

Klamath Fishery Management Council
Draft Full Minutes
March 1-2, 1994
Red Lion Inn, Eureka CA

March 1

The meeting was called to order at 8:05 am with a quorum of members present (attachment 1).

The Chair announced that 3 members (Boydstun, Bostwick and Masten) will be late. The Chair also announced that a letter has been received from National Marine Fisheries Service (NMFS) announcing that McInnis will be sitting in for Matlock as NMFS representative. Ron Iverson is substituting for Lisle Reed.

1. Review and approve agenda

**** The agenda was reviewed and approved by consensus (attachment 2).

2. Review and approve the minutes of the February meeting

The minutes of the February meeting were reviewed. Approval of the minutes was deferred until next meeting.

DEVELOP HARVEST OPTIONS

3. Technical Team presentation of allowable levels of harvest (Barnes)

The Salmon Technical Team (STT) did not use the stock projection model that the Technical Advisory Team (TAT) used this year (see figure II-4 and II-3 of PFMC's Preseason Report). In Appendix A (of handout A), you will notice that the STT used a zero intercept for three-year-olds. Using the zero intercept causes an underestimate of stock size at low abundances. The official numbers are now reflected in the PFMC Preseason Report.

Kope: Errors can easily occur when hatchery production is subtracted from the total to get natural production, or when the age structure is estimated from the composition of hatchery runs. Both methods introduce error into the numbers arrived at for the natural component. The estimated high abundance of 4 yr old Klamath fish is a concern. If you substitute the two hatchery maturity rates for age 3 fish, the age 4 forecast is virtually identical to what the STT came up with. I'm not uncomfortable with what the STT did. A future agenda item could be review of the biases that exist in our predictive methodology. The harvest

rate model (developed by FWS Arcata) uses proportional reduction (handout B). This methodology reduces the harvest proportionally in order to end up with 50:50 harvest rates. It doesn't give equal numbers, but when you get near the floor you can't use the methodology of harvest rate management because it is inaccurate.

Dixon: We generated harvest rate combinations based on maximum sustainable yield (msy). We ran the equilibrium model through 500 iterations to generate msy for total landings for various combinations of harvest rate for ocean and terminal fisheries.

Kope: The harvest rate model is designed to find combinations of in-river:ocean harvest rates that separate 50% of the harvest for the Indians and 50% to other harvesters. Since Indians are the most selective harvester, when the floor is used as the guideline the Indian fisheries will have a higher impact on 4 year olds. Consequently, if we apply harvest rates developed from the equilibrium model, we will see higher impacts from the Indian fisheries. The Council needs to determine if the 50:50 share is calculated per brood or per calendar year. The second and fourth pages (of handout B) are based on 50:50 per brood year. Page 3 is based on calendar year.

Boley: When we manage for the floor we are managing for a goal, not a harvest rate. A proportional reduction is not consistent with the Solicitor's opinion.

Kope: Equilibrium harvest rates equal the 66% harvest rate with the same recruitment year after year. This would provide a 50:50 split.

McIsaac: The STT used the same premise of cohort forecasting, but without partitioning. They assumed that the 2 to 3 yr old split would be the same as in '93 and that there is no difference in maturation rate between 2 and 3 year old fish. In some cases, hatchery and natural fish have very different maturation rates -- usually hatchery maturation is lower. The framework plan doesn't call for harvest sharing.

Boley: The framework plan calls for 66% harvest, unless 35,000 natural spawners aren't achieved. That proposition is not consistent with the Solicitor's opinion.

McIsaac: I remember reading the Solicitor's opinion, and asking if "in the absence of ocean fishing" meant adults. Our lawyers said yes.

Q: Is it possible to place a confidence interval around these outputs?

A: No. Non-tribal river harvest has fluctuated to a great extent around the target levels.

A: No. Non-tribal river harvest has fluctuated to a great extent around the target levels.

Q: Forecasting needs to be changed to get away from the positive bias that occurs in years of low abundance. Has this occurred?

Kope: I think the forecast has taken substantial steps to reduce the bias. See the second page of the PFMC's Preseason Report I.

Boley: Both the cohort and zero intercept methods predicted lower numbers than actually occurred.

Q: Jerry, would you go over the difference in the percent naturals in the TAT prediction and the STT's projection?

A: The difference is 48% vs 52% naturals.

4. Report from the Harvest Allocation Work Group on harvest options for the 1994 season

Wilkinson: The Harvest Allocation Work Group (HAWG) met February 23. All participants were present. We had originally scheduled a two day meeting, but we recessed halfway though and have not met since. The two items on the table were referred to as the California Department of Fish and Game (DFG) proposal and the Yurok proposal. Both proposals received discussion, but not agreement by the group. An Oregon proposal was discussed, then withdrawn. The Oregon proposal was withdrawn without prejudice. It hadn't generated significant discussion because it was a long term proposal as opposed to something that we could work on for 1994. We may try to schedule a meeting today for a working lunch.

Public comment

Fred Schutt, KMZ fisheries coalition: We are here to help all we can. Later, we will provide written comments and a harvest option proposal to the HAWG for discussion.

Break

5. Other proposed methods to achieve Council goal in 1994

Department of Commerce: McInnis: The Magnuson Act requires that any fishery management actions adopted by Commerce need to be consistent with the Act and consistent with other applicable law. This holds true for ocean salmon management too. The Department of Commerce final regulation published this fall put recognition of tribal fishing rights on the Klamath River to be considered as

other applicable law (DOI opinion Oct 4). This means that management recommendations from the PFMC would need to meet Indian requirements on Klamath and Trinity (i.e. up to 50% or another level that everyone agrees to).

Q: How can the Department of Commerce feel this way because the opinion is not yet considered a law?

A: The Executive branch of the Federal Government operates on interpretations of legislative actions. In some cases, this requires that a legal opinion override the underlying laws that are already established. Until such time that clarification appears that is different, we will stand with what we have. When it comes time for adoption by the PFMC, it is correct to assume 50:50 sharing.

