agendum 4 handout). This tool might be useful if this Council chooses to become involved in reauthorizing the Klamath Act. The Task Force is in early phases of addressing reauthorization and it seems a forum is needed to discuss Klamath fisheries issues. He asked if the Council wants to take time to review and discuss the matrix. He added that this Council has accomplished a lot and that work needs to be continued in some form or another.

Keith Wilkinson gave an update on the Task Force reauthorization discussion. One of the county supervisors announced that their county would not support reauthorization of the legislation unless many necessary seats were filled. He added that he consulted with pro-reauthorization folks, and introduced to the Chairman the concept of appointing a sub-committee to investigate a strategy that would ultimately lead to making a recommendation for a conceptual management plan. It might be that this recommendation will include representation by the Task Force, the Klamath Compact, ORCA, the Hatfield Working Group, etc. There was consensus to present a recommendation to the Task Force for a full basin management plan. We've spent years and years debating the water cycles until we agreed not to agree. We accepted the living document as is, and know that when it comes to the big fix, it will take federal money. Keith Wilkinson stated that this Council should consider weighing in on the reauthorization issue and ultimately advise the committee. Dan Viele suggested Council members think about whether this Council's term should be extended, keeping in mind what we've brought to management during the past 5 or 6 years. He thinks a subcommittee would be useful. Dave Bitts added that in addition to what the Council has done in the past, it would be useful to look at what this Council does now and what would happen if we didn't exist. The biggest benefit of the Task Force is that it provides a venue for different groups in the basin to meet and find out what they are all working on. This Council has improved relationships greatly.

Dave Hillemeier stated that this is going to take some work. There might be bigger issues out there that this Council could tackle. If there are, we need to decide what other entity would appropriately deal with this. He added that the Technical Advisory Team has put together some very impressive deliverables. Dan Viele agreed that the TAT provides a necessary function. Curt Melcher added that the TAT could continue to function without the Council because they are not funded by the Council. Dan Viele added that the TAT meets under the direction of this Council, so someone else would need to direct them.

Dan Viele asked Council members to think about putting together a reauthorization committee. Currently, his inclination is to do something similar to the Task Force and decide on the exact charge of this subcommittee.

**Agendum 5. Public comment**

No public comment.

**Agendum 6. Klamath River Basin Fisheries Task Force update**

Keith Wilkinson reported on the latest Task Force issues. The projected expenses for 2005 were accepted. At the February meeting, there was a lot of discussion about the Watershed Conference in Klamath Falls and concerns that lower basin folks were excluded. There was also a lot of discussion on the FERC relicensing. Comments on the Final License Application from the Task Force are being addressed more formally now. He reported that an environmental consultant for BOR was there to talk about the CIP, which in his perspective is moving to take over management for the entire basin. He suggested the Council design a coordinated approach for the DOI budget process. NRCS has appropriations for the basin and there are questions about how that might be divided in the lower river areas. Phil Detrich asked if most of the NRCS money for the 2005 budget is for the upper basin. Keith Wilkinson responded that is a concern.

Dave Hillemeier stated that he would like to add to the Task Force update. The science panel discussion led to the idea of having a similar panel for the lower basin and a subcommittee was formed to have a scientific workshop to share new science and identify gaps with a coordinated approach to filling those gaps. Another issue was that there was \$50,000 that came to the Task Force and that funding went to CDFG to conduct a tagging effort at Iron Gate, because this Council has been concerned about the low tag rates there. The Task Force may not regularly pay for that funding so CDFG should keep the Council up to date on what they will do next year. Concern exists that CDFG will not have the money to tag fish at adequate levels.

Neil Manji, CDFG, reported that Dave Hillemeier is correct in that at this particular time, the Department will not operate the Fall Creek facility. The yearling fish taken to Fall Creek will be kept at Iron Gate as well as about 6 million fingerlings. Tags will all be put on about 5% of fingerlings this year. The Department is trying to identify funding to get that number up to 10% because 5% is inadequate. Dave Bitts asked about the costs for recovering the Fall Creek program in future years. Neil Manji responded that CDFG is in dire straights for funding and is looking at programs rather than hatcheries for at least one year. We are aware that this is a problem and will continue to work internally to look at the budget to continue the program. Neil Manji reported that the FERC relicensing is an avenue, because PacifiCorp has proposed a tagging increase to 25%. Keith Wilkinson asked if CDFG has reviewed PacifiCorp's license application and if they revisited the mitigation numbers. He added that the mitigation was also for Iron Gate, which the Task Force felt needed to be revisited. Neil Manji responded that it would be difficult to revisit mitigation numbers. It should be done and the FERC relicensing might be a good opportunity to revisit this.

Gary Curtis gave some background on the FERC relicensing. He stated that PacifiCorp has proposed protection, mitigation, and enhancement measures for Iron Gate hatchery under the fish resources section. He read from the application that PacifiCorp intends to maintain funding for production operation of the hatchery and will purchase and construct a mass marking facility to increase tagging from 5% to 25%.

George Kautsky voiced concern about CDFG shifting the yearling program to the fingerling program resulting in issues of shifting production. Eric Larson responded that the yearling program was deemed necessary by staff, but the funds aren't there to keep it going. Neil Manji stated that today, officially, CDFG is saying that the program will not proceed. He suggested Council members make their voices heard if they are concerned. Dan Viele asked for clarification on if the goals and constraints of Iron Gate hatchery were set by court order and if they include yearling and smolt production. Neil Manji responded that the court ruling dealt with a number of fish. CDFG determines what they are and the state has the ability to change the number of yearlings and fingerlings based on input. Dave Hillemeier stated that there recently was an Iron Gate hatchery recommendation by the tribes, NMFS, and the state to look into raising more yearlings and fewer smolts and this is now a step in the opposite direction. Neil Manji responded that the Department is aware of the letter from the Task Force's Technical Work Group regarding the joint hatchery document, but unfortunately, the budget constraint is dictating this.

#### **Agendum 7. Trinity Management Council update**

Doug Schleusner, Trinity River Restoration Program, thanked the Council for the opportunity to be at the meeting. He referred to the agendum 7 handout and highlighted some important things in the handout. The first item refers to our program evaluation and how we heard feedback from many groups. The supplemental EIS is in progress and should be completed later this year. The OCAP BOR issue has complicated the process for the CVP and Hoopa recommendation. We still do not have a final answer on the amount of water we have to work with and are thus still capped at dry year flows. The budget item says that this year we are able to make a request for \$2 million from the CBIP and it was granted. The state has contributed \$900,000 to federal and state agencies, which has fostered a successful relationship. We are pleased with using the allowable water volume the courts would allow and developed a flow schedule that was different than what's been done in the past. There is concern about the fish kill survivors. He explained the flow schedule and how it matched up with some of the elements of a wet water year type. There were some adverse comments from fishing guides on the higher cfs, but those same individuals said they had one of the best seasons ever because they got to fish the river in ways they never had before. We had an additional 50,000 acre-feet for late summer and early fall releases to minimize the occurrence of a fish die off in 2003. Again, the preliminary data indicated that it was a successful program. People were pleased and caught

bigger and brighter fish. Another accomplishment was getting permits and environmental documents for the building of the bridges. We did some aggressive outreach for bids and hope to give a notice to proceed by April 15. If we can complete the second set of bridges by the end of this year it would give us 11,000 cfs. Within the next few weeks, we'll start planning the flow schedule. We are experiencing a solid, normal water year right now. He stated that the Trinity Management Council is also working on the development of the science framework. The membership of the science advisory is complete.

Dave Bitts asked how the 450,000 acre-feet are spread out throughout the year. Doug Schleusner responded that they are right at the edge of flood control on the Trinity River, but we don't have affects on the release schedule. We can typically expect a ramp up in late April, peak in May, and ramp back down in June or July. The summer base flow is 450 cfs. Dave Hillemeier asked Doug how many acre-feet are in a normal water year. Doug Schleusner responded that there are 701 acre-feet. Council members thanked Doug for the presentation and handout.

#### **Agendum 8. Pacific Fishery Management Council update**

Jim Harp reported that the fall PFMC meetings focused on ground fish. Salmon significance was in the appointments of the advisory board, which was in effect January 1. January staff posting will review the 2003 fisheries and compare the pre-2004 stock abundance document. The coho model has gone through a lot of reviews, and next week the PFMC will move to adopt this. Last June, a new technical group was formed with the task of reviewing the FRAM policy to begin documenting the policy of these models in a list of 6 priorities. There will be an update from them in Tacoma. Dan Viele asked if a preliminary report on the FRAM model was delivered. Jim Harp responded that a comprehensive report would be available at the March meeting in Tacoma. Jim Harp gave an overview and read from the plan. The new model has 198 different coho stocks in it and he doesn't think there will be changes to the Chinook FRAM this year. Curt Melcher added that there is stock in the model for California coho, but it is not being used because the distribution may or may not be accurate in the Lower Klamath. There is a place in the model for it if data does become available. The Canadians have agreed to use the coho FRAM, with the requirement that they give an annual post-season analysis and update on stock.

#### **Agendum 9. ESA issues**

Dan Viele stated that there are two sections that have to do with the general requirements and not ESA requirements. He hopes CDFG can speak to their ESA issues. Eric Larson referred to the coho recovery plan, which does not affect the California fishery. It may have some impact on other operations, but further ESA complications aren't anticipated.

Dan Viele reported that there are some new developments at the federal level. There was recently a hearing in respect to sturgeon in San Francisco where the decision on listing was challenged. We expect to hear back about this in March. Curt Melcher asked if it was coast-wide. Dan Viele stated that he thinks it had to do with the Rogue, Klamath, and Sacramento Rivers.

