



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Klamath River Fishery Resource Office
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Yreka, CA 96097-1006

March 26, 1993

Memorandum

TO: Klamath Fishery Management Council and Technical
Advisory Team

FROM: Project Leader, Klamath River FRO
Yreka, California

SUBJECT: Draft summary and full minutes

Enclosed for your review are both versions of the draft minutes. Attachments to the full version of the draft minutes include three documents you may not yet have seen:

- Attachment 7: Letter from Department of Interior regarding setting aside 50% of the total harvest for in-river Indian fisheries (Agenda item 15).
- Attachment 8: Public comment submission by Joe Mercier, Helena, CA
- Attachment 10: Proposed Council [PFMC] Strategy for Effective Habitat Actions (Agenda item 19).

Please provide comments or corrections back to us by Tuesday, April 6, 1993.

Ronald A. Iverson

Klamath Fishery Management Council
March 6-8, 1993
MINUTES FOR THE RECORD

Holiday Inn, Burlingame

Saturday, March 6

1:15 pm Meeting convened by Chairman McIsaac with a quorum of members present (Attachment 1).

ADMINISTRATION

1. Members introduced themselves.
2. Agenda (Attachment 2): revised to address 1993 harvest allocation recommendations as first priority (agenda items 8-15). Other agenda items will be lower priority.

** Motion to accept the agenda as revised. Seconded.

*** Consensus.

HARVEST MANAGEMENT PLANNING FOR FALL CHINOOK

8. 1993 stock projection report (Attachment 3).

Barnes: The Pacific Fishery Management Council (PFMC) Salmon Technical Team accepted our stock projections with no changes.

Q: What kind of confidence do you have in the figures presented in this report?

A: The "age 3 on 2 data" is well within the data set. The "age 4 on 3 data" is toward the lower limit of the data so we have less confidence in it.

9. Development of a range of harvest sharing options for 1993.

a. Harvest rate combinations (Barnes)

Appendix AA (Attachment 3) shows the 1993 ocean and river harvests that result from reduced harvest rates necessary to achieve 35,000 adult natural spawners. The proportional reductions that need to occur are also shown. Total harvest varies as a result of 3 year olds maturing in the ocean. The ocean harvest column includes the 3 year old fish still out in the ocean. The maturation rate for 3's is 0.37 and the maturation rate for 4's is 0.94.

10. Presentation of harvest options (Barnes)

<u>Harvest Rate</u> <u>Ocean/River</u>	<u>1993 Klamath adults</u>	
	<u>Ocean</u>	<u>River</u>
0.175/0.485	23,500	23,200
0.12/0.52	16,000	26,884

The top combination represents a 50/50 allocation between ocean and river. The bottom combination represents the Yurok proposal for a 50/50 split between tribal and non-tribal.

11. Harvest Allocation Work Group (Wilkinson)

The Harvest Allocation Work Group met for the third time this morning (Bostwick, Bitts, Masten, McCovey, McIsaac and myself). The purpose of the meeting was to look at the percent sharing (ocean/in-river) for 1993. We hoped to either develop a specific inside:outside percentage or a range. The group decided to exclude the top and bottom harvest rate combinations as shown in Appendix AA (Attachment 3). Further narrowing of the harvest rate combinations didn't occur because we ran out of time. We recommend that the Council look closer at continuing to narrow the range shown in Appendix AA.

We also had several written positions presented to us. One of these was from the Hoopa Tribe (Attachment 4). The subcommittee felt that this document was well researched but needed to be forwarded to the full Council and Technical Team for review. The other proposal was from the Pacific Coast Federation of Fishermen's Association (Attachment 5).

All Council members are invited to attend any of our meetings.

12. Council discussion of harvest options.

McIsaac:

I recommend that we follow these steps in developing a harvest option recommendation for 1993:

1. Total Harvest Level
2. Ocean:In-river Allocation
3. Ocean Fishery Allocation -- seasons and regulations for sport and troll
4. In-river Fisheries Allocation -- tribal and sport.

The total harvest level is usually 66%, but this year Amendment 9 indicates we should downgrade harvest to 44%. The Hoopa proposal calls for a total harvest of 11%.

Oregon coastal natural (OCN) coho populations have been extremely low, so Oregon Department of Fish and Wildlife will recommend

restricting fishing (90th percentile of the projection). The result will be a reduced coho harvest quota (sport harvest will be half of last year and there will be no troll retention).

Hoopa Proposal: Comprehensive Fisheries Management Plan
(Attachment 4)

McCovey: The Hoopa proposal advocates the resource. The amount of fish taken over the minimum for the last 3 years should be added back on to this year's escapement. This would be helpful for rebuilding the stock.