California Department of Fish and Game Boydston: With regard to the February 18 letter from CDFG (handout C), we hope to put out ideas for '94 salmon management that will help the Klamath Council meet its requirement as laid out in the Act. The Act spells out that Klamath Council will make recommendations to the Pacific Council and others. The tribes are entitled to 50% of allowable harvest, so it is our assessment that the Klamath Council will be unable to go forward with anything other than this rule. Next week, the Salmon Advisory Subpanel (SAS) will meet to begin drafting options to go out to the Council and eventually to the public. Last week, I told the HAWG that one of the first decisions was to use harvest rate management for Klamath fall chinook. It is part of the salmon framework plan and it says that 33% of every cohort needs to escape to spawn. This is a long term management strategy. The strategy also calls for a harvest rate coefficient that continues annually.

In our reading of the Solicitor's opinion, we noticed in the specification that the tribes received 50% but it did not provide any guidance as to how the fish are counted. There are at least two ways to count: individual fish or pounds of fish. Heretofore it has always been numbers. Within the methodology of counting numbers of fish, there are two subcategories 1) ocean and river fish and 2) dead fish and adult equivalents (takes into consideration the biological status of fish when landed). The letter also contains recommendations regarding years of low abundance and how everybody should take a proportional reduction based on long term use.

- o The difference between counting fish and counting adult equivalents would mean a slight shift in favor of tribal fisheries.

Masten: Does this mean that we haven't been under harvest rate management (hrm) for the past six years, since we have changed the rate every year?

A: Boydstun: When we come in at the floor, we are not using hrm.

Q: Are adult equivalents considered if fish would not have survived anyway?

A: Counting adult equivalents is based on long term landings of fish. The probability of fish becoming adults is calculated over a fifty year time period.

Q: Were adult equivalents used in the allocation of in-river harvest of 12%?

A: Yes. In-river salmon have a value of one. For example, a 2 year old has a value of .46, a 3 year old has a value of .87, age 4 fish are .99, and age 5 fish are worth 1.

Non-Hoopa Indians Masten: The Yurok proposal (handout D) lays out 50% harvest. It is just taking components of the old proposal and putting new data in.

Hoopa Tribe McCovey: The Hoopa Tribe has always advocated for the resource. We will continue to advocate for the resource. The Tribe has always said that 50% is fair since we started. I think that the recent publication of the Solicitor's opinion in the federal register just reinforces how the Tribe feels. The Hoopa Tribe would like to talk about deficit accounting. Maybe Boydstun can answer how they came up with the 43,000 number. For us, if a recommendation from the Klamath Council to the Pacific Council did not include deficit accounting, then we would oppose it. Once we can get to a moderate standard of living for the tribes, then we can start to rebuild stocks. The letter from the state says the numbers are way down and we want to try to prevent listing.

Calif. Commercial Fishing Industry Bitts: We are trying to get this matter to court.

Department of Interior Iverson: Department of Interior representatives (Reed, Shake and I) do not have any specific guidance on harvest sharing options at this point.

Klamath In-River Sport Bostwick: The in-river sport fishing community has no proposals for harvest sharing options.

Oregon Department of Fish and Wildlife McIsaac: (see handout E) ODFW's interpretation of the Solicitor's opinion is that Klamath River stocks (absent interception) would pass through the tribal area. We would count them in the ocean as 100 ocean fish which would become 87 spawner equivalents.

Q: Does this interpretation include all the fish that are impacted? Including incidental catch?

A: Yes, even shakers would count (NMFS). In ODFW's opinion, spawner equivalents and adult equivalents are the same. Fish entering the mouth of the river that die without spawning would also be counted as adult equivalents.

McCovey: The Hoopa Tribe is asking Bureau of Indian Affairs (BIA) how the 80:20 split was arrived at. We expect to get an answer prior to the April PFMC meeting.

6. Council discussion of harvest options

Boydston: Can the Technical Team analyze the three sharing agreements that were presented by ODFW in respect to the numbers of fish that may be able to be harvested? Could page 4 (of handout B) be run in terms of the 50% sharing?

Kope: For 100 3 year old fish, the number that would return to the mouth of the river in the absence of ocean fisheries are considered adult equivalents. It doesn't take into consideration the pre-spawning mortality.

Boydston: Shakers and drop outs impacts are considered in CDFG's proposal.

Bitts: Adult equivalents and spawner equivalents may not be the same if spawning jacks are included. I'm leery of this definition, because of the potential impact on sport harvest of jacks. If we used adult equivalents, then at some future date we could revise the definition.

Q: Dr. Kope, do you think this revision could occur?

A: Perhaps there could be a minor revision.

- o There have been isolated and rare cases where some tribes have agreed to adult equivalents.
- o Adult equivalents are a way of business in international negotiation.

Dixon: I ran the model again using the long term harvest rate of .225. The results are shown on page 5 of handout B.

Q: Will adult equivalents be considered in '92 and '93?

A: No, because the impacts have already occurred. The potential adults this year have already been impacted. For '94 sharing it would be developed from this point outward.

- o If we are going to do business a different way, then we still need to look at history to learn what the mistakes were.
- o If we are going to estimate impacts on brood year, we need to estimate impacts on 2 yr olds, but I'm not aware of a data base that could do that.
- o The Solicitor's opinion lays out 50:50 sharing, we don't need to construct anything other than that.

**** Action: Technical Team assignment: We need copies of the STT's adult equivalent comments on the 4:08 p run, include fall '93.

Break

7. Public comment

Von Littlefield: I am concerned with the closure of the Mad River Hatchery -- the public has not had an opportunity to comment. Many people are concerned about the hatchery closure because salmon bring a lot of money to this area. Salmon punch cards could be more carefully monitored to more accurately assess count. I interviewed 1,400 people and found that the hatchery has a bad name caused by harvest management of salmon. For example, late season sport fishing doesn't exist because the commercial fishery takes all the fish. We propose that the hatchery release young fish in the bay and close commercial fishing that impact Mad River fish.

Boydston: I am not aware of plans to close the hatchery, although it is true that CDFG will be undergoing severe reductions. I urge you to contact Mary Morgen who is the staff person for Dan Hauser if you would like to pursue this matter further.