Dan Viele stated that the second item has to do with the Alsea River case and making the determination if it was out of the ESU and if it was critical for the survival or recovery of the ESU and that was challenged. When NMFS decided to go with these ESU standards and stated that the hatchery and non-hatchery populations would be carved out, the judge said NMFS couldn't do that and directed NMFS to go back and look at the policy. NMFS didn't challenge it, but others did and it was found that they didn't have jurisdiction and the appeal was denied. In denying that, the listing status of Oregon coho is still not clear. Dan Viele mentioned some other cases that help in setting proceedings schedules. The denial to de-list hatchery fish that are part of the ESU is always there. NMFS will develop a new policy in respect to hatchery fish. He added that procedurally this case is confusing, and as of last Friday there has been nothing from general council in terms of interpretation. It's tied into the review of NMFS' listings and the way we list. NMFS has stated that Trinity coho are important to recovery, but not essential. It might be that hatchery stock are taken out of the ESU or included in a listing of everything. George Kautsky asked if NMFS made a reference to California coho. Dan Viele responded no, there is no coho production in central California. Dave Hillemeier asked if it would affect amendment 13. Dan Viele responded that PFMC management would have no effect on southern Oregon/northern California coho because there is an objective put in

place by the Council as well as a biological opinion. Dave Bitts asked if these cases have implications to the struggle over flows out of Iron Gate Dam, and if the result is a de-listing can NMFS make the case for re-listing based on the last few years of return. Dan Viele responded yes, there are implications of the struggle over flows, but he cannot speculate on that. A biological review team would need to be formed to go through all of the steps. Curt Melcher mentioned that Oregon coastal coho are under review right now. Dan Viele added that after the review there needs to be some guidance in place in treating effects of hatchery populations on wild populations.

**Agendum 10. Public comment**

Jim Waldvogel, Klamath River Technical Advisory Team, stated that Kim Ruston from CDFG presented information on the Fall Creek hatchery closure. The funding for that program is from environmental license plate fees and Governor Davis was pulling from that fund at that time. Since that time, the Department has decided not to continue on with this program. CDFG will look at it favorably if other funding can be found. The facility is at capacity and doesn't have rearing ability.

The Council viewed and discussed the presentation given at the Klamath Watershed Conference in February.

**Tuesday March 2, 2004**

8:00 am. Reconvene

**Agendum 4c continued. Council accomplishments in context of potential reauthorization or sunset in 2006**

Dan Viele stated that he would like to continue discussion on the potential for reauthorization. He asked members to bring some thoughts on how the Council should be involved with the potential reauthorization. Phil Detrich gave some background for the public audience. He stated that Staff made a commitment to develop the costs of various functions of the Task Force. Staff will provide that to this Council as well.

Keith Wilkinson stated that if this Council decides to take action in the reauthorization process, we need a strategy by which it might be pursued and coordinated, and also if it is pursued we need to agree on an annual amount. Dan Viele asked if other Council members are interested in pursuing reauthorization. Dave Bitts stated that he thinks it should be pursued. The fundamental work has been done, but allocation decisions are not all dry. This Council is useful to the coast-wide salmon management process in that this is a separate forum to resolve Klamath issues to then be brought to the Pacific Council. We've had an easy time with allocation in the past few years, but that won't continue forever. Paul Kirk stated that he is in favor of maintaining the Council. He stated that his main concern is, if the Klamath Council is eliminated, the opportunity for the public to be involved is eliminated and the states and federal agencies will become solely responsible. There are many interests currently involved and they need the Council's input and the opportunity to give input. The current mix makes this process work better and keeps us connected to the general public. He added that the Council has to actively pursue reauthorization if that is in fact what is desired.

Keith Wilkinson stated that he is a strong supporter for reauthorization, but he has some concerns. There seems to be a lot of other groups who are interested in having a hand in Klamath management (majority are from upper basin), and if those folks with political power become dominant it is clear that the Council will have an insignificant role, because people don't have a good understanding of how allocation fits in with management. Fish allocation management will always be on the low end of the money perspective. He stated that he appreciates the effort of the staff to present things like what was done at the symposium to help educate the public. Dan Viele asked if it would be useful to invite participation from outside of the Council if a subcommittee was formed. Keith Wilkinson responded that he thinks the formation of a subcommittee on the Task Force, which includes two members from this Council, is satisfactory.

Dave Bitts agreed with Keith Wilkinson. He added that it might be useful to invite someone from the Upper Basin and also solicit an evaluation of this Council's utility from the Pacific Council. Jim Harp stated that is a good point and perhaps the Chairman and I could report that to the PFMFC. Dan Viele stated that the reauthorization bill doesn't include this Council. He's assuming it's an oversight. It focuses on reauthorization of the Task Force and

melds each of these groups into one group. There needs to be a section dealing with this Council. He mentioned many options for reauthorization. Curt Melcher added, if reauthorization is strictly for this Council, the best avenue is through the constituents and the PFMC. Eric Larson agreed that working with the PFMC is a good idea. The PFMC should state in their mandate that this Council is necessary to them. Keith Wilkinson added that it might be worth it to consider becoming a part of the PFMC process. Dave Bitts stated that he sees a fork in the road. We should consider reauthorization in the current form with Task Force or we should consider adding the Klamath Council reauthorization in the Magnuson Act, which would move this body out from USFWS to the NOAA Fisheries umbrella. He suggested deciding as a group which to pursue.

Phil Detrich added that any impetus for legislative action should come from the user groups. We need a holistic look at management in the basin production, restoration, and harvest. The current structure of groups doesn't do that very well. At the last Task Force meeting, we made a proposal to provide some evaluation and review of accomplishments and suggested a figure to them that they could approve in the budget. If this group wishes to have an evaluated piece, they should request that from the Task Force. Additional amounts to consultants and Staff would come out of the restoration funds. He added that if someone is brought in from the upper basin, he has a nominee in mind. Dan Viele stated that it's obvious that these choices need to be thought out. Dave Hillemeier stated that it might be useful for this group to form its own subcommittee to work with the Task Force subcommittee. He added that there is a need for this Council and for Task Force renewal, especially because we are focusing on more of a basin-wide idea.

Dave Bitts stated several logistical aspects to each reauthorization option. Paul mentioned that the upper basin folks have some desires and a broader representation and we've walked down this path the past few years. He doesn't think the Thompson bill eliminates this group, but it's good to get these ideas moving. A subcommittee needs to use the dialogue that has been discussed today to come up with an outlined approach to outreach to all of these groups we've discussed.

Dave Bitts asked about the funds available to support a subcommittee. Phil Detrich responded that the budget is on, annual basis, but yes, we would need to budget it out and look at the administrative costs and we might need to take from the restoration fund. He added that funds would also be needed for the development of an evaluation of a historical review piece.

Eric Larson added that this process needs to move quickly. This Council is viewed as an offshoot to provide information to the PFMC, whether or not this falls under the PFMC or the Klamath Act. We need to be explicit if we think this Council should be involved with issues other than allocation.

Paul Kirk stated that this is good dialogue and suggested having a public reauthorization subcommittee meeting at the next Task Force meeting. Keith Wilkinson stated that there is an election later this year, and irrespective of the outcome, appeals or presentations to the congressman might not be useful. This process could begin around this time in 2005 once things have settled down. Dave Hillemeier agreed about forming a subcommittee quickly and added that he doesn't think there should be several reauthorization acts; it should be a coordinated effort. An appealing aspect about becoming a part of the PFMC is that they have the responsibility to make comments if their fishery resource is being affected.

Jim Harp added that he has experience with forming groups to help shape the fisheries in response to deals cut behind closed doors, but he can say right now that the PFMC is not going to contribute a dime to the process. He described the North of Falcon process and how it is integrated with the PFMC. Dan Viele stated that the PFMC wouldn't need to take on all of the Klamath Council functions, but the Klamath Council could continue to be integrated with the PFMC. Curt Melcher added that when talking about allocation, we talk about the different impacts of the different fisheries. It's a huge process and it's amazing that it works.

Dave Bitts thanked Jim Harp for the summary of the North of Falcon process. He sees two legislative vehicles: 1) the Task Force reauthorization and 2) the Sustainable Fisheries Act. One of those bills will become the vehicle for reauthorization. Dave Hillemeier stated in regard to the Sustainable Fisheries Act, he assumes the PFMC has the

authority to develop a KFMC-type group. They might not have the appropriations for it, but it is possible. Dan Viele stated that he doesn't think that would happen. The North of Falcon process is supported by the PFMC, but not funded by it. Paul Kirk added that it would be a big mistake to not involve the public over the next few months of meetings. Keith Wilkinson responded that his comments were directed toward the federal actions. He agrees that the public needs to be involved locally and regionally.

Dan Viele stated that he would like to form a subcommittee. He asked if the states are interested in participating. He will attend the meeting, but won't Chair it. Curt Melcher added that he would like to be kept up to date and may participate, but will definitely make his higher-ups aware of the process. He added that the best pressure would come from the constituents and not bureaucrats. Eric Larson stated that California would participate as an advisory group, recognizing the importance of finding the purpose to continue. He stated that it would be difficult to obtain reauthorization if the scope only includes fisheries allocation. The focus and push will have to come from the interest parties and not from the agencies. The reauthorization subcommittee was formed and members include: Dave Bitts, Dave Hillemeier, Virginia Bostwick, Paul Kirk, George Kautsky, Keith Wilkinson, and agency participation. Dan Viele stated that he will try to attend meetings as well, but that he intends to retire soon, which is something this Council needs to start thinking about.

Keith Wilkinson stated that he would like to include the election of a new chair on the April meeting agenda.