Orcutt: In light of the tribal involvement for Central Valley Project reform, it seems prudent for harvest managers to "put money in the bank" and support actions to rebuild salmon stocks. Let's put fish in the river to take advantage of the good water conditions. We support other fishery related industries but we feel that this proposal represents the only rational approach to management. A lot of time and effort have been spent developing this proposal -- George Kautsky has technically reviewed it and Robert Kope (National Marine Fisheries Service) completed a modeling analysis of this proposal and found that it could speed recovery of Klamath salmon stocks.

Warrens: It looks like this is a proposal that would require an amendment to the Fishery Management Plan (FMP). In this case, a full-term amendment process would be needed (two year cycle) because there is no longer an emergency situation. The Secretary of Commerce is reluctant to initiate any emergency amendment process because of the work and staff time involved. Given workload priorities, it would be extremely difficult to initiate something like this in 1993, particularly in view of the current situation where we can meet the floor with a 44% harvest rate.

Masten: The tribes are looking for a recommendation on this concept. We do not necessarily need specifics on the process at this time.

Bitts: We do not share the assumption that the 35,000 fish floor is reasonable. In 4 out of 5 years that escapement was larger than the floor, the resulting numbers were still below the floor. In the future, we will look at stock abundance based on extreme spawning escapement. Pacific Coast Federation of Fishermen's Associations (PCFFA) does not support the floor, but we do support the 35,000 minimum for this year.

Masten: I think this proposal has merit for technical review.

Warrens: I'd like to encourage users to continue to bring out proposals like this -- but we need to follow a process to insure technical validity, and social and economic considerations are considered as part of the review process.

McIsaac: This is a serious proposal. If it were adopted for '93, it would result in only 50% of last year's harvest. Other impacts could include more production in '96-'97. I'd like to see the Council consider forwarding it to the Technical Team for review in '93. Let's put it aside until later.

1993 PCFFA Proposal (Attachment 5)

Bitts: We propose a proportional harvest rate scale back to 0.28 ocean and 0.38 in-river. The chinook salmon troll season would be from May to September in Northern Oregon, May to July in Coos Bay and the KMZ would probably be closed to troll fishing (except for a fall target fishery). This proposal allows us a harvest that is "substantially below our needs."

Shake: Habitat is key to restoring these fish stocks and we have been pressing inland resource users to make sacrifices, so we can't expect business as usual. We have been asking the timber industry to cut fewer trees, asking the water users to use less water and asking ranchers to keep cattle out of critical spawning streams -- so we need to keep in mind that our decisions regarding harvest are perceived by other folks who are making sacrifices. If a whole lot of folks don't take some action fast, we won't be at these meetings in the future -- there could be wide-scale listing of stocks. We need to look seriously at protecting depleted stocks.

Bitts: I'm terrified of the effects that listing Klamath salmon could have on commercial fishing. I feel that it could take us off the water. The Pacific Fisheries Management Council has been curtailing fisheries, but this is not an effective strategy for restoration of the stocks because habitat is the problem.

Shake: My remarks are intended to lay a foundation of concern. Our credibility is going to be scrutinized if harvest isn't curtailed. We need to "demonstrate extreme conservation."

- o It is good to see this proposal because it fits within the old agreement. But, the problem with the old agreement is that the ocean harvest rate tended to be overshot (except in '92).
- o California Department of Fish and Game is identifying where impacts were underestimated. Ocean impacts have been consistently underestimated.
- o The ocean harvest overshoot needs to be corrected.

Oregon Commercial Salmon Fishing Industry Proposal

Wilkinson: Klamath Zone Coalition proposes the need to request a troll opportunity in the zone. Their statement reads:

Our concerns are that in order to again achieve some recreational harvest opportunity within the KMZ, we must acknowledge the need to not request a troll harvest opportunity in the zone. We protest having to take this action for the following reasons -- each year that we have not had a commercial harvest we have lost these community revenues: trollers, processors, shippers and rollover dollars for our local economies. As well as a loss in poundage, which decreases commercial tonnage that is necessary to qualify for federal funds for maintenance dredging our four ports. Our concern is to maintain the right to a safe passage to our fishing grounds for both fisheries. One other concern that, after many years of no troller harvest, we are concerned about not having baseline data to allow commercial harvest when fish populations improve. We reserve the right for state fisheries such as Chetco, Rogue or Elk.

Q: Was there any discussion for time-frames, and weekly bag limits for Oregon?

A: We would like to propose the possible scenario of a 4 day week with 1 fish per day (Memorial Day to Labor Day).