Fred Schutt, KMZFC: We are unable to put a harvest sharing proposal together at this time.

8. Action: Council selection of a range of options for fall chinook and other harvests to: a) Salmon Advisory Sub-panel and states, b) in-river managers.

*** Motion (McCovey): All proposed options for harvest allocation need to include spawner deficit accounting. The methodology that needs to go forward for public review is for brood year accounting with a cap of 50,000 spawners (basically the same proposal that the tribe introduced last year).

Second (Wilkinson).

** Amendment (Boydstun): I would like to see the options that are offered in Boyd Gibbon's 2/18/94 letter (handout C) included in this motion.

Clarification (McIsaac): Boydstun is offering an amendment that the previous proposal would go forward with a range in the cap from 43,000 to 50,000. The 8% ocean harvest rate and other options proposed in CDFG's letter would be included.

Second (Boley).

Discussion:

- o The public needs to have an opportunity to comment on options that do not include the spawner deficit accounting proposal.
- o This does not intend that we will go with an 8% harvest rate in all years.

** Amendment fails (Masten opposed).

** Amendment (McIsaac): Similar to the over-fishing report, the spawner deficit accounting concept could be forwarded with a cap ranging from 43,000-50,000. Cohort accounting (deficit made up in following year) would be included in this action. This could include the concept of a *de minimus* ocean fishery, although we don't need to specify how much.

Second (McInnis).

Discussion:

- o If we don't pass support for spawner deficit accounting, then it will dim the Pacific Council's view of the proposal.
- o The concept of public review will go forward with any proposal from this Council.
- o The Pacific Council could quantify the *de minimus* ocean fishery.
- o The amendment is in addition to Hoopa's original motion, it does not override it.

** Consensus on amendment.

**** Consensus on motion.

**** Motion (McIsaac): The Klamath Council recommends that on the presumption that no court injunction has occurred for any deviation from a 50:50 allocation, then we will go with the current Solicitor's opinion. If a court injunction does occur then we will go back to '86-'91 average harvest rates. This would apply to the '94 season only and is silent to using adult equivalents. [See I.A. of ODFW proposal, handout E]

Second (Wilkinson).

Discussion:

- o The question of fish-for-a-fish would remain open.
- o It has also not been determined if this is fish averages or harvest rate averages.
- o This could mean to either: 1) average the harvest rate shares, then scale back, or 2) look at percent of harvest. Percent harvest would be the preference.

**** Motion fails (Masten and McCovey opposed).

**** Motion (Boydstun): The Klamath Council recommends that on the presumption that no court injunction has occurred for any deviation from a 50:50 allocation, then we will go with the current Solicitor's opinion. If a court injunction does occur then we will go back to the five year agreement used during '86-'91. This would apply to the '94 season only. It would not, at this time, include the concept of adult equivalents. [See I.B. of ODFW proposal.]

Seconded.

Discussion:

- o If the court decides there isn't a tribal right, then we will sit down and talk about it.

**** Motion fails (Masten and McCovey opposed).

**** Motion (Wilkinson): In the event the Solicitor's opinion is overturned, the Klamath Council will make another recommendation. [See I.B. of ODFW proposal.]

Seconded.

**** Consensus.

**** Motion (McIsaac): Regarding the marine:freshwater allocation of non-tribal fish, this Council will recommend that the allocation options include the preseason target for '93 (88% marine, 12% freshwater). Again, adult equivalents are not considered. [See II.A.1. of ODFW proposal.]

Seconded. (Wilkinson).

Discussion:

- o We need to make the decision for recommendations on long term sharing or just this one year's figures.
- o Adopting regulations for a single year is inconsistent with harvest rate plan and a biological concern. We need to look at long term sharing not just '94 figures.
- o We have used harvest rate management for 6 years, and in that time we have always managed for full harvest rates.
- o We need a step-wise process to lead to sharing based on a long term approach, not a year to year approach. Choosing a combination that in the long term is possible to do a long term reduction fixes the harvest rate for many years to come.
- o The Solicitor must not have been familiar with the management plan for fall chinook. If this group can agree to a different approach, then I have no doubt that Department of Commerce (DOC) and Department of Interior (DOI) would listen.
- o You are only likely to achieve target harvest rate in years when you are managing for the floor.
- o In terms of probing for higher escapement levels, it equalizes the impacts over the cohort by fixing the harvest rate combination that level the impacts on the fish.
- o If the people affected by the decision can reach agreement for 50:50 sharing, then CDFG will support you by staying out of voting against it (i.e. supporting). Hopefully the same harvest rates can be transferred.
- o The situation would not yield 50:50, except in those year's where neither floor is not encountered. [is this double negative correct?] We may not need to decide this year. We may be able to wait another year.

- o The motion in front of us to split the harvest the same as preseason '93.

Q: When the Technical Team calculates 12% do they consider catch and release mortality rates? Do the 1,400 impacts include catch and release mortality or landings only?

A: It uses part of the river drop off rate. In the past this was .02.

Q: Why does the chart only show age 3, 4, and 5 fish? What is the impact on 2's in the ocean? Why aren't they displayed?

A: There is no forecasting method for 2 year olds. Although, the impacts are not insignificant. Some age 2 impacts are accounted for in the recreational landed catch, but I don't know if the commercial catch is accounted for.

Q: What do you base assumptions for the age 3 class on?

A: The age three class is based on spawning escapement.

- o Adult equivalents are removed from motion.

**** Consensus (Masten, McCovey and Boydston abstained).

**** Motion (McIsaac): The options for allocation between KMZ sport:outside KMZ sport will include 14% : 86%. [See II.A.2 "a" and "b."]

Second.

Discussion:

- o Last year, a commercial fishery was proposed at the mouth of the Rogue River.

- o If there is a 9% planned harvest rate, then 7-9,000 will shake out. This is only a rough estimate, but I agree that the numbers will be down. The philosophy here is a proportional downgrading from last year.

Q: How would last year's results be factored into this year's shaping?

A: The '86-'90 database hasn't been incorporated. If the alternatives are similar to the last few years, we may be able to

tweak the Klamath Ocean Harvest Model (KOHM) to make it match this year's.