**Assignment: Council will discuss election of a new Council Chair at April KFMC meeting.**

Paul Kirk added that he would like to explore the idea of having the subcommittee have a public meeting at the June Task Force meeting in Klamath Falls. He would also like to suggest Staff organize a public meeting for the October KFMC meeting. We need to have some determined locations and exchange of information to keep informed. Phil Detrich stated that Staff would organize the meeting in conjunction with the Klamath Falls meeting. Keith Wilkinson stated that he doesn't see the benefit to meeting with this Council in Klamath Falls when we will only be debating over our purpose and goals. Dan Viele suggested the subcommittee get together today and hash out where they will meet and lay out some meeting times. Conference calls are also a good way to communicate. Dave Bitts recommended adding an extra day to the June Task Force agenda if this subcommittee intends on meeting then.

**Assignment: Reauthorization Subcommittee will report on progress made and future meeting plans at the April KFMC meeting.**

**Assignment: Reauthorization Subcommittee will let Staff know when they are meeting so notice can be sent to the public via the public notice list.**

### **Agendum 11. Public Comment**

Ed Duggan, Trinity River Fishing Group, stated that this Council is very important to the recovery of our fishery and he would support reauthorization. The upper basin should be a part of this group because it will improve communication in both directions and that is what is lacking right now. This Council should exist until the fisheries in the basin are fully recovered. He added that as a TAMWAG member he would like to add that last year Judge Wagner granted Trinity supplemental flows. We have 19 members that represent all interest groups and we determined that 33,000 acre-feet of the water is tied to the Karuk Tribe and is reserved to reduce the chances of another fish kill. There were truly outstanding results. After 20 years of fishing on the Trinity River, he's never seen a return of salmon of that magnitude. Take could have been increased to 2 adults and 2 jacks and without creating an injury to the run of the salmon. We had a large number of in-river spawning. He stated that he wanted to re-iterate that so that the Council knows that the extra flow of water was critical to the river. Virginia Bostwick stated that Ed is correct in that it is as different as day and night up there. Dave Bitts added that there were about 30,000 hatchery spawners and about 32,000 wild fish, which is a lot.

Felice Pace, private individual, stated that the Thompson legislation badly needs to be rethought and rewritten. There needs to be an emphasis on agricultural water conservation. In the articles on water banking claims, USGS

said the water saving was 1/3 of what they claimed it would be. The new irrigation systems that extend the Scott Valley irrigation season are a mess. Those conservation programs are taking more water out of the streams. Water savings that the NRCS is talking about are only on paper and not real water. We need to urge Thompson to conduct a congressional investigation. It is unsustainable to rent water that they don't have a right to. Native Americans have best water rights and no one is paying them.

Felice Pace stated that he would like to comment on the spring Chinook comments (see agendum 12 handout). He noticed in the 2001 spring Chinook table that the total river harvest was estimated at 20,240 fish. We are hitting spring Chinook too hard by taking half when we know that the wild stocks are Trinity River hatchery fish. He asked CDFG why there is no number under "angler." We know that there are considerable numbers taken by sport fishing anglers. He said at the last meeting, CDFG, the Yurok Tribe, and KFA were advocating closing down the mouths of the creeks. CDFG maintains that the water is so high in the spring that Blue Creek fishing is impossible. He wants to encourage the Council to be active in advocating a larger closure for spring Chinook sport fishing. He asked that the Council please pay attention to spring Chinook and conserve wild fish. They will repopulate the upper basin.

Felice Pace stated that when he started working for the Yurok Tribe, the staff went up to Blue Creek on a day when there was a tribal fishing closure and there was one net on the river, and we told the guy to get it out of there. He did, but the river was full of sport fishermen and it brought home the point that they are managing our fishery here. He was personally impressed. Dave Hillemeier stated in regard to spring Chinook, 1/2 of that was harvested in August, so it begs the question of summer Chinook and fall Chinook. Virginia Bostwick asked Dave Hillemeier about the cut-off. Dave Hillemeier responded that it varies year to year and he doesn't know what it was in 2001. Felice Pace stated that he is trying to get a handle on the differences between a spring and fall fish. Dave Bitts noted that in looking at these two pages and given the past six years, 2001 stands out and I would be reluctant to single that year out as a characterization of spring harvest. Felice Pace agreed, but said it's a significant anomaly. Lastly, Felice Pace clarified that he is talking about the Thompson legislation that includes the reauthorization of the Task Force.

Troy Fletcher stated that he likes the concept of incorporating the KFMC with the PFMC and would support the fact that Council members have an obligation to raise the habitat issue as it affects harvest and other issues. In terms of evaluations, it is worth noting the impacts of other federal actions to this Council's ability to carry out its charge. It can be negated by poor decisions made by other agencies such as BOR. Lastly, it is clear to him after being a member of both bodies that there needs to be an umbrella over the upper and lower basin issues. Things don't get done like they should because of the lack of communication and the consensus process. Desired goals need to be clearly articulated in reauthorization. He added that he is in favor of an umbrella group and thinks Thompson has done a great job to start this. I was at some of the joint meetings and they were productive, but each group goes home and business continues as usual.

## **Agendum 12. Spring Chinook management issues**

### **Agendum 12 a. Technical Advisory Team report**

George Kautsky gave an update on the TAT and referred back to the table handed out as well as the histogram (see agendum 12 and 12a handouts). Phil Detrich asked who prepared the document. George Kautsky replied that this is a product of the TAT, but we might want to get a better handle on the members of the TAT. We schedule meetings for stock projection and those who choose to participate can, but for whatever reason, they don't. Phil Detrich stated that he is asking because we need to have some attribution on the documents that are handed out.

George Kautsky continued that the TAT has three activities that look at spring Chinook: 1) summaries of runs and harvest of spring Chinook, 2) looking at cohort reconstruction, and 3) the model. The tables are explicit in relation to time and size and that information was collected for the model. Dan Viele asked if there is size of age information for spring Chinook. George Kautsky replied no, fall Chinook data was used. The structure is there, but other information needs to be incorporated. He added that another thing from the fall Chinook model is reconstruction that took into account natural mortality and estimated an annual rate. The monthly time step was

added when calculating impacts, and it reflects actual population size. We incorporated as much as we could, and it has good framework. The team hasn't reviewed the fall Chinook model for a few years. An important element is what is natural in the cohort. This is not included in the reconstruction model, but the outline is a building block. He reviewed the handout and discussed what the reconstruction contained. He explained that to bring it together, the TAT started with a survey of available scales. Staff summarized and filled out what was available for historic scale samples. Funding from USFWS Yreka office was secured as well as a grant from BOR. The TAT is working, as time is available. The propriety of scales collected has come into question and it might be worth it to say that aging these scales needs to be supported by the Council. He welcomed comments. The TAT is still looking for upper Trinity spawning surveys, and the Salmon River is incomplete. Once this is complete, we will have the basis for informing cohort models.

Dave Bitts requested we included ocean impacts on spring Chinook. Something like this has been completed, but hasn't moved to the TAT yet. This would be based on assumptions that fall Chinook is representative of what spring Chinook would actually be like. Dan Viele clarified that there is a cohort reconstruction of spring river Chinook and from that, estimates of age-specific impact data is obtained. He doesn't know if this is valid because spring Chinook size is based on fall Chinook. George Kautsky responded that it shows the impacts and geographic features by month. Dan Viele and George Kautsky discussed the seasonal difference. Dave Hillemeier asked if size of age information is used to determine shaker availability and if fingerlings are being used in releases. George Kautsky responded yes. Dave Hillemeier asked if this information is available. George Kautsky replied that the information would be available in May and that data to recreate distribution of sizes for that age of fish is not necessary to determine what those fish may have looked like. Keith Wilkinson asked if the TAT has used the Rogue River springers as surrogates because there might be value in suggesting age curves. George Kautsky replied that he's not sure; we've examined the harvest management plan. Paul Kirk asked the reasoning behind the angler number going up on the mega table. Is there no fixed season for in-river recreation? George Kautsky responded that other years aren't monitored and there aren't any reports.

Jerry Barnes, Klamath River Technical Advisory Team, stated that he put this together using USFS and Hoopa Tribe data. He referred to the report that was distributed to the Council and stated that when looking at the mega table, we don't have springers at Iron Gate because of the influences from the hatchery. The mega table shows that the natural spawners are fewer than 36,000. A lot of those natural spawners are just spawning out of the hatchery, which is the definition of a natural spawner. There are almost no hatchery fish spawning in the upper Klamath River. Jerry Barnes referenced the natural populations in different river basins from the 2003 mega table. Dan Viele asked if this was based on historical surveys in August. Jerry responded that there are some spawning surveys conducted, but they aren't collecting in the fall; it's based on carcass recovery in the fall. Sarah Borok, CDFG, added that there are spring carcass surveys, but the results are not currently available. She added that the funding isn't available to do a full spring survey. Dave Hillemeier stated that the South Fork Trinity River hasn't been doing well for some time now. Jerry added that includes Hayfork Creek, which had more springers this year and more than the entire South Fork of the river. It seems that the spring catch on the Klamath is being partially counted.

Jerry Barnes reviewed some catch rates for the Yurok Tribe. Some of the data needs to be analyzed by the TAT. He asked if they are on the table as spring Chinook. They are being caught in the lower river in August, but they are diving into the upper river in July and August. Neil Manji stated that the numbers from the Yurok Tribe start the third week of July. Dave Hillemeier stated that the Yurok Tribe monitors all year round. This number includes all spring Chinook that we've tagged during August as well as April, May, June, and July. Jerry Barnes said that he thought surveys were conducted from the third week in July and on, and the 2,200 fish were included in the total 6,690. Dave Hillemeier stated that during some of these recent years we've had substantial harvests, but 2001 springers were caught in the first week of August. It seems to be a technical issue that needs to be addressed. Neil Manji stated that the Task Force funded guides on the Salmon River to follow the fish through to get an idea if it is incoming of early fall or late spring. There is another push of fish in August and they are not necessarily Trinity hatchery fish. We are getting more data on the run-timing of fish and where they are going and when. There was some stock from the natural stock assessment. Dave Hillemeier noted that in talking to fishermen and looking at belly walls, the fish have a higher fat content than those caught in late August.