Q: The recreational industry wants reasonable time on the water including a weekend day. What would it take to have consistent seasons and bag limits for California and Oregon?

A: Potentially, it is do-able, although the time frame right now is too short for this year.

- o We could use the catch-per-unit-effort (CPUE) index as a means of estimating stocks.
- o CPUE methodology has apparently been rejected by the STT.

break

Yurok Proposal

Masten: The Yurok Proposal is for 50/50 sharing with a provision for a 35,000 fish floor and 20% of the in-river share to sport fishing. In 1993 this could mean 21,500 fish for the tribes, 16,500 fish for the ocean share and 5,000 fish for in-river sport adding up to a total harvestable surplus of 43,000 fall chinook.

We have been asking Department of Interior (DOI) to come out with the Solicitor's Opinion on the tribal harvest share (for at least a 50% allocation for Hoopa and Yurok tribes) for quite some time, but we have not yet had success.

Shake: That policy is now moving through DOI. It is not finalized yet, but I was asked to present a 50/50 split as an option. If the in-river tribal share is at least 50% then the tribes will figure out how much goes to each tribe.

Warrens: The area encompassed by the Boldt decision calls for a tribal share of up to 50%.

Masten: Right, the treaties limit those tribes. The Yurok tribe did not sign a treaty so we believe that we are entitled to at least 50% of the fish. We never agreed to less than 50%.

Shake: A letter supporting the 50/50 allocation is moving through DOI and has gone through 2 Assistant Secretaries. DOI should ensure that at least 50% of the total allowable harvest of Klamath stocks should go to Indian fisheries. DOI is looking at their trust responsibility to Indian people.

Bitts: Your request for 50% or greater could shut down the commercial fishery.

Q: Once we get this letter/opinion will it be the final say or will we be able to modify it?

A: We don't know yet because the Secretaries of Commerce and Interior have not yet agreed to this policy. I understand that the DOI and DOC solicitors are far apart on their interpretation of their trust responsibility. I assume that DOC will take the DOI policy as advice. We would need legal advice to answer your question.

Matlock: It seems like this is a pretty critical issue because if Commerce gets the letter and we are legally bound to it, then there will be no room for discussion later.

Masten: The opinion has been reviewed by the advisors to the Secretary, now it is up to the Secretary. Commerce will have the responsibility to carry out this ruling.

Masten: We expect the Secretary of Interior to come out with this statement prior to the April meeting. Once this decision comes through, the BIA will have the authority to set the tribal harvest.

Shake: This is not a legal opinion, it is a policy statement by DOI. We expect Secretary Babbitt to sign and BIA to set

regulations accordingly, and we expect Commerce to take in-river harvest into account when it sets ocean harvest.

Warrens: I understand your points, but I want to see a legal opinion before the PFMC takes action in April.

Matlock: It is important to know what the Secretary will call for, so I have sent letters to Fish and Wildlife and Calif. Department of Fish and Game asking about their in-river harvest levels.

Shake: I suggest we forward a range of options that includes the 50/50 split. We won't be able to decide the 50/50 issue here.

ODFW Proposal

McIsaac: Oregon came to this meeting to talk about the 35,000 fish floor, 44% harvest levels, a sharing ratio of 70:30 (.28/.38 for 1993) and an equal north/south split. We are also hoping for concurrent sport fishing regulations between Oregon and California. There needs to be a control mechanism in the ocean to trigger stopping harvest before overshooting the target. We are also interested in developing a control mechanism to prevent over harvest in the river.

CDFG Proposal

Boydston: We'd like to see a reasonable sharing agreement between ocean and in-river that is similar to the 1986 agreement, so we support the proposal put together by Bitts (.28/.38 sharing). It provides for reasonable opportunity in the zone for the recreational fishery, while recognizing that a troll fishery in the zone would be too expensive in terms of Klamath impacts.

13. Public Comment

Fred Stutzman, Port of Brookings: Our greatest need is time on the water. We have set up 3 options to try to comply with that need. There is not a chinook quota associated with any of these options and we do not know where these 3 options fit into Appendix AA.

Joe Petruzzi: I'm here as an in-river sport angler who fishes on the Klamath below Highway 101. One thing that I have a hard time with is trolling for fish when the indians are net fishing, because the 2 activities are not compatible. We would like to have 3-4 days in the water in which there are no nets at all. There are ought to be one agency controlling all of the seasons.

Masten: When numbers are as low as they were last year, it takes a long time to catch the food we need for the winter.

Mike Orcutt: The "trust responsibility" referred to several times today means that the Secretary of Interior and Commerce have responsibilities to the tribes.

Q: Will trollers be shifting their effort from commercial fishing to recreational fishing in the Klamath zone?