** Amendment: The range of harvest rates for the KMZ sport fishery will include the same target harvest rate as last year (.024), contingent on coho constraints.

Second.

California Offshore Sport Fishery Walters: I'll hold comments till I get the answer on how many fish are out in the ocean. The sport fishery didn't reach their quota because of the impact on coho. The '93 Coos Bay recreational season was closed early because of coho. An effort shift in zone fishery probably occurred.

Public Comment

Bob Jones, Brookings, KFMZFC: It is all well and good to talk about percentages, but the bottom line is how many Klamath fish we get in the zone. If I take last year's projections, we have a reality of 7.2 ratio of Klamath fish. If we are faced with constraints on fishing for coho, do we monitor with real number's or percentages?

**** Technical Team Assignment: Report on the ratio of Klamath fish to other fish in the zone and explain what the statistical reliability is with small sample sizes.

Amendment restated: Put forward a range of shares for KMZ sport. The same percentage as last year on low end and the same harvest rate on the high end.

** Consensus on amendment (Masten, McCovey abstained).

**** Consensus on motion. (Masten, McCovey abstained).

Break

**** Motion (Bitts): Regarding the marine:freshwater allocation, add language "in the event the Solicitor's opinion is overturned... we will make an alternative recommendation" to 2.A.1. (This would be instead of 88:12.)

Seconded.

**** Consensus (Masten abstains).

**** Motion (Boydston): To provide for sharing north of Zone age 4 chinook, 50% harvest except as modified by the coho constraint (north of Zone). This may provide for increased harvest south of the zone.

Seconded.

** Friendly Amendment (Boley): The targeted commercial fishery within the KMZ would come out of the north or south share before September 1.

Seconded.

*** Consensus on motion and friendly amendment (McCovey and Masten abstain).

Announcements:

- o Review page 5 of handout B tonight.
- o Harvest allocation will be discussed between tribes and brought up later (McCovey).

Recessed.

March 2

Meeting called to order at 8 am by Chair McIsaac.

#10. Review draft letter to Solicitor regarding Federally reserved fishing rights for Klamath basin tribes

Council members reviewed the draft letter to Babbitt (handout F).

** Motion (Wilkinson): Finalize, sign then submit this letter to the Secretary of Interior.

Seconded (Bitts).

Discussion

- o There were indications that the actual Karuk catch was more than the reported. How many fish were caught by Karuks?
- o The report submitted by the Karuk Tribe shows that 1,700 fish were harvested. Leaf said that Karuks fish other than at Ishi Pishi falls and that harvest is undocumented.
- o The letter should state that the Karuk fishery is a state regulated fishery.
- o The letter needs to be modified:
 - 2) If Federal law does not provide for harvest by other tribes in the basin then can we conclude the Karuk

fishery comes under the purview of the State of California?

3) If provided for by the State of California, where should the Karuk harvest be placed in the treaty: non-treaty accounting? (Boydstun)

- 0 The issue here is there is a question as to whether State Law now provides for the Karuk fishery. The State Commission has informed us we need to decide by Sept 1.
- o In the 3rd paragraph, the last sentence that reads: "to the best knowledge of Council members..." needs to be removed since it is a known fact this was not done.
- o It is difficult to include the Karuk catch into the regression equation without past history on the harvest. As far as ocean prediction goes, the Karuk harvest comes out of the natural or hatchery escapement for the Klamath River.
- o We need to note that last year's run had a very high hatchery component. The catch reflects this. In the past, the Karuk harvest was much lower (e.g. in '90 and '91 it was about 200 fish).
- o The Karuk Tribe is currently in a lawsuit with the United States to determine the Tribe's fishing right.
- o We need the fish accounted for. I don't know how to handle this other than by writing a letter to have the rights clarified.
- o The letter needs to be revised: 1) the Klamath tribe is not addressed, 2) '94 is mentioned (perhaps this should be proposed as more of a long term response),

Boydstun: According to state law there is currently no provision for the Karuk fishery. When the regulations were streamlined two years ago, the Karuk fishing regulations fell through the cracks. It was probably an oversight that it is currently not in Title 14. We will have to go through rule-making procedure to put it back in place.

**** Action: Motion tabled. The above noted editorial changes will be incorporated by staff, then we will consider the letter at our next meeting.

#11 Discussion of hatchery review report Boydstun

The handout for this agenda item will be provided to you with the draft version of the minutes (handout G). In summary, we plan to: 1) reduce egg take at Iron Gate Hatchery from 18 million to 12 million eggs, 2) refer to all production at the hatchery as "mitigation" rather than "enhancement," 3) stop producing pre-smolts, 4) seek funding from Trinity Restoration Program for a steelhead population mitigation study, 5) request Pacific Power to review water sources to provide for an expanded yearling program at Iron Gate Hatchery and, 6) develop actions that attempt to minimize competition with wild fish.

Discussion:

- o We would like to commend CDFG for taking these actions. Some of the changes that you are implementing were called for in the Task Force Long Range Plan (e.g. reduction of pre-smolt releases and egg take).

**** Action: At an upcoming meeting, let's have CDFG's regional staff report more on the progress of these activities.

12. Estimate of incidental take of salmon in whiting fishery
Barnes

Referring to the "Cumulative Whiting Report" (handout H). I'd like to point out that: 1) there has been no age analysis of chinook that were caught in '93 -- in earlier years they were mostly 2 year olds, 2) there was a high sampling rate (e.g. 40.5% of the deliveries were observed, and 3) about 5,000 chinook were caught incidentally when 10,000 metric tons of whiting were caught, this accounts for a ratio of 0.0489 salmon/mt whiting.

- o I understand that NMFS limit is for 0.037 salmon/mt whiting. The report shows that we are over this limit at 0.05.
- o The actual rates are lower because the salmon catches are exacerbated when there are sudden releases of fish in the fall. This leads to a problem of high salmon catches in some areas. We are hopeful that an allocation scheme will reduce the number of chinook caught in the whiting catch.

Q: What is the rate of observation at sea?