Dave Hillemeier stated that the Council needs to talk long-term about where to go with spring Chinook. Dan Viele recalled that there is significant work to be done on this, and some other entities would need to help with the workload. Oregon might be able to help out with the spring Chinook effort. A problem with our TAT is that there are only five members doing all of the work. Making progress on this seems difficult until we get some more participation on the TAT. Neil Manji asked if there is still a placeholder in the PFMC process for Klamath spring Chinook management. Dan Viele said yes, the list of managed stocks was added to and spring Chinook was included at that time (NMFS said one ESU was required for spring and fall Chinook), but as a result spring Chinook were ambiguous in the basin and both tribes supported them as a non-listed stock with no management for them. Dave Hillemeier said he thought the Hoopa Tribe was getting close to the stage of assessing harvest impacts. Dan Viele stated that if management tools are developed, he urges the TAT to integrate methodologies with facts into the KOHM because we need to build on this model. Neil Manji added that we've talked about fine tuning the KOHM. If the Hoopa Tribe and Jerry take the spring run forward then we'll have the initial core to go forward with this. George Kautsky added that this shouldn't be a surprise to the Council. Back in March 2003, we advised the Council to develop management recommendations for spring Chinook. Dan Viele stated that if there is anything that he, as Council Chair, can do in terms of correspondence, let him know. George Kautsky responded that we need participation in the TAT. Neil Manji said that he knows that CDFG has some scales that have not been provided for this effort. He will make an effort to get the TAT the information.

**Agendum 13. Klamath Ocean Harvest Model revision and allocation of non-Tribal harvest of fall Chinook (Discussion on Wednesday, March 3)**

**Agendum 13a and 13b. TAT modeling assignment results and discussion of Harvest Allocation Work Group procedures**

Dave Bitts asked if fundamental changes to the model changes the meaning of the numbers the Council had agreed to. The difference between what was actually being taken and the 17% became a buffer of some sort for the troll fisherman. The new model more accurately reflects what is actually caught. He asked if the 17% is still an accurate reflection of the ocean allocation or if a new number is needed to better represent it. He is concerned about continuing to use the 17% without evaluating the difference between the new and old model because of possibly increasing the fish that are allocated to the sport fishers without realizing we were doing that. Dave Bitts asked that a modeling exercise be conducted to determine if this concern has any basis.

Dan Viele tried to clarify what Dave Bitts' concerns are. He doesn't feel that characterizing the 17% as a buffer is accurate because there are other buffers in the model and we don't want to confuse that. He added that he is not sure if the old KOHM was used. Paul Kirk added that weather affects the opportunity to get out on the water and that affects the 17%. Dave Bitts stated that the weather is a factor, but it is a factor to the trollers as well and the new model considers weather because it considers effort. Every year, it recollects that year's weather and abundance of fish, which takes care of the weather issue. The Council members discussed weather and how the model takes it into consideration. Dan Viele urged Council members to get together with the TAT if they have questions about the KOHM. He would like to move forward on this agendum item to discuss if the 17% allocation is appropriate. He asked Michael Mohr to describe the model exercise.

Michael Mohr stated that the TAT assignment was to run the KOHM to examine the projected harvest at full fishing. After running it, we realized that one big issue was the zone troll fishery in California, which is closed, and the effects of opening it can't be predicted. Old data was used, so the projected troll was very high. Michael Mohr asked Dave Bitts if the intent was to have that troll fishery open. Dave Bitts responded no, he is interested in relative harvest between the sectors. The only thing that wasn't open last year was the Fort Bragg troll in June. Dave Bitts suggested that a much more understandable and realistic scenario would be to use last year's numbers, but open Fort Bragg in June. The findings from the first exercise recognized that last year there was basically open fishing. Michael Mohr stated that in trying to figure out the 17% issue, last year was a full season and the numbers were 13-14%, which indicates that if more is added to the troll fishery, it will increase the harvest on the troll side and lower the KMZ recreational harvest as a percentage basis. The 13 or 14% indicates that even with full fishing, the model suggests that the relative harvest is closer to 14%. Michael Mohr stated that he is suggesting that last years numbers give a good idea without doing anything extra.

Curt Melcher clarified that the central coast was closed for a few days in July and August. Dan Viele stated that in discussions with Dave Bitts and Michael Mohr, his understanding was that there was an assumption made that the KOHM was originally used in the allocation process. He doesn't think we need the KOHM to do that, because the reported landings in various areas can be used. 15% went to river recreation, and when looking at the total share of the non-tribal share the KMZ and river recreation numbers are identical. Dave Bitts stated that his recollection from those days is that our intent from the beginning of the process was that as abundance changed, fisheries would be expanded or restricted based on seasons so that there was an effort to determine what proportions were appropriate to maintain based on historical proportions. Keith Wilkinson stated that it was not done this way; numbers were established before the KOHM. The total recreational fishery was 18% and was adjusted down at some point. The problem is that the zone recreational fishery has been constrained over the years and the Council was finally successful in eliminating the quota procedure and prevailed under the argument that the quota fishery was a negative impact to the community. He doesn't see any compelling evidence to make any effort to change the 17%. Paul Kirk added that 1985 was a full fishing year and then the punch card became a reality in the zone. Paul cited numbers from different seasons and the success of the seasons. He highlighted the progression and the credibility of decisions made at the KFMC table.

Dave Bitts stated that the Council has the report from last year, which was a good ocean fishing year. Numbers from the model could change significantly based on effort. He asked what would happen if the numbers go down significantly next year and if the punch card is still in effect. Paul Kirk responded that the punch card is still in effect in California and Oregon.

Dan Viele summarized that Dave Bitts' original concern about the adoption of the new KOHM having effects on allocation numbers is not a concern. Allocation issues are still the main reason this Council exists and if Dave wants to revisit the 17% ocean share or any other share, the Council can do that, but the reason behind doing that wouldn't be because of the KOHM. Dave Bitts added that he is still uncertain and hasn't been able to clearly state his concerns.

#### **Agendum 14. Public comment**

Jim Waldvogel, Klamath River Technical Advisory Team, noted that the spring Chinook management issue was on the Council's agenda a few years ago. It stated that spring Chinook is a species that needs to be managed by the Council. This should have been taken care of a long time ago. This Council made a motion that no fish were allowed unless they were monitored. He added that this is long overdue and encouraged the Council to work to get this worked out as soon as possible.

Ed Duggan, Trinity River Fishing Group, presented two handouts (see informational handouts 9 and 10). This season, the ocean fishermen were granted a generous number and we have been taking the brunt of this. During the ocean harvest season, the sport and commercial fishermen were unable to get out due to bad weather. He stated that he is concerned that the un-harvested salmon were not switched over. The in-river fishery was kept to 1 adult and 2 jacks and there was an excess that was not harvested by the sport fishermen and the CDFG could have raised those numbers. Salmon and steelhead fishing brings in \$1.3 million to the Klamath and Trinity communities and had the take been increased, it could have possibly brought in another \$300,000 to the community. He recommends that this Council make a strong recommendation to increase take if these conditions happen again. The current numbers make it difficult to keep the fishing community involved.

Ed Duggan stated that his second item of concern is the Trinity River hatchery and coho salmon. As of February 24, 2004, 1,128 fish were counted as a return to the hatchery. The hatchery needs 1.2 million eggs to meet their quota to account for disease and non-fertile eggs. 2002-2003 had a return of 3,800 fish and they only need 1.2 million eggs. We've had a surplus return and this is over and above what is needed. The surplus is killed off or thrown away. We, the fishing public, are paying for these fish, so why can't we keep a hatchery coho? He would recommend one coho per day with a limit of three to five coho per season be recommended to the PFMC and CDFG. Curt Melcher asked if this is for the in-river fishery. Ed replied yes. Neil Manji added that a lot of this stuff has to do with the Fish and Game Commission issue and the Trinity River coho issue. The state of California

has listed coho as threatened and endangered in the two areas, so that will be an issue. There are other issues regarding changing take numbers mid-season based on ocean harvest ability. This has been brought up in several venues, but a mid-season adjustment by year class is needed to be able to project the fishery. If we can't get that information in time, it will be difficult to make an in-season adjustment.

Dave Bitts stated that we've given up trying to get in-season adjustments and haven't gotten anywhere with the PFMC on that. However, there have been attempts to adjust fishing opportunities in the river based on what is coming into the river. Ed said he believes it is a difficult process, but Oregon and Washington have done some of these things. Commercial fishermen are in harm's way and that's not right. In response to Neil Manji, he agrees that it is difficult to get that information, but it is available. CDFG has shut the rivers down and it can be done in mid-season. He thinks there are ways to make some pre-conceived notions because of the accurate modeling done on the ocean fishery. Ed Duggan added that he's not saying it should be done every season, but it gives the sport fishermen a chance to recover those fish, which is important for the economy and benefits tribes. He mentioned how fishermen eat on the reservations during fishing season and asked that the Council please take these things into consideration and present them to the PFMC. Dan Viele added that there would also have to be adjustments for good weather conditions if adjustments are going to be made for bad weather. Virginia Bostwick recalled one year when the tribes and sport fishermen were closed down and CDFG consulted with the Council and we recommended they not re-open because we had made that agreement. It's not that there are fish there and we have to catch them, it's that we've made an agreement amongst us. Dave Bitts added that he doesn't want his fishing days shortened. The process should be kept the way it is. Keith Wilkinson stated that he has been involved with the Council for a long time, and when it started we discussed how we might address this issue, and when we finished there was no way to address the issue. We concentrated on modeling efforts and hoped to eliminate best we can the concerns. Ed Duggan clarified that he is concerned about the Chinook harvest. Guides on the Trinity River have said that they have only caught four coho in ten years of guiding on the river. They are hard fish to catch. He summarized by saying that he doesn't understand why we can't harvest a few hatchery coho per year. It could create a new fishery for in-river fishing.