Council response: Many trollers also hold a recreational fishing license, but most recreational users do not have a troll license. Most likely there will not be an effort shift from trolling to recreation because it would require changing gear and running recreational boats. We all agreed to manage within the limits we decide to, so even if trollers change to recreation then they still have to abide by the limits.

Mike Maahs:

Q: How would the Yurok proposal affect ocean regulations?

A: That question will be answered as the ocean fisheries are shaped.

Q: How did it happen that 600 fish over the quota were caught by Indians in 1992?

A: Net fishing is monitored on a daily basis except on weekends. On Monday when the counts were added up we discovered that we were 600 fish over the limit.

Rick Fielitz, BIA's fishing representative: I have two points to make: 1) The USFWS sent the monitoring data to BIA as soon as they found out net harvest had exceeded the limit -- the BIA immediately put notices up to close fishing, and 2) A letter sent to PFMC from BIA on April 10, 1992 indicated the intent for a 50/50 sharing of fish from the Klamath if any harvest was to occur.

Shake: I have additional supporting comments on your points:

1) Seldom are our harvests precisely what we targeted. For example, look at the records comparing ocean targets to what has actually been harvested. This is the first time that the tribes have gone over their target.

2) The KFMC received news of this letter from BIA back in March '92.

Public comment period closed.

Meeting adjourned for the day.

Sunday, March 7

Meeting called to order by Chairman Don McIsaac at 8 am.

14. Council discussion of a range of options for fall chinook harvest.

McIsaac: Referring to step #1 from yesterday, we have two options for "Total Harvest Level." PCFFA has proposed a 44,000 fish harvest. The Hoopa Tribe has proposed harvesting 11% of the fish and allowing an escapement of 55,000. Our purpose today is to review the choices then send a range of options to the PFMC.

Bitts: If the only consideration was the resource, then the Hoopa proposal is fine. The problem is that we need to balance the user's needs with the needs of the resource. I support forwarding the Hoopa Proposal for technical review. I do not support it as a harvest option for this year.

- o The Salmon Technical Team and the Scientific and Statistical Committee will not have time to technically analyze this proposal for it to become an option in 1993. This proposal needs to be subjected to the same biological and economic analysis that other proposals undergo.
- o CDFG staff would not be able to participate in review of this proposal until after April 9.
- o It seems like we should be able to make the same analysis that we did for last year's emergency situation for this type of emergency situation.

Q: Could the potential for lower Oregon coastal naturals (OCN) harvest rates create an emergency situation?

A: Each emergency deviation from the framework plan is a separate effort. We are not looking for an emergency regulation on Oregon coho this year. Oregon coho and Klamath chinook are so closely linked that they should be worked on together.

- o If a stock is predicted to be far below its minimum, then it is an emergency (with respect to conservation). This is not the case for Klamath chinook in 1993. This proposal needs to go through the course of the amendment process.
- o The problem here is that PCFFA and the Hoopa Tribe see the proposal differently. PCFFA does not believe that more fish spawning will produce more overall fish, but the Hoopa Tribe does. The Hoopa proposal is for an expensive experiment.
- o There is not much chance that the Hoopa proposal could be technically analyzed by the KRTAT in the very short time

frame available this weekend. The proposal has been modeled by Kope, but this is only the tip of the analysis iceberg.

- o The Hoopa Proposal is a 3 year proposal. It would require an amendment to the framework plan which would require an emergency regulation. Council members need to know how much benefit they would get from a 55,000 fish escapement, so it makes sense to have the team analyze this proposal before forwarding it.

Q: Is the 35,000 fish floor something that can't be deviated from?

A: The floor can be deviated from after a specific amendment process is carried out, or through an emergency action.

- o There will be no coho troll fishery off Oregon, the only coho harvested will be incidental catch. The recreational fishery for coho will be 1/2 of last year. There will be a very limited chinook fishery for recreation and trolling. Overall, the benefit will be along the lines of the Hoopa Proposal.

- o I'd rather "err on the side of conservation" because I think it is a lot more defensible than erring otherwise. With California's current water conditions, I think we have a good opportunity this year to help the salmon make a comeback if we allow more fish to spawn. I support the Hoopa Proposal (Shake).

Q: We have had 3 years of not even coming close to the 35,000 fish floor that we were managing for. Isn't the "overfishing review" already initiated?

A: No, not yet. The Technical Advisory Team will review Klamath fisheries soon and may recommend a variety of things to prevent missing the floor 4 years in a row.