A: All at-sea processors have observers who sample the entire landing. Note that most of the shore-side salmon were taken off the coast of Oregon (see page 2). The shore-side fishery does not occur below 42 degrees latitude.

- o We don't know what effect limited entry has on the shore-side fishery operation.

- o The allowable whiting catch in '94 will be much larger than in '92 or '93. This may or may not affect the salmon catch.
- o There is some evidence that most salmon by-catch is from the Northern Oregon cell, where Klamath impacts are minor in the troll fishery.

**** Action: Our representative on the PFMC (Boley) will bring these concerns back to that group for discussion.

13. Technical Advisory Team identifies their prioritized information needs for harvest management

Barnes: We have identified the following data needs:

- 1) Past and future data on the Karuk fishery. We need as much data as they have on catches, numbers of adults and jacks and scale sampling. We need records back to 1978, if possible.
- 2) We need data from direct sampling on the recreational harvest above Coon Creek on the mainstem Klamath River.

Boydston: The recreational harvest above Coon Creek is a high concern to CDFG, but it is an expensive area to sample directly. We have punch cards that the TAT could look at to get a distribution pattern for fish over 20". The problem is that CDFG is having economic troubles right now due to a shortfall in funding. We will attempt to get 20% sampling rates but with only two-thirds of our regular staffing capabilities. I am sending out a plea for help. Perhaps federal funding could be made available by the Task Force.

3) There are lower sampling rates of coded wire tagged fish in the ocean due to the low (insignificant) numbers of fingerlings tagged. Coded wire tagged fish are used to indirectly estimate naturals (Kautsky).

Boley: Perhaps we could review the sampling methodology to make the program work better. There is motivation on the part of all agencies to make the sampling program work.

Barnes: These requests will be formalized and submitted to the Task Force for consideration for fiscal year 1995 funding.

Q: A few years ago, the team used a model for estimating spring chinook abundance. Has it been abandoned because it didn't provide any useful information? Is there any need to continue?

A: (Polos) This model has not been abandoned, it is just shelved. The state is involved in intensive monitoring efforts, the tribal harvest is monitored, and the sport fishery is

monitored above Junction City on the Trinity. Escapement on Klamath tributaries is not done, but other than that the important major fisheries are accounted for.

Public comment

Carol Davis, commercial troll fisherman, Brookings, OR: It was better economically to leave the zone, so we did. Our communities need sport fishing, they have adjusted to the income generated from sport fishermen. We would appreciate at least a token fishery at home in Brookings.

- o No decision was made yesterday regarding closing the zone. At our next meeting we will make some more decisions to shape the fishery, but right now those options are still open.
- o Perhaps we could make the target fishery by utilizing the late fall fisheries. These late fall fisheries may be the only opportunity for the people who are home-ported in the zone to fish local waters.
- o The zone fishery can only be heard if it has a voice, keep coming and voicing your opinion.

John Wilson, salmon troller in KMZ: My optimism is dwindling. California and Oregon's troll industry is shrinking as people leave this occupation. A lot of money has been spent to support meetings, travel, etc. Hopefully, in the future, the Klamath Council could find a way to reimburse people for their loss of livelihood. Maybe a token offer could be given to retirees.

Break

13. Technical Advisory Team identifies their prioritized information needs for harvest management (continued)

Council discussion

McIsaac: The list looks roughly like this:

<u>Task</u>	<u>Responsibility</u>
1) reconstruct Karuk catch data back to '78 (technical chore)	Karuk Tribe
2) scale and cwt recovery from Karuk catch	Karuk Tribe
3) angler harvest above Coon Creek	CDFG
4) maintain ocean and Klamath River sampling programs (despite CDFG	CDFG

cutbacks in funding)

- 5) increase number of cwts at
Iron Gate and Trinity River Hatcheries CDFG
- 6) spring chinook harvest needs: CDFG and TAT
 - a) develop predictive model,
 - b) coverage of spawning ground estimates, and ----
- 7) Mainstem spawning assessment CCFRO

Q: (Bitts): Would it be possible for the state to tag fingerlings at a higher level for release from Trinity River Hatchery?

A: (Boydston): This is a policy level question. I will make a request to release 200,000 tagged fingerlings this spring. I'll report on the results at the next meeting.

- o Diseases are a concern that we should look into. For example, there are not many young fish this year because the '90 brood year at Trinity River Hatchery was killed by IHN. Another example is that several years ago, Dr. Foott (USFWS, Coleman, CA) released bacterial kidney disease (bkd) - negative fish into the river. When he caught them later, he found bkd. The disease problem should be looked into because the mortalities could range 70-80% and this would have dire implications for fish management.
- o CDFG has a pathologist assigned to the hatcheries too. Perhaps we could have these people give a report to the Klamath Task Force, Klamath Council and Trinity Task Force to update them on the status of these diseases.
- o The Task Force just sent out the Request for Proposals for fiscal year 95 funding. The Klamath Task Force's funding cycle is open until April 14. The Technical Work Group could rank our requests along with all the other funding requests. These projects are put onto an ongoing list of projects that is updated annually. All proposals are ranked on an individually competitive process.
- o It sounds like this group should at least maintain its current sampling programs (see list).
- o A spring chinook data gathering proposal should be developed too. The data gathering needs are complicated, but we could still find a way to get it funded.
- o The Karuk fishery monitoring needs to continue. BIA funding and Karuk Tribe data collection are underway.

o The Trinity Restoration Program has over \$1 million available per year. The funding is completely used up so it is not a good source for data needs proposals.

**** Action: A motion to put these data requests out for funding will be made at the next meeting. The Technical Advisory Team will put together rough cost estimates by then.

19. Request to CDFG regarding reformatting the "megatable" to include ocean catches: Hoopa suggested strawman for reformatting McCovey

The megatable should reflect troll and ocean sport harvest to make it complete. We do not have a suggestion for how this should look.

Q: The information is available in other tables elsewhere, why do we need it in this table?

A: (Boydstun) The megatable is developed by people who collect spawner data, monitor the sport fishery, and tribal catches. If CDFG has to wait to put the megatable out until the ocean data is out, then it will delay the in-river report. If this Council wants to have ocean catches shown, then we should ask our Technical Team to do it.