#### **Agendum 15. Report on 2003 salmon returns to the Klamath River**

Sara Borok, CDFG, gave a presentation on in-river fall run Chinook estimates for 2003 taken from the mega table. The 2003 basin run was the 7<sup>th</sup> largest in the last 26 years. Harvest was slightly above average, the season never closed, and there were the second largest hatchery returns. There were a total of 191,000 fish in the adult run. There was a large Trinity River hatchery run, but a low run on the Klamath River except for the Shasta River. The rest of the Trinity basin was slightly above average. Iron Gate hatchery was slightly above average, and Bogus Creek had a higher run and a lower grilse percentage. The percent hatchery component was about 13% in Bogus Creek. The Shasta River had a low return and the Scott River had a large run, where fish were almost all the way to the Scott Valley. The Salmon River run was decent. Sara Borok listed the hatchery percentages. She summarized that 2003 had the 7<sup>th</sup> largest run since 1978, tied for the second lowest return of grilse, 32% returned to hatcheries, and the majority of Klamath tributaries were above average.

#### **Agendum 16. Reports on 2003 harvests**

Dave Bitts reported that the ocean commercial fishermen had a good season. We had to go offshore in May and June to find warm enough water for salmon. We were fishing closer to shore in July and August. 150 fish/day at Fort Bragg is unexpected, but not many fish were caught below Pt. Reyes.

Virginia Bostwick reported that the in-river sport fishing community did not experience any closures. The estuary backed up and became a lake, but everyone had a good season. The lake people had a good season.

Dave Hillemeier reported that the Yurok Tribe did not experience any closures except the coho closures. This increased interest and demand in the commercial harvest along the Pacific coast. It was a very positive season.

Paul Kirk referred to agendum 15 handout. He compared the last few years of salmon angler trips and stated that this shows that angler trips were down due to weather and location of fish within the zone even though the season

was expanded. He stated that this ascertains that fish were out deep and the natural occurrence of bad weather kept people off the water. A lot of big fish were caught in deeper waters.

Keith Wilkinson referred to page 5 of the report (see agendum 15 handout). He stated that Oregon was curtailed by weather. Brookings had pre-dominant return in the zone; Winchester Bay was a big delivery for the recreational fishery. The trollers had a robust season; Newport led the way, along with Coos Bay, Tillamook and Brookings. He added that there is a strong feeling in Brookings that they are hurt by transferred effort to Charleston Bay. He is sure it will be part of the allocation discussion.

George Kautsky reported that the spring and fall Chinook numbers were about the same. There were no closures for the Hoopa Tribe and no fish kill effect either, which made for record catch per unit effort. The Hoopa Tribe monitored the recreational fishery from below Oak Creek weir and creel samplers came up with 400 adult Chinook retained and 500 adult Chinook released.

**Agendum 17. In-season prediction of river recreational harvest 15, 16, 17 all together**

Sara Borok reported that there was not an upper river creel census. A model was used to put the number into a table. Sara presented results and showed 1999-2002 percent cumulative average of adult Chinook harvest in the Klamath basin by week.

**Agendum 18. Possession and landing limits in the Klamath Management Zone and Fort Bragg**

Dan Viele stated that this agendum item has to do with cross-porting fish and confusion about the regulatory language developed during the 2003 season. Eric Larson added that we will deal with this at the PFMC meeting and will hopefully change the language to make it enforceable. Dave Bitts stated that if it's an issue within the California patrol, we should be able to work it out without taking it to the PFMC. Eric Larson responded that it has an impact on the hardness in Klamath fishery management. It is related to this body, but is an issue to be dealt with outside of this body. Dan Viele added that cross-porting the fish has the potential to become more serious and establishing contact areas that are not reflected could have serious consequences.

**Agendum 19. Report on 2004 fall Chinook stock size projections (TAT)**

George Kautsky reported that two TAT products are the ocean abundance projections and Klamath River age specific escapement (see Agendum 19 handouts). They relate the observed river returns of age to the estimated ocean abundance of the same brood year following. He gave an example that abundance of age 3 fish this year depends on the amount of age 2 fish that left last year. George Kautsky read from the report about forecast for ocean stock size for all age returns.

George Kautsky stated that the executive summary of the age-specific escapement document shows that the age 2 run had 3,845 jacks and is the second lowest jack return since 1981. The age 3 return is among the top seven. Age 4 data will be presented next year. George Kautsky mentioned that the age-specific Klamath run report has a lot of information that he won't talk about today, but it represents a major commitment by the TAT and its agencies and NGOs.

George Kautsky continued that the second table estimates that the preseason run size is about 1.7 times the forecast, the tribal harvest is down, the recreational harvest was down, and drop-off mortality was down. Numbers were two-fold the projected spawner escapement. He stated that the bottom line of report (summarized in table 1) is that various recovery areas are listed and further decomposed into sub areas. Each recovery area row is broken out into age. The age 2 columns shows the Klamath River was under 4,000 fish and total escapement is 195,400.

Keith Wilkinson asked if anybody has an explanation for table 1 where it states that Iron Gate has age 5 fish and the Trinity hatchery has zero. George Kautsky explained the probability of finding the different ages at each hatchery. Keith Wilkinson stated that his concern is that age 5 fish are so distinguished. George Kautsky agreed that this was a good issue. He reminded the group that these samples are systematically sampled. Wade Sinnen, CDFG, commented that the drop-off mortality rates were a global change. Dave Hillemeier added that the Trinity River hatchery had a giant run of Klamath River fish. Wade Sinnen replied that they had a two-week closure, but other

than that, he's not sure. It is typical to have a lot of spawning occur below the hatchery. George acknowledged all of the effort that went into the document.

George Kautsky reviewed the next document: Ocean Abundance Projections (see agendum 19 handouts). Natural spawner escapement is anticipated and that is held to the PFMC standard. The executive summary section shows that the 2003 post-season forecast showed less ocean abundance than there actually was. Ocean harvest rate is different than the forecast as well; it's greater. Because of low age 3 return rates, the 2004 forecast shows 73,000. This page explores some scenarios: 1) escapement if there were no fishing, and 2) 2/3 spawner rate and natural escapement of adults. Objectives for management would fall between the maximum rate and four. Scenario C results in-river recreational harvest of 3,400 adult Chinook.

George Kautsky reviewed the analysis and methods based on sibling relationship in table 1 and figure 1. They are used to forecast ocean population size based on run size of same brood year. Ocean population size can be predicted from each of the year's regression lines. The objective is to decipher the proportion of fish that will return to their natural areas. We asked if the hatchery is excluding fish and we observed that the hatchery is affecting our analysis. Data we use is clean and avoids those years with those practices. Michael Mohr reviewed the KOHM report. He stated that the three scenarios correspond with appendix a, b, and c. He thought these were informative and didn't want to make any assumptions.

Dave Bitts stated that it is appropriate to point out that the ocean harvest rate is very close to the floor but there is a big difference in river recreation. He thanked the TAT for providing this information so early in the process. He called attention to exercise B and stated that those were last year's regulations. Michael Mohr added that there is a different fall harvest for the two years. Dave Bitts stated that it seems that all of the fisheries need to be modified from last year's regulations. Michael Mohr agreed. Dan Viele asked Michael to review choice for in-river recreation. Michael responded that in looking at last year's ocean scenarios, rather than using last year's river allocation of 26%, he used 15%. As an additional illustration, he thought the Council would be interested in seeing something that would meet the floor and reduce the recreational fishery. Dave Hillemeier asked what changes to the model have been made in regard to last year. Michael responded that changes have been made everywhere. Council members asked questions regarding the scenarios presented.

The group took a break to review the agendum 19 handouts.

Dan Viele distributed two additional handouts (see agendum 19 handouts); post 2003 season analysis and a 2004 preseason forecast. He asked Michael Mohr to briefly describe them. Michael Mohr reviewed the 2003 document and stated that this is attempting to show what the effort predictor was in the troll fishery last year and what the actual outcome was. He explained the color-coding. Last year's data will be included as a new data point to inform our prediction as well. The 2004 predictor has all of these data points rolled in there. Michael Mohr explained that there is also one of these analyses for the recreational fishery and that the same process is used to estimate forecast for this year.

**Motion by Eric Larson to adopt the Klamath River Fall Chinook Age-Specific Escapement, 2003 Run and Ocean Abundance Projections and Prospective Harvest Levels for Klamath River Fall Chinook, 2004 Season.**

**Seconded by Curt Melcher.**

**Motion passed unanimously.**

**Assignment: Staff will post the age composition and stock reports in PDF form on the Council website.**

#### **Agendum 20. California Fish and Game Commission update**

Eric Larson reported that he presented the Commission's request that the in-river allocation be 15%. The Commission adopted a change in regulatory policy and assigned limits to recreational boats and party boats. This is not yet in effect due to the change in California governors. The Office of Administration is currently reviewing it and there are some concerns that federal law does not allow for boat limits in federal waters. NOAA Fisheries

intends to enforce the federal law. CDFG will enforce boat limits until there is a change in the federal law. Curt Melcher asked if this includes marine areas. Eric Larson replied yes, in ocean waters. Curt Melcher added that Oregon made this regulation effective a few years ago. They were sensitive to party fishing and chose regulations in green areas, which allows an angler to be able to catch one fish, which promotes everyone fishing for themselves. Dan Viele recalled that it got messy at the last PFMC meeting, when a request was made for the state to comply with federal regulations. Bringing this compliance together is tough. Eric Larson stated that there is a difference within the authority of the Commission on how to approach this. There is also concern with party boats, so they put it together as a packet to come up with a good method. Party boats are not a commercial venture, that's what made it work. Dan Viele added that he looks forward to some sort of solution.