- o The drought is over, so let's be optimistic about returns. I believe there is hope for the future based on the work that is currently being done by pro-active groups such as the Hoopa Tribe.
- o My concerns are similar to Bill's. We have to demonstrate to the public that we are concerned. We have a delicate balancing act to incorporate in this process. A moratorium on all fisheries will be seen as the panacea for all the problems that have happened in the past whether harvest has been responsible for them or not. Putting the entire burden of conservation on the backs of the harvesters at this time is not right (Warrens).

- o Once the fishermen are gone, there will be no one whose livelihood is dependent on the fish -- no more advocates.
- o In the tribes way of thinking, the fish do come first. We are so closely tied to the fish, that if they aren't here, then we aren't here. The Yurok tribe would be the first to sit on the banks for three years if everyone else was willing to do it too.
- o The zero harvest option shouldn't be looked at too closely right now. Salmon currently are better off because people like to kill 'em. This situation is similar to the increased waterfowl population that is a result of hunters supporting their sport.

Break

** Motion

I propose that the Hoopa Proposal be the preferred option recommendation (harvest rate of .11)(McCovey). Seconded.

Later, with the consent of the motion maker and seconder, the motion was amended:

The Technical Team will analyze the impact of harvest rates of .44 to .11 for 1993. This will provide an escapement goal of 35,000-55,000 (Shake).

Questions for the Technical Team:

- a) Will these harvest rates provide for an increase in production in 3-4 years?
- b) What would be the total harvest allowed under these harvest rates?

Baracco: We cannot investigate long term implications of redefining the floor today, nor the biological implications of this proposal as it looks at long term yield. We could characterize harvest yield and harvest levels. We can give you the consequences for '93 that come from managing for 55,000 spawners.

- o I don't want to see us choose another floor by arbitrary means. I feel that we should stick with PFMC's plan.
- o This motion is not for emergency action, it is just a request to the Technical Team to analyze this range. Appendix AA could be amended to show a line between Indian and Non-Indian in-river harvest.
- o Eventually we would need a longer term analysis. For now we are asking just for this year.

Two abstentions (CDFG and NMFS), one no vote (commercial salmon fishing) -- motion fails.

** Motion: I move that the Hoopa proposal be forwarded to the Technical Team for review by September. In this way, it could be considered for a framework plan amendment in November. The Technical Team will look at the effects on harvest and production that the increase of spawners would have on recruitment (Bitts).

Seconded.

- o If we forward this recommendation to the PFMC, then we should amend our plan as we decided at our last meeting.
- o The steps that this request will follow are: 1) Nov '93: PFMC will entertain this proposal in scoping sessions for '94; 2) Between Nov '93 - Nov '94: This proposal will be more fully developed and reviewed, and 3) If the proposal is approved in Nov '94, it would be adopted in '95. (A proposal currently before the PFMC is in its 5th year of development.) The proposal currently on the table cannot be implemented before '95.

Barnes: The earliest that we could analyze the floor would be after the '94 harvest.

Motion fails (McCovey opposed).

Break

** Motion: Recommend to the PFMC that they base decision making on 1993 harvests that result in a spawning escapement of 35,000 natural fall chinook salmon in the Klamath River (overall harvest rate of .44) and that the Council take all prudent measures possible to insure harvest targets in the various fisheries are not exceeded (Boydstun).

Second.

Discussion:

- o A possible method to prevent going below the floor could be CPUE.
- o We want to demonstrate to everyone that we are serious about the targets being met.

**** Consensus

Ocean:In-river allocation

** Motion: As shown in Appendix AA, I move that we bracket .12-.52, to .28-.38. Harvest rates of .12/.52 would provide 16,500 fish for ocean harvesters and 26,900 for river harvesters (tribal 21,500, sport 5,377) (Warrens).

Seconded.

Discussion:

- o 50% tribal/non-tribal share will come out because that needs to be modeled.
- o The upper end of the range meets the Fishery Management Plan.

Break

Motion failed (Bitts opposed).

** Motion: I propose that we recommend a range of .33/.32 to .16/.50 ocean/river shares as they appear in Appendix AA. This recommendation will not include .12/.52 (Bitts).

Second.

Discussion

- o If the policy statement comes from DOI in time for this management cycle, it will be done outside the usual PFMC process, and it would pre-empt PFMC. This is against what was originally intended when the PFMC was set up.
- o The purpose of us bringing it to you (and the rest of the Council) now is that it is within BIA's authority to set the season. It is better to have this out now to let people comment on it before BIA sets the season.
- o If what you say is the case, then there is no need for this Council or PFMC to make a decision this week.

Q: What is the tribes incentive to negotiate since the DOI process seems to be moving towards a policy decision?

A: A policy of 50% doesn't preclude opportunities for sharing.