A: (Masten): The Yurok Tribe also wants all the data in one table.

Q: Would it be possible to add the Karuk catch (for the most recent and subsequent years)?

**** Action: The Karuk harvest information could be added to the strawman that the Hoopa Tribe has been asked to prepare for us. The strawman will insure that we could make one clear assignment to the Technical Team.

20. Recommendations from the Spring Chinook Work Group on tasks pertinent to ESA prevention reconnaissance Polos

Handout I shows the in-river spawning escapement and harvest estimates of Klamath Basin adult spring chinook. Bill Shake wants us to be proactive on preventing these fish from being listed. The workgroup consists of Wilkinson, Masten, Bitts, Orcutt, Ralph Carpenter and Jack West.

**** The Technical Team should put together a list of concerns for this workgroup to look at and identify the steps to be taken to get ahead of the listing process. Also, assimilate all available data, harvest rates, spawning escapements etc.

**** Polos and Rohde should consult on this issue to clarify what steps are needed and what steps could be taken.

**** KRFR0 will put this issue on an upcoming Klamath Task Force agenda.

break

17. Report on Trinity Task Force's accomplishments (Lane)

Handouts J, K, and L overview the Trinity Program. Basically, we have 5 goals: 1) mitigation, 2) restore full natural productivity, 3) harvest management, 4) wildlife, and 5) watershed stabilization. Our priorities are shown in the handouts.

We are asking for \$21.9 million for a 5-year extension to the program. Additional funding has been discussed for the South Fork and Grass Valley Creek -- \$13 million. The primary purpose of the program is to restore salmon and steelhead populations and habitat to reflect historic levels.

Q: Is there a requirement for a local share of funding?

A: Yes. 15% of the funding is the state share. The old legislation didn't allow in-kind services. The draft new legislation still calls for 15% state funding, but it asks for in-kind services to count.

Q: Is restoration of habitat the end in itself?

A: Yes, and our part of the program can do that.

- o It is not apparent to troll fishermen that the Trinity program is helping the fishery resource.
- o The Yurok Tribe is extremely concerned and interested in your efforts.

Hamptom: The Trinity Program is dealing with a myriad of problems. The upper 40 miles is inundated by sand and in the lower reaches the channelization is causing us to lose habitat at lower flows. It is not going to be inexpensive or fast to fix this problem. The fact that we have not seen improvement in ten years is not due to lack of trying. It is going to take a long time to fix this problem.

Q: Is the extension necessary to complete the restoration of the Grass Valley Creek watershed?

A: Yes. It will cost \$3 million to complete restoration of the sheet and rill erosion in that watershed.

Q: Could funding from extending the Trinity Program be used to help fund mass marking artificially produced fish?

A: (Bruss) Yes. We could get funds specifically designated for something like that. We could also include funding for data shortages like the harvest management ones that we talked about earlier today.

- o We are an advisory committee. So we should advise the Secretary of programs that we support. Restoration of the Trinity will aid us in our role of restoring the Klamath.

lunch

18. Review of draft letter on support for re-authorization for Trinity Restoration Program

McIsaac: Now is the time for us to review the draft letter (Handout M).

** Motion (McCovey): Forward letter as written.

Seconded (Wilkinson).

Discussion:

Boydstun: I would vote against the motion as it potentially compromises CDFG's position in reference to local share funding.

Q: (Iverson): Could something else be added to the letter to remove your reservations?

A: No, the state is not willing to support re-authorization.

Motion fails (Bitts and Boydstun voted no, Boley abstained).

Perhaps this issue could have been tabled, or could be reintroduced in the future.

New agenda item: Harvest rate model outputs

Barnes: Handout N shows what happens when adult equivalent (AEQ) methodology is used. Using AEQ doesn't make a large difference in numbers.

Q: (McIsaac): Yesterday, the Klamath Council made recommendations to the Pacific Council. Now with this information, do the recommendations we made need to be modified?

A: (McInnis): NMFS expects to hear recommendations on the actual number of fish that need to be caught, not the adult equivalents. There are a lot of reservations about using AEQ. NMFS will be looking into it more in the future.

Masten: We are open to the possibility of using adult equivalents more in the future.

McIsaac: I encourage a sense of equity when we explore shaping options. Implicit in AEQ is an equal measure balance. At the next meeting, we will get into shaping considerations (such as size limits) that will be allowable when going by a fish for a fish standard.

Q: What is the ratio of Klamath chinook in the KMZ sport fishery?

A: (Dixon): In 1994, the calibration model predicts that there will be a 7.7% catch of 3 year olds and a 6.3% catch of 4 year olds. One Klamath fish represents approximately 7 fish in catch and Klamath fish make up a total of 14% of the landings.

Council consideration of letter from the Shasta CRMP

McIsaac: The letter from the Shasta CRMP (Handout O) is basically a series of questions for us to answer. Does the Council have ideas on how to give this group some response?

The Yurok Tribe and the trollers will be responding to parts of this letter. Copies will be sent to KRFR0. Then both letters could be chopped up and used for a basis for the full Council's letter.

The Technical Team has answered some questions already (e.g., 1) overestimation of chinook abundance, and 2) percent natural escapement).

**** Action: We will have staff send him a short letter telling him that we are considering his letter. Meanwhile, we will ponder this letter during the next two meetings and eventually send a letter from the full Council.

**** Next meeting agenda item: Consideration of the aggregated draft letter (incorporating the troller and Yurok letters).

Public comment

Fred Schutz, KMZFC: We appreciate your consideration of our comments. We will soon provide comments on adjusting the size limits as well.

New agenda item:

Q: When is the CDFG commission meeting for regulation structure in California?

A: It began two months ago when we filed notice to amend the regulations. A letter has been submitted that calls for highly restricted regulations, especially compared to recent years. We are planning to sponsor an in-river meeting with lower river people to explain what is coming down, we will ask for input this month. Final regulations will be adopted in June.

The Council agreed to table agenda item 2 (approval of minutes) and 10 (approval of draft letter).