#### **Agendum 21. ESA requirements for 2004**

Dan Viele reported that there are several ESA listed stocks of salmon and NMFS has special ESA requirements to go through Section 7 consultation. The listings that affect California and Oregon are coastal Chinook. There are no good indicators for impact rates, so Klamath fall Chinook are used to examine this. Maximum impact rate is 16%, which is less than last year. He recognizes that the new KOHM vote may relieve some of the biases in the old model. It's possible that the old model had a negative bias. NMFS has no special requirements this year in respect to coastal Chinook.

Dan Viele continued to report that Sacramento winter river Chinook are endangered. A two-year interim was in place to accommodate the anticipated length of time to come up with objectives. A group was formed to form recommendations and they have not yet done that. NMFS will produce a biological opinion in time for the 2004 fisheries to start. Requirements will be similar to the 2002 opinion with more fishing at the beginning of the season and size limits going from 24 to 20.

Dan Viele reported that the southern Oregon and northern California coho listing will not change. No retention of Central California coho will remain in place. Curt Melcher asked if the no coho retention is only for the central California coho. Dan Viele replied that it was a single opinion for all coho and it is the 13% combined with no retention for central California coho. Eric Larson reported that the Fish and Game Commission approved freshwater and marine coho as a listed species.

#### **Public comment**

Rob Deary, Brookings, OR, reminded the Council that options that come forward from this meeting are strictly preliminary. He would like the Council to mind the 50/50 split option.

#### **Agendum 22. Action: Develop a range of options for the 2004 management season, for discussion with the Salmon Advisory Subpanel and presentation to the Pacific Fishery Management Council**

Keith Wilkinson stated that Oregon industry is not prepared to agree to the options or the range of options presented by the TAT today. He needs longer to think about it with his constituents. The KMZ Coalition of California and Oregon have agreed to a May 15 season start date for recreation in the zone.

Dave Bitts agreed that he would like to think about the TAT's presentation and talk to some of his colleagues as well. He offered a suggestion to avoid the larger fish to reduce impacts. Curt Melcher stated that Oregon industry is interested in those discussions. It is something that we'd be interested in doing because we need to look down the road at the age 3 limitations. There seems to be a change in maturation schedule with those jacks that is not reflected in the historic models. Keith Wilkinson suggested having the state meetings prior to the KFMC meeting on March 8. Dan Viele suggested the Council try to develop some recommendations regarding measures to survey fish. Keith Wilkinson and Dave Bitts both agreed that before proceeding with recommendations for larger fish, size of age information for the Klamath fishery is necessary.

Eric Larson stated that it sounds like the Council may be leaving this meeting without recommendations. The Council can at least move forward with the 15% in-river and sport fishery recommendation and Keith's May 15 start date. Dave Bitts stated that he would support moving forward with that 15% recommendation for the in-river and sport fishery.

**Motion by Virginia Bostwick to accept the California Fish and Game Commission recommendation that the in-river recreation fishery share be set to at least 15% of the non-tribal share.**

**Seconded by Dave Bitts.**

**Motion passed unanimously.**

Dave Bitts stated that he is prepared to go through with the KMZ recommendation for the season to begin on May 15<sup>th</sup> without interruption at least until Labor Day weekend. Keith Wilkinson said he appreciates Dave's efforts, but the coalition needs to further examine how to move forward. Curt Melcher added that Paul Kirk needs to be present for the discussion as well. Keith Wilkinson added that the coalition will be meeting this evening and will most likely make a motion for recreation fishing tomorrow.

Curt Melcher mentioned a potential issue that the Council will have to deal with. The Klamath Coalition is talking about selective coho opportunities in the Brookings area. The fishery has been closed for 12 years, but there is selective fishing going on to the north. Oregon is discussing possibly opening it up for opportunity. George Kautsky stated that this is the first he's heard of the concept and a technical presentation is needed to help clarify the options. Eric Larson cautioned that there will still be zero retention for California and this could facilitate problems for fishermen venturing south of the border into the KMZ.

#### **Public comment**

Jim Waldvogel, Klamath River Technical Advisory Team, noticed that there were 1,600 fish caught in Oregon and 55-60% of the impact was on California fishery. He does not buy into that. Allen Grover said that is correct; 659 fish were caught and 113 were observed with tags, all of which were from the central valley. Eric Larson added that CDFG has established random sampling, so there is potential for missing fish even though the methods are standardized.

Roger Thompson commented on structure and that we agreed to start the season on May 15 and that is important. On the coho portion of the season, two fish per day can be counted in California and 20 fish per season in Oregon. We've seen a number of people going north and south. People in the zone south of us caught a lot of fish. It would help the economics in Brookings if people could fish coho.

#### **Wednesday March 3, 2004**

8:00 am. Reconvene

Dan reconvened the meeting and said he'd like to revisit the motion from yesterday to recommend 15% share for the in-river recreation fishery. He asked Eric Larson to repeat the Commission's recommendation. Eric Larson stated that it is in line with what the Council adopted yesterday; to provide a minimum of 15% in-river allocation. Dan Viele asked if he meant model 15% and any additional would be given to the recreational fishery. Eric replied yes. Dave Bitts noted item 22, exhibit e-52 from last March. There are two parts: a statement on river recreation allocation, which clarifies our intent and 2) the resource revitalization is the same as what was recommend to the PFMC in April 2002. He suggested that we repeat those recommendations this year as stated in this document. Eric Larson stated that the point in doing this is that we have to go through the modeling process and it is not clear if we'd have to change it or not. He's concerned that the Council agreed to a model run that was not at 15% yesterday. Dave Bitts stated that the only circumstance in which he'd support less is if the ocean fishery has a share that it can access and is not constrained by its stocks. Eric Larson said he is assuming that next time the Council meets, modeling decisions will be made and the Council can work with the results.

#### **Agendum 22(continued). Action: Develop a range of options for the 2004 management season for discussion with the Salmon Advisory Subpanel and presentation to the Pacific Fishery Management Council**

Keith Wilkinson reported that the coalition met last night to review the information presented by the TAT. He made a motion for a May 15 – Sept 12 season, open 7 days/week, 2 fish/day. Paul Kirk seconded the motion.

Virginia Bostwick asked if there were closures in July last year. Keith Wilkinson said no. Eric Larson asked if this

is in the KMZ because it is relevant to two fish per day and if there is a possession based on California regulations. Paul Kirk replied that it would be in the KMZ, similar to last year's dates, season, and management structure. California ocean recreational fishermen are in concurrence with Oregon and this is the coalition's first stab at moving forward in this discussion. Keith Wilkinson replied to Eric Larson that the state regulations apply to the possession question. Eric Larson asked if possession limits are included or if state regulations stand. Keith Wilkinson replied that possession limits are the same as was indicated in the federal regulations; open 7 days/week. That complies with California regulations and is the first week that the zone recreational fishery in California or Oregon has not been constrained.

George Kautsky stated that there is a problem with the notion of modeling. He is concerned with the Commission action to adopt boat limits and how that would affect the tribes' angler days. The databases are based on a different set of principles in regard to possession and I'd like to see a technical analysis in regard to the shift to boat limits.

Keith Wilkinson would like to point out that this proposal for modeling is within the zone and in California there are more charter boats operating in the zone than in Oregon. Eric Larson said he would like to point out that the movement applies to party boats as well. Our analysis indicated that we would not see an effort level shift based on this change.

Dave Bitts stated that he is reluctant to put this recommendation forward in the absence of troll fishery recommendations. There are constraints in ocean fisheries this year relative to last year because of the credit card debt. The message this recommendation would send is that the KMZ sport fishery is harmless and others will pay the price. Curt Melcher asked if the long-term allocation to the KMZ sport fishery is something the Council recommended. Paul Kirk replied that the Council agreed to this a number of years ago. Curt Melcher stated that the zone sport fishery is at 13% and is well within what the Council set at 17%. Dave Bitts replied that the 17% is likely to be an issue. He asked if the Council inadvertently reallocated the fish between the ocean fisheries with the 17%.

Paul Kirk stated that he needs clarification on boat limits from the Fish and Game Commission. Eric Larson clarified that unlike in Oregon where passing poles is permitted, two fish can be landed as long as you step off the boat. Paul Kirk asked if the catch would be designated on a punch card. Eric Larson replied yes, you can land the fish, hand the pole to someone else and they can punch the card. Paul Kirk asked if there will be an educational process when this regulation is accepted. Eric Larson replied yes, there is a good process because boat laws do not apply in the federal law, so that makes it more confusing. It is not the intent to change the federal regulations. Dan Viele stated that the Council needs to be mindful of this impending regulation because we are making recommendations to the PFMC who makes recommendations to the federal regulations and currently there aren't boat limits in the federal regulations.

Dan Viele reminded the Council that there is a motion on the table. Keith restated his motion regarding the fishing season. He added that Dave Bitts indicated that he is not willing to support the motion, but he points to agenda item 13, so maybe the Council should get to that so that his concerns can be clarified. Keith Wilkinson tabled the motion and stated that the Council should clarify the concern of the 17% allocation to the zone fishery. Paul Kirk stated that he's never known anyone to not support the model. Eric Larson reminded the Council that they did not make a trolling recommendation last year.