- o If no fishery were allowed, then there would also not be any subsistence. I am struggling to see any reason for this Council to continue to exist -- our charge is to collectively bargain to reach a sharing agreement between ocean and in-river users.

o There are a lot of steps that still need to occur with each one having the ability to turn-the-tide.

Lunch

McIsaac: The motion on the floor is the .33-.16 ocean harvest rate.

Motion fails (several nay votes).

** Motion: I propose that we forward an ocean harvest rate of .33 to .12 (Wilkinson).

Seconded.

Break for caucus.

** Motion to table the current motion.

**** Consensus (one abstention).

** Motion and second for putting an earlier motion back up for consideration:

The Council will base decision making on 1993 harvests that result in a spawning escapement of 35,000 natural fall chinook salmon in the Klamath River and that the Council take all prudent measures possible to insure harvest targets in the various fisheries are not exceeded (Boydston).

Break for caucus.

Motion fails (Bitts opposed).

** Motion: This Council will reconsider the motion to assign the Technical Team to review the proposal from the Hoopa Tribe by the September meeting (Shake).
Seconded.

**** Consensus.

** Motion: Reconsider .33/.32 to .12/.52 harvest rates. This would provide an ocean harvest from a high of 44,400 to a low of 16,500 and in-river harvest from 13,300 to 26,900 (Wilkinson).

Seconded.

Discussion

- o If the motion could be amended to include language describing the two opinions of the 2 extremes, then it may be more acceptable.

Motion fails (Bitts).

** Motion: I propose that we adopt a 2 1/2% harvest rate for the fishery from Humbug to Horse Mountain (Wilkinson).

Seconded.

Motion withdrawn until we begin to discuss specifics of ocean regulations.

** Motion: Zero harvest option (McCovey).

Motion fails.

** Motion: The KFMC wishes to inform the Council of the two ocean:in-river allocation positions that we seriously debated. These two positions specifically do not represent consensus on a range of options the KFMC recommends the Council draw from during season deliberation; they merely are the only two ocean:in-river allocation positions that received substantial discussion from individual KFMC members. These two allocation positions are 1) harvest rates of 28 percent ocean and 38 percent in-river and 2) harvest rates of 12 percent ocean and 52 percent in-river (Boydstun).

Discussion:

- o The Salmon Advisory Sub-panel meets tomorrow morning starting at 8 am. It is our responsibility to let them get started and not waste people's time.
- o Let's include a copy of the Hoopa Tribes proposal and let the PFMC know that this has been forwarded to the Technical Team for review by September.

**** Consensus (2 abstentions).

Action: Susan will convey this message to the Salmon Advisory Sub-panel.

Break

21. Human Induced Mortality of Salmon -- slide presentation and talk by Don McIsaac (given previously at the 12/92 coastal salmon summit).

"How much of the total problem is harvest?"

Possible causes of human induced mortality in salmon: egg stage sedimentation in gravel, deaths occurring during rearing, stream channelization, cattle grazing in riparian zones, turbine mortality, and visible kills vs. invisible kills.

Oregon coho and Snake River spring chinook examples:

Example #1

In pristine freshwater habitat if 2,000 spawners are available, the following can occur: the spawners lay 2,500,000 eggs, 825,000 eggs die, 1,675,000 fry survive, 7.5% make it to smolt stage, 125,000 smolt. Once in the ocean 115,500 die and 9,500 adults are produced. This gives a harvestable surplus of 7,000 fish. Eventually 2,000 spawners come back to re-start cycle.

(All of the above figures are dependent on pristine habitat and normal ocean conditions.)

Example #2:

In habitat with gravel sedimentation the same 2,000 spawners could lay 2.5 million eggs, but 2 million of those eggs die under the gravel (as compared to only 825,000 dying without the effects of sediment). This results in a harvestable surplus of only 4,800 fish.

Example #3:

When habitat complexity is lost the same 2,000 spawners produce only 1,675,000 fry, but only 45,000 smolts survive, and only 900 fish are in the harvestable surplus. (Habitat complexity can be described by considering the continuum between a straight channelized stream to a highly complex stream with woody debris, overhanging cover, etc.)

Example #4:

When there is a combination of gravel sedimentation and loss of habitat complexity only 500,000 fry survive, then only 33,000 smolts make it to the ocean. There is no harvestable surplus. If fish were harvested under these bad conditions, only 750 adult spawners would return.