Next meetings: dates and times

March 7: 3-5 pm and March 8: 7-9 pm. Agenda items: Solicitor's opinion, consider fishery shaping recommendations, and CDFG water sources for Iron Gate Hatchery.

April 4: 3 pm, and other meeting times as needed that week.
Agenda items: Public Comment and Hoopa "strawman" of megatable.

Meeting adjourned.

KLAMATH RIVER FISHERY MANAGEMENT COUNCIL
March 1-2, 1994

Klamath Fishery Management Council members present:

Dave Bitts	Calif. Commercial Salmon Fishing Industry
Scott Boley	Pacific Fishery Management Council
Virginia Bostwick	Klamath In-River Sport Fishery
L. B. Boydston	Calif. Dept. of Fish and Game
(for Al Petrovich)	
Ron Iverson	U. S. Dept. of the Interior
(for Lisle Reed)	
Susan Masten	Non-Hoopa Indians Residing in the Klamath
Rod McInnis	National Marine Fisheries Service
(for Gary Matlock)	
Don McIsaac	Oregon Dept. of Fish and Wildlife
Pliny McCovey	Hoopa Valley Tribal Council
Keith Wilkinson	Oregon Dept. of Fish and Wildlife

Attendees:

Jerry Berg	U. S. Fish and Wildlife Service - Arcata
John "Chip" Bruss	Bureau of Reclamation
Berry Collins	Calif. Dept. of Fish & Game - Arcata
Steve Conger	Calif. Dept. of Fish & Game - Eureka
Jim Craig	U. S. Fish and Wildlife Service - Arcata
Judy Cunningham	United Anglers - KMZ Chapter
Carol Davis	Commercial Trollers
Bob Fisher	Yurok Fisheries
Troy Fletcher	Yurok Fisheries
Mark Hampton	U. S. Fish and Wildlife Service - Weaverville
Bob Jones	Klamath Management Zone Coalition
George Kautsky	Hoopa Fisheries
Paul Kirk	Klamath Management Zone Coalition
Robert Kope	Klamath River Technical Advisory Team
Chuck Lane	U. S. Fish and Wildlife Service - Weaverville
Michael Maahs	Klamath River Technical Advisory Team
Mike Morford	Klamath River Technical Advisory Team
Mike Orcutt	Hoopa Valley Tribe
Tricia Parker	U. S. Fish and Wildlife Service - Yreka
Dennis Pecant	King Salmon Charters
Ronnie Pierce	Yurok Tribe
Fred Schutt	Klamath Management Zone Coalition
Jim Waldvogel	Klamath River Technical Advisory Team
Michael Wallace	Calif. Dept. of Fish & Game - Arcata
Jim S. Welter	Klamath Management Zone Coalition
Bev Wesemann	U. S. Fish and Wildlife Service - Yreka
John Wilson	Klamath River Technical Advisory Team

AGENDA
Klamath Fishery Management Council
1-2 March 1994
Red Lion Inn, Eureka CA

ADMINISTRATION

- 8:00 am CONVENE: introductions.
- 8:05 1. Review and approve agenda.
- 8:10 2. Approve minutes of last meeting.

DEVELOP HARVEST OPTIONS

- 8:15 3. Technical Team presentation of allowable levels of harvest
 (Barnes)
- 9:00 4. Report from Harvest Allocation Work Group on harvest options
 for the 1994 season (Wilkinson).
- 9:30 5. Other proposed methods to achieve Council goal in 1994.
- 10:00 BREAK
- 10:15 6. Council discussion of harvest options.
- 11:00 7. Public comment.

LUNCH

- 1:15 8. Action: Council selection of a range of options for fall
 chinook and other harvests to:
 a) Salmon Advisory Sub-panel and states,
 b) in-river managers.
- 4:00 9. Technical Team Assignments.
- 5:00 RECESS

March 2

8:00 am CONVENE

ONGOING ACTIVITIES

- 8:05 10. Review draft letter to solicitor re: Federally reserved fishing rights for Klamath basin tribes (staff will prepare)
- 8:30 11. Discussion of hatchery review report [agenda item #31 from Feb KC mtg]: summary of changes implemented by CDF&G and report on searches for additional cold water resources at Iron Gate Hatchery vicinity (Boydston)
- 9:00 12. Estimate of incidental take of salmon in whiting fishery (Barnes) [agenda item #40 Feb KC mtg].
- 9:30 13. Technical Advisory Team identifies their prioritized information needs for harvest management [#47 Feb KC].
- 10:00 14. Other possible harvest management information needs identified by the council.
- 10:30 BREAK
- 10:45 15. Public comment.
- 11:15 16. KFMC decisions on issues arising from agenda items #10-14.
- NOON LUNCH
- 1:00 17. Report on Trinity Task Force's accomplishments (Lane)
- 1:30 18. Review of draft letter on support for reauthorization for Trinity Restoration Program.
- 2:00 19. Request to CDFG regarding reformatting the "megatable" to include ocean catches: Hoopa suggested strawman for reformatting (McCovey)
- 2:30 20. Recommendations from the Spring Chinook Workgroups on tasks pertinent to ESA prevention reconnaissance (Shake/Polos) from p. 26 of prior minutes)
- 3:30 21. Public comment.
- 4:00 22. KFMC decisions on issues arising from agenda items #18-19.
- 4:30 21. Next meeting agenda items, date and location.

KLAMATH COUNCIL HANDOUTS - March 1 & 2, 1994

Please circle any attachments you need, write your name and address on this page then mail this sheet back to us in the enclosed, self-addressed stamped envelope.

Agenda #3 Handout A: Ocean Stock Size Estimates for Klamath River Fall Chinook, 1994 Season. Prepared by Klamath River Technical Advisory Team, February 9, 1994.

Handout B: Harvest Rate Model. Developed by U. S. Fish and Wildlife Service, Arcata, CA, February 28, 1994.

Agenda #5 Handout C: Harvest Allocation Recommendations. Letter from Boyd Gibbons, Director, California Department of Fish and Game, February 18, 1994.