Keith Wilkinson brought his original motion back to the table. Dan Viele seconded the motion. Paul Kirk stated that he would like to give the public time to comment if the Council is going to take action on this. Dave Bitts stated that he is still not happy going forward with this when we're not willing to discuss the other pieces of the puzzle. He will not support the motion.

#### **Public comment**

Jim Waldvogel, Klamath River Technical Advisory Team, recalled that the consensus problem has come up for many years and we can take it to the SAS if that is what the Council wants to do. This Council should try to come to consensus here today.

Roger Thompson stated that there is a conflict between commercial and recreational fishing. Commercial fishermen make their livelihood out of catching fish. Commercial fishermen will go wherever the fish are and sport fishermen won't chase fish. To get back to the weather issue, various conditions cause different things. Three years ago, Oregon reduced our credit card from 40 to 20. Biologists have said that people rarely catch that many fish. He asked the Council to consider the commercial fishermen's livelihood when making decisions.

Eric Larson moved to table Keith's original motion since consensus cannot be reached. The Council can discuss this in Tacoma. He would like to recommend that the Council go ahead with a statement that we'd like to see no greater than 17% allocation for the sport fishery and an opening date of May 15 in order to assure the sport fishing industry. Phil Detrich asked for clarification that the purpose of the motion was for modeling. Keith Wilkinson said yes, because even though the modeling seems to be complete, there are usually slight modifications. Paul Kirk asked the TAT if this request is modeled would the 15% from last season be used to determine how the modeling exercise would allow this recreational season. Michael Mohr said this is the case if no other specifications are given. Dan Viele asked if this is a request to the STT. Keith Wilkinson responded that this will be forwarded to the PFMC through the SAS for modeling purposes.

Eric Larson stated that the Council is being naïve if we think we're forwarding it to the PFMC without it being part of the options. We are setting it up to be part of the options. It might be that things will change through modeling, but if it comes out of the KFMC, it is basically an option. He asked Michael Mohr about option b, which includes the sport fishing options. Eric Larson stated that he would not obstruct moving this forward as an option, but we need the other parameters in place before moving forward.

George Kautsky agreed with Eric. The agenda item instructs the Council to develop a range of options. If this is really an option, I would ask the makers of the motion to amend it to include the effects of changing regulations to allow boat limits as described by the Commission as well as the need to model those effects.

Paul Kirk stated that this is new data, so the Council has in the past proposed some range of options to get something started in the model. He reminded the Council that if they hold off on agreeing to recommendations until Monday in Tacoma, fast decisions will have to be made. Waiting until next week also gives folks an opportunity to talk with their constituents. Dave Bitts stated that his main concern is that the Council is not prepared to discuss the troll fishery, but they are ready to present the sport fishing recommendation. He will be prepared to offer a motion for the modeling exercise in Tacoma and it will include all of the fisheries.

Keith Wilkinson added that as maker of the motion, he understands that the boat limits are an issue, but it shouldn't be coat tailed on this motion. He declined the friendly amendment. Eric Larson said he agrees that the boat limit issue should not be attached to the motion, but he urged the Council to consider a motion that allows the PFMC to address the issue and how it might affect the KOHM. He reminded the Council members that they are supposed to develop allocation recommendations for the Klamath fishery and not the entire fishery. That is the jurisdiction of the PFMC and we need to let them work out the details of how our season will look based on our recommendations.

George Kautsky stated that he can make a separate motion to address boat limits, but the Hoopa Tribe is concerned with the conservation of the resource. We've talked about buffers and we set aside our concerns with those because of the KOHM. Yesterday, we were told the state is going to change the context in which the fishery is operated and we are not clear on what those impacts would be.

Dan Viele asked the Council for other motion suggestions. George Kautsky made a motion that the Council recommends or requests to the PFMC that the SST evaluate the effects of the proposed change in regulations by the California Fish and Game Commission in regard to boat limits on the accuracy of the KOHM in predicting California sport fishing impacts. Dave Bitts seconded the motion.

Dan Viele asked for any discussion on this proposed motion by George Kautsky. Dave Hillemeier stated that the SST wouldn't have time to deal with this. He suggested the Council's TAT address the issue. Dan Viele added

that he doesn't think the direction of the motion is clear enough. Are we asking that SST evaluate effects of boat limits if they were adopted for federal waters? George Kautsky responded that the KOHM covers 0-200 miles; he didn't anticipate further defining this motion.

Eric Larson stated that he would like to introduce a friendly amendment because recreation is a complicated issue. Eric Larson made a motion for the Council to couch this as an expression of the Council's concern for potential impacts on the California recreational fishery and suggests to the Council that they assign the TAT to examine the model to make sure the change in regulations are reflected. Dan Viele stated that he supports the motion because the first step needs to be a decision by NMFS with respect to what will happen, and then we can decide if we want to ask for a modeling exercise. George Kautsky clarified that he did not intend for the motion to include a modeling exercise, just a review of the model we have. He is happy to accept the new friendly motion.

Eric Larson stated that George Kautsky is concerned about people who have a hot rod are able to fill others' limits and then there might be more fishing. CDFG's analysis shows that this was already occurring on party boats and although there may be some increase in take, CDFG does not feel it is significant. However, the motion was put on the table and he doesn't object to a more thorough evaluation by the PFMC.

Eric Larson restated the friendly amendment: The council recognizes that the change in the California recreational fishery regulations from bag limits to boat limits, as well as recently modified regulations in Washington and Oregon, may affect the ability of the KOHM to accurately predict ocean recreational fishery impacts. The council recommends to the PFMC that existing models be reviewed to assess their sensitivity to these regulatory changes. The friendly amendment passed unanimously.

**Motion by George Kautsky that the SAS evaluate the effects of the proposed change in boat limit regulations by the California Fish and Game Commission and the accuracy of the KOHM in predicting California sport fishing impacts.**

**Seconded by Dave Bitts.**

**Amendment by Eric Larson that the Council recognizes that the change in the California recreational fishery regulations from bag limits to boat limits, as well as recently modified regulations in Oregon and Washington, may affect the ability of the KOHM to accurately predict ocean recreational fishery impacts. The Council recommends to the PFMC that existing models be reviewed to assess their sensitivity to these regulatory changes.**

**Keith Wilkinson called for questions.**

**No abstentions.**

**The motion and friendly amendment passed unanimously.**

Dan Viele asked for comments from the Council. Curt Melcher stated that because Oregon and Washington have adopted similar regulations, he doesn't share the concern and has a hard time supporting the amendment. The council discussed the friendly amendment and the federal impact of the changes. Eric Larson repeated that he understands the issue at hand, but this is now state law. This council and the PFMC need to make it part of their evaluation process. Keith Wilkinson called for questions. The motion and friendly amendment passed with no abstentions.

Dave Bitts made a motion that the Klamath Council recommends the minimum 17% share of the ocean catch for the KMZ ocean recreational fishery. Keith Wilkinson seconded the motion. The Council discussed the language put forward by Dave Bitts and decided to hold off on the recommendation until more information is available. Dave Bitts withdrew his motion.

Paul Kirk asked that the Council take Keith Wilkinson's earlier motion regarding the recreational season off the table. He added that this motion gives specific dates and there is a cost per date. We have credit card debt, but we have to have a starting point to understand what the effort cost will be. When we get this information, we will do what we have to do to fill in the model to give us full opportunities to access the fish. Dave Bitts stated that he still doesn't understand how this new proposal is different from last year. Paul Kirk responded that it is a few days

longer with a change in opening date. If we have Dave Bitts' information, then we can add it to the 15% in-river. Dave Hillemeier added that last year's start date was May 17. Phil Detrich reminded the Council that the agenda item states we will develop a full range of options. Currently, there is only one option to model.

Dave Bitts said he sees two options here: 1) accept this motion and say that we understand that somewhere cuts are going to be necessary to meet the floor, or 2) ask the TAT to run a model based on the 15%, cutting the two troll fisheries and zone proportionally or stating that each fishery has to choose where they want to cut if proportional cuts are made. Dan Viele stated that this is a recommendation for a single component with no implications. The overlay of last year's season is not a recommendation. Dave Bitts asked the Council if they feel comfortable with him proposing a motion to ask the TAT to model a California troll season that has its own parameters. Paul Kirk replied that the TAT has to include other parameters. Dave Bitts stated that he feels it is not appropriate to present the model with one fishery missing.

Eric Larson reminded the Council that they are at the same point that they were last year in that this becomes an issue for the SAS to work out. Whether we make this recommendation, they use this as the starting point and adjustments are made. If Dave is uncomfortable with the recreation recommendation as a starting point, the Council can wait until the troll fishery comes up with their recommendation.

Dan Viele asked for any other motions. Dave Bitts asked that the Council discuss the resource utilization recommendation that was adopted last year. Paul Kirk stated that he thought the Council has done this twice and it hasn't been changed. Dan Viele stated that the Council would inform the PFMC that the previous resource utilization recommendation is unchanged. Dave Hillemeier wanted to remind the Council that the state of California has agreed to make available the predictions of all harvests to each entity.

**Agendum 23. Assignments to the Technical Advisory Team**

There were no assignments for the TAT.

**Agendum 24. Review of motions and assignments**

Gary Curtis reviewed the motions and assignments. He suggested that the Council use the Federal Register to announce meetings if the reauthorization subcommittee is going to be a public process. Keith Wilkinson suggested calling the subcommittee a workshop instead. Gary Curtis suggested using the USFWS public notice mailing list.