Pie chart: Human Induced Mortality on Oregon Coastal Natural salmonids (in adult equivalents) -- Hypothetical coastal stream with habitat damage:

- 70% Rearing habitat damage
- 11% Sedimentation of spawning gravel
- 19% Fisheries with 50% harvest rate

Again when we go back to the question of "How much of the total problem is harvest?" we could look at what would happen if all the harvest were eliminated. Here are some figures to consider:

<u>species</u>	<u>catch lost</u>	<u>economic</u>	<u>spawners gained</u>	<u>reverse?</u>
wild Snake River fall chinook	1,417,600	\$78,946k	148	Yes (short term).
wild Snake River spring chinook	1,214,500	\$77,825k	1,627	No.

Pie charts provided the following information on where fish were lost:

Snake River wild spring chinook
 adult passage 8%
 harvest 3%
 juvenile passage 89%

Snake wild summer chinook
 adult passage 9%
 harvest 1%
 juvenile passage 90%

Snake River wild fall chinook
 adult passage 2%
 harvest 5%
 juvenile passage 93%

Snake River Wild Sockeye
 adult passage 8%
 harvest 5%
 juvenile passage 87%

Don showed a graphic slide that compared in-river harvest of summer chinook with dam building on the Columbia River. ODFW has found that fish harvest decreased as more dams were built.

For upriver spring chinook in the Snake River, harvest has bounced around (until the late 70's). As more dams were built harvest dropped off.

Snake River wild chinook have to make it through 8 dams to get to the ocean. 22% of the fish are lost at each dam on the way downstream and 10% of the fish are lost at each dam on the way upriver. There is a total of only 14,000 adults from 4 million eggs.

In conclusion, Oregon Department of Fish and Wildlife has found that habitat degradation can kill more salmon than salmon killed as a result of fisheries, so addressing just the harvest issue is not going to solve the fish restoration problem. All angles will need to be looked at to insure restoration of the salmon populations.

Q: There may be less habitat available than 2,000 fish can use - so why are 2,000 adults used to calculate the Oregon Coastal Natural escapement?

A: Currently \$500,000 is being spent to re-assessing the habitat capability in order to re-assess spawning escapement.

Shake: I'd like to compliment Oregon for taking the lead in looking at this issue. U.S. Fish and Wildlife Service is strongly behind a coastwide initiative and we are prepared to do whatever we can to support this initiative. For example, we will support getting local people involved in protecting fish and fish habitat. This region received \$26 million as part of the Jobs Bill. \$4 million is earmarked for fisheries restoration work in Washington, Idaho and California.

Public comment period

Fred Stutzman, Port of Brookings: people are concerned about the high predator impact on salmon.

Mike Orcutt, Hoopa Tribe: I have reservations on the comments made by people who speculated that the economic and social impacts of increasing the floor above 35,000 did not have time to be reviewed by the Technical Team this year. The Technical Team had time and did the analysis for last year's emergency action. Also, if we are concerned about the economics of fish harvest, then we should look at the economics of what is happening to agri-business versus fish right now. On the positive side, the tribes have produced an integrated resource management plan that we think is the way to do business. The tribes feel that we are one of the experts (including specialists) in the basin, so that when an issue comes up, we can pursue it.

4:50 p.m. Meeting adjourned for the day.

Monday, March 8

7 p.m. Meeting called to order by Chairman Don McIsaac.

McIsaac: Virginia Bostwick will not be here, so she entrusts her vote to the CDFG representative. Jim Walters is also absent so he gives his vote to Keith Wilkinson. (Since we don't have a mechanism for proxy votes, their wishes will not be carried out.)

Agenda item #15

One last call for any last minute agreements for '93 harvest recommendations:

Matlock: I received the response from Fish and Wildlife Service regarding tribal harvest (Attachment 6).

Note: Following the KFMC meeting, a letter was sent from Secretary Babbitt to Secretary Brown regarding Department of Interior's position on at least 50% of the total allowable annual harvest be set aside for the in-river Indian fishery (Attachment 7).

There were no other comments relative to '93 harvest.

Harvest Management Planning for Spring Chinook

3. Spring chinook report Polos: The spring chinook report is not yet complete. The Technical Team needs to thoroughly review it.

4. Plans for spring chinook harvest

a. Hoopa Tribe We don't have any plans right now, but we will be fishing for spring chinook. Our take has been very low, most fish get right by us (McCovey).

b. Yurok Tribe We will fish as stated in Title 25 of the Code of Federal Regulations (CFR). This means that we will fish 7 days a week (except for a Monday closure from 9am-5pm)(Masten).

c. CDFG Sport fishing for '93 will not be changed much from last year's harvest. There will not be a recreational fishery in Salmon River or South Fork Trinity River (Boydstun).

Q: How does the state do estimates on spring chinook population size?