Handout D: DRAFT -- Klamath River Salmon Management Harvest Sharing Agreement. Submitted by Sue Masten, February 23, 1994.

Handout E: DRAFT -- KFMC Recommendations regarding harvest of Klamath River Fall Chinook, ODFW.

Handout E2: Comments Regarding Use of Adult Equivalents to Determine Equal Tribal/Non-tribal Allocation for Klamath Fall Chinook. Prepared by Salmon Technical Team, April 1993.

Handout ____: Harvest Rate Model. Developed by U. S. Fish and Wildlife Service, Arcata, CA, March 1, 1994.

Agenda #10 Handout F: Draft Letter to Bruce Babbitt, Secretary of the Interior, regarding harvest allocation. Submitted by Bill Shake, February 28, 1994.

Agenda #11 Handout G: CDFG report on hatchery review

Agenda #12 Handout H: Cumulative Whiting report. National Marine Fisheries Service.

Agenda #20 Handout I: Inriver spawning escapement and harvest estimates of Klamath Basin adult spring chinook.

Agenda #17 Handout J: Status Report, Trinity River Basin Fish and Wildlife Restoration Program, September 1993.

Handout K: Trinity River Restoration Program Annual Report, Fiscal Year 1993. U. S. Fish and Wildlife Service, Trinity River Fishery Resource Office.

Handout L: Restoration of the Mainstem Trinity River Background Report, Trinity River Restoration Program, Trinity River Fishery Resource Office, January 21, 1994.

Agenda #18 Handout M: Draft Letter to Bruce Babbitt, Secretary of the Interior, regarding reauthorization of the Trinity River Restoration Program. Submitted by Bill Shake, February 2, 1994.

New agenda item: Handout N: Harvest rate model outputs.

New agenda item: Handout O: Letter to Klamath Council from Shasta River CRMP, 3/1/94.

Information: Commercial Salmon Stamp Program, Commercial Salmon Trollers Advisory Committee.

Klamath Fishery Management Council
 March 162, 1994
 Red Lion Inn, Eureka, CA

AGENDA ITEM #11

Discussion of the hatchery review report (agenda item #31 from Feb KC mtg) prepared by the California Department of Fish and Game (Department) and titled "Results of a Review of Salmon and Steelhead Hatchery Production in the Klamath River System. A Report to the Chairpersons of the Klamath River Basin Fisheries Task Force, the Klamath Fishery Management Council and the Trinity River Basin Fish and Wildlife Task Force," was completed and distributed in spring, 1993.

The report listed ~~six~~ actions that the Department planned to undertake. These are listed below in the order in which they appear in the report. Each is followed by a brief statement of their status as of February 28, 1994.

1. Fall chinook salmon egg take at Iron Gate Hatchery will be reduced to 12 million per year. This will be incorporated into the goals and constraints for Iron Gate Hatchery. The 18 million egg figure is excessive and was established at a time when the Department believed that maximum hatchery production was a desirable goal and excessive egg mortalities were expected. In reality, this egg take goal has not been reached in most years.

STATUS: Iron Gate Hatchery (IGH) Production Goals and Constraints were updated and approved by the Chief, Inland Fisheries Division, and Region 1 Manager in early August, 1993. ~~The~~ IGH fall chinook egg take goal was reduced from 18 million to ten million green eggs.

2. The production goals and constraints for Iron Gate and Trinity River Hatcheries will not refer to "enhancement" fish, but will more correctly refer to all production as mitigation fish.

STATUS: Trinity River Hatchery Production Goals and Constraints were updated/approved coincident with those for IGH. All references to "enhancement" fish were deleted from both hatcheries' revised goals/constraints.

3. The revised goals and constraints will specify that no presmolts will be planted and that excess eggs or fry will be destroyed or used for purposes other than

release into anadromous waters.

STATUS: Revised goals and constraints for both hatcheries now contain size/time specific criteria for each species reared which exclude "presmolt" releases. Additionally, each contains the following statement:

"Excess Eggs and Fish"

"No eggs of any species in excess of the stated quotas shall be taken without the advance, written approval of the Chief, Inland Fisheries Division. If, at the end of a spawning run, excess eggs or fish are on hand from any part of the run, then those eggs or fish shall be destroyed unless needed for approved inland programs. In no case shall excess eggs or fish be stocked in anadromous waters."

4. We will seek funding from the Trinity River Basin Fish and Wildlife Task Force or the U.S. Bureau of Reclamation for a study to develop an action program for steelhead population mitigation. The study will emphasize the need for management to assure that steelhead mitigation goals can be met without undue effects on wild stocks.

STATUS: The Department has actively pursued this item with both USBR and USFWS. As a result, development of the "action program" has been incorporated into our contract with USBR for Federal FY 1994 and work is proceeding.

5. We will request PacifiCorp (Pacific Power) to review potential water supplies from Copco Lake, Iron Gate Reservoir, Fall Creek and groundwater sources to determine if adequate water of proper quality exists that could be provided for an expanded yearling program at Iron Gate Hatchery. The utility company is cooperating with us in solving the incubator water quality problem. They will install a filtration system or ground water pumping equipment at the hatchery to provide adequate water quality to hatchery incubators.

STATUS: The Department is initiating discussions with PacifiCorp regarding the need to explore the availability of additional supplies of high quality water that could be provided to improve water quality conditions at Iron Gate Hatchery as well as expanding the existing yearling program. However, at present it appears such

opportunities are quite limited.

6. We will continue to release our hatchery production at times and under conditions that most closely approximate natural patterns while minimizing competition with naturally produced fish. Smolt releases will take place as late in spring as possible to avoid competition with naturally spawned fish, yet ensure that hatchery fish avoid excessive mortality from high river water temperatures. Trucking of hatchery fish will be considered only under extreme emergency conditions when release at the hatchery site could be expected to result in greater than 50 percent planting mortality.

STATUS: The goals and constraints for both hatcheries have been revised to identify specific release size/release times for each species. They also identify the release sites as being in the river adjacent to the hatchery at which the fish are produced. Each set of goals and constraints contains language stating that exceptions "...shall require the joint written approval of the Region 1 Manager and the Chief, IFD."