**Agendum 25. Agenda items for the March 8-12, 2004, meeting in Tacoma, WA.**

Dan Viele reviewed the agenda items for the March 8-12 meeting in Tacoma, WA. Agendum 22 will be continued. Dave Bitts asked for the report on the 2002 ocean harvest of Klamath basin springers. George Kautsky replied that it could be presented as a tribal product. Eric Larson suggested giving the TAT that assignment next week. Dan Viele said the Council would get to that on Monday in Tacoma and then formalize it. Dave Bitts requested a progress report from the reauthorization subcommittee.

Curt Melcher gave a brief informational report on the potential of hybrid Chinook and coho. This debate regarding the occurrence of hybrid Chinook and coho in the ocean fisheries has been going on. Some literature indicates hybrids were intentionally bred at Iron Gate Hatchery. This summer, locals in Brookings lobbied for ODFW to conduct some sampling. ODFW pursued a 4D research permit to sample up to 10 wild adult coho in the ocean off the port of Brookings. We used volunteers and obtained permits that allowed them to catch hybrid fish. We have been asked to continue the sampling in 2004 using the same volunteers.

**Agendum 26. Public comment**

No public comment.

The meeting was adjourned.

*LIST OF ATTENDEES*

*Klamath Fishery Management Council  
March 1-3, 2004  
Yurok Tribal Headquarters  
Klamath, California  
Meeting #74*

The following individuals attended the Klamath Fishery Management Council meetings in Klamath, California on March 1-3, 2004.

**March 1, 2004**

<u>Name</u>	<u>Representing</u>
Jim S. Welter	Port of Brookings - SAS
Paul Kirk	Klamath Fishery Management Council
Jim Waldvogel	Klamath River Technical Advisory Team
Desma Williams	Klamath River Technical Advisory Team
George Kautsky	Hoopa Valley Tribe

**March 2, 2004**

<u>Name</u>	<u>Representing</u>
Paul Kirk	Klamath Fishery Management Council
Jim S. Welter	Port of Brookings - SAS
Elliot Schwarz	
Jerry Barnes	Klamath River Technical Advisory Team
Felice Pace	Klamath Forest Alliance
Kirsten Williams	
Jim Waldvogel	Klamath River Technical Advisory Team
Roger Thompson	
Sara Borok	California Department of Fish and Game
Nita J. Rolfe	

**March 3, 2004**

<u>Name</u>	<u>Representing</u>
Jim S. Welter	Port of Brookings - SAS
Roy Bronett	
Paul Kirk	Klamath River Fishery Management Council

*LIST OF HANDOUTS*

*Klamath Fishery Management Council Meeting  
March 1-3-, 2004  
Yurok Tribal Headquarters  
Klamath, California  
Meeting #74*

- Agendum 3 Letter to Phil Detrich, Klamath Fishery Management Council from William T. Hogarth, NOAA Fisheries. regarding proposed changes of the charter to Secretary Evans, dated April 1, 2003.
- Agendum 3 Klamath Fishery Management Council Charter, 2004-2006.
- Agendum 4 Klamath Fishery Management Council Long-term Plan for Management of Harvest of Anadromous Fish Population of the Klamath River Basin.
- Agendum 4 Klamath Fishery Management Council-Summary of Recommendations 1995-2003.
- Agendum 9 Letter from U.S. Fish & Wildlife Service to Jim Steele, President American Fisheries Society California-Nevada Chapter regarding their review of the petition to consider lampreys for listing under the ESA, dated February 10, 2004.
- Agendum 12 Klamath River Basin Spring Chinook Salmon Spawner Escapement, River Harvest and Run-size Estimates 1980-2003.
- Agendum 15 2004 Salmon Informational Meeting for 2003 Fisheries and Escapements and 2004 Ocean Abundances from California Department of Fish & Game, dated February 25, 2004.
- Agendum 22 Klamath Fishery Management Council Report and Recommendations to the Pacific Fishery Management Council, dated March 11, 2003.
- Agendum 22 Klamath Fishery Management Council Report and Recommendations to the Pacific Fishery Management Council, dated March 12, 2002.
- Agendum 22 Klamath Fishery Management Council Report and Recommendations to the Pacific Fishery Management Council, dated April 9, 2002.
- Agendum 22 Klamath Fishery Management Council Report and Recommendations to the Pacific Fishery Management Council, dated April 8, 2003.

**Informational Handout**

- Handout 1 Letter to Todd Olson, Licensing Project Manager PacifiCorp from the Klamath Fishery Management Council regarding recommendations on the marking rates of Iron Gate Hatchery fall Chinook salmon.
- Handout 2 Proposed Agenda for the Pacific Fishery Management Council meeting March 7-12, 2004, in Tacoma, Washington.

- Handout 3            Notice to all interested parties from Fish and Game Commission regarding proposed regulatory action relative to Section 27.80, Title 14, California Code of Regulations.
  
- Handout 4            Text of the H.R. 1760, Klamath Basin Legislation put forth by Representative Thomas of California.
  
- Handout 5            Announcement from the Yurok Tribe regarding Yurok Tribal management intentions for the 2003 fall Chinook season, dated May 16, 2003.
  
- Handout 6            Yreka Fish & Wildlife Office web page for the Klamath River Basin Fisheries Task Force.
  
- Handout 7            Yreka Fish & Wildlife Office web page for the Klamath Fishery Management Council.

**MOTIONS AND ASSIGNMENTS**

***Klamath River Basin Fisheries Management Council  
March 1-3, 2004  
Yurok Tribal Headquarters  
Klamath, California  
Meeting #74***

**Motions:**

**Agendum 1**

Motion by Keith Wilkinson to adopt the agenda.  
Seconded by Eric Larson.  
Motion passed unanimously.

**Agendum 19**

Motion by Eric Larson to adopt the Klamath River Fall Chinook Age-Specific Escapement, 2003 Run and Ocean Abundance Projections and Prospective Harvest Levels for Klamath River Fall Chinook, 2004 Season.  
Seconded by Kurt Mulchur.  
Motion passed unanimously.

**Agendum 20**

Motion by Virginia Bostwick to accept the California Fish and Game Commission recommendation that the in-river recreation fishery share be set to at least 15% of the non-tribal share.

Seconded by Dave Bitts.  
Motion passed unanimously.

Motion by George Kautsky that the SAS evaluate the effects of the proposed change in boat limit regulations by the California Fish and Game Commission and the accuracy of the KOHM in predicting California sport fishing impacts.

Seconded by Dave Bitts.

Amendment by Eric Larson that the Council recognizes that the change in the California recreational fishery regulations from bag limits to boat limits, as well as recently modified regulations in Oregon and Washington, may affect the ability of the KOHM to accurately predict ocean recreational fishery impacts. The Council recommends to the PFMC that existing models be reviewed to assess their sensitivity to these regulatory changes.

Keith Wilkinson called for questions.

No abstentions.

The motion and friendly amendment passed unanimously.

**Assignments:**

**Agendum 4**

Staff will organize an educational presentation for the June Klamath Fisheries Task Force meeting to increase Task Force members understanding of harvest allocation.

Reauthorization Subcommittee will report on progress made and future meeting plans at the April KFMC meeting.

Reauthorization Subcommittee will let Staff know when they are meeting so notice can be sent to the public via the public notice list.

Council will discuss election of a new Council Chair at April KFMC meeting.

**Agendum 19**

Staff will post the age composition and stock reports in PDF form on the Council website.

**FINAL AGENDA**

**KLAMATH FISHERY MANAGEMENT COUNCIL MEETING**  
**March 1-3, 2004**  
**Yurok Tribal Headquarters**  
**Klamath, California**  
**Meeting #74**

**Monday March 1, 2004**

12:00 pm Convene meeting and introduce members

Administration

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

General

- 4) Discussion of Council responsibilities and accomplishments
  - a) Correspondence
  - b) Management advice
  - c) Accomplishments in context of potential reauthorization or sunset in 2006.  
(Group asked for 1.5 hrs. each day)
- 5) Public Comment
- 6) Klamath River Basin Fisheries Task Force update (Wilkinson and Kirk)
- 7) Trinity Management Council update (Orcutt)
- 8) Pacific Fishery Management Council update (Ortmann)
- 9) ESA issues (CDFG, NOAA Fisheries)
- 10) Public Comment

Recess

**Tuesday March 2, 2004**

8:00 am. Reconvene

General (continued)

- 4) c) continued: Council accomplishments in context of potential reauthorization or sunset in 2006. (Group asked for 1.5 hrs. each day)
- 11) Public Comment

Management Issues

- 12) Spring Chinook management issues
  - a) Technical Advisory Team report
- 13) Klamath Ocean Harvest Model revision and allocation of non-Tribal harvest of fall Chinook (Bits; Technical Advisory Team)
  - a) TAT modeling assignment results
  - b) Discussion of Harvest Allocation Work Group procedures

14) Public Comment

2003 Management Season

- 15) Report on 2003 salmon returns to the Klamath River (CDFG)
- 16) Reports on 2003 harvests
- 17) Inseason prediction of river recreational harvest
- 18) Possession and landing limits in the Klamath Management Zone and Fort Bragg

2004 Management Season

- 19) Report on 2004 fall Chinook stock size projections (TAT)
- 20) California Fish and Game Commission update
- 21) ESA requirements for 2004
- 22) **Action:** Develop a range of options for the 2004 management season, for discussion with the Salmon Advisory Subpanel and presentation to the Pacific Fishery Management Council

**Wednesday March 3, 2004**

8:00 am. Reconvene

- 22) (continued) **Action:** Develop a range of options for the 2004 management season, for discussion with the Salmon Advisory Subpanel and presentation to the Pacific Fishery Management Council
- 23) Assignments to the Technical Advisory Team
- 24) Review of motions and assignments
- 25) Agenda items for the March 8-12, 2004, meeting in Tacoma, WA.
- 26) Public Comment

Adjourn