A: We tag fish, then compute the recapture data. Estimates for spring chinook on the Klamath side are restricted to the Salmon

River (which is now closed). Springtime flows in the lower river prevent fishing for both recreational and Indian net fishery. CDFG will have more information on spring chinook at the next Council meeting. We will have ocean harvest data added to the table and age composition of in-river stocks.

Q: Where do the impacts occur in the ocean?

A: Coos Bay to San Francisco. The ocean harvesters usually catch more than the river harvesters. When ocean fisheries are pushed back to start later in the year, it probably helps spring chinook too (Polos).

6. Public comment

Mike Orcutt: Trinity River flow releases include 3,000 cfs for the flow study. Fishing of any magnitude on spring chinook will be pretty small because the tribe is willing to forego harvest opportunities in order to restore the fisheries resource.

Mike Morford: The spring chinook management plan (in preparation) is based on Trinity River Hatchery coded-wire tag returns. This population is likely to be diluted with fall run fish.

Joe Mercier: See attachment 8 for Joe's written comments.

Jim Welter: See attachment 9 for Jim's written comments.

19. Discussion of PFMC's habitat strategy proposal

See Attachment 10.

20. National Academy of Sciences review of preservation of anadromous salmonids.

Warrens: This group was formed at the request of Senator Hatfield in Oregon to review the problems with habitat in the northwest. The Academy of Sciences heard reports from fishery management agencies, PFMC, and others. PFMC's statement conveyed the message that the problems have been studied long enough -- it is time to roll-up our sleeves and get to work. Other stocks, besides the Columbia River stocks, are severely declining. Hopefully, PFMC will pay more attention to Klamath stocks in the future.

break

** "Motion of Privilege:"

I move that we recommend that if the PFMC considers a harvest rate of 28 percent for ocean fisheries, that a harvest rate of 2.5% be allocated to the Klamath Management Zone sport fishery.

Seconded.

**** Motion passes (two abstentions).

18. Identify steps to get better Council performance in reaching consensus on harvest management recommendations.

Boydston: The current Council performance in reaching consensus on harvest management recommendations needs to be given serious consideration. We have a major conservation concern here -- if we continue along our current course it may lead to the fish losing. If we don't get our act together we are going to push salmon stocks over the edge. The Yurok Tribe has given us the bottom line -- if there is no moving off that then we are all wasting our time here. Is there something else that could be done?

- o We are concerned about the resource. If everyone else is concerned, then we should all work together to protect the floor. We have come to this table in good faith and on many occasions, all of us have come to agreement except one entity. The Yurok Tribe is still willing to discuss long range planning, protecting the floor, increasing flows, etc. We are still willing to talk about the future. I feel as frustrated as you and I don't know what to do.
- o As I understand the agenda item, all the parties need to have an incentive to reach consensus. The ultimate incentive is no fishing unless consensus is achieved. We are dealing with the conviction of one party to fail to negotiate.
- o When this Council is unable to make a decision, the decision is punted to the PFMC to make it. This Council has tried to reach fair and objective harvest sharing... and we have certainly done what all the people have wanted. If we can't provide an incentive for all parties to get into meaningful negotiations, then if we put chinook harvest down to the level that is proposed by the Yurok Proposal, there will be many people out of business. The continuance of this body is a disgraceful waste of taxpayer's money. If this inability to reach consensus on a range of harvest rate recommendations continues, I will personally make it my mission to dissolve this committee.

- o If people are not willing to utilize the long range plan and develop annual harvest ranges that are acceptable to all the interested parties, then we will have to go to court to work it out. This body ought to be dissolved if we can't make harvest decisions.
- o The historic ocean harvest rate was 66% 15 years ago. The rates managed for by the PFMC are currently under 44% which is just barely enough to maintain the viability of our fishery. There were 2 years ('86 and '87) in which a recommendation was made to the PFMC by the Klamath River Salmon Management Group. Whatever went right those years has gone wrong in the year's since. I would rather be part of a process that works than being part of a process that is unsuccessful.
- o I look at this group a little differently than just an allocation body. We have just a small pie so people's needs aren't being met. When we are arguing over this small pie, we need to decide if we are always going to argue over small pie or are we going to rebuild stocks before we look at allocations. We need to have a viable resource before we can look at harvest. We have some positive things here that are happening. Although, when it gets bumped up to the PFMC, the Klamath is going to get ignored. We don't have safeguards to maintain the resource. we need to really look at tribal trust responsibility -- look at the resource first.
- o We need to write to the agencies and tribes involved (PFMC, HVTC, FWS, BIA, CDFG, etc.) and ask them where they intend to set harvest. If BIA intends to set harvest at 50/50 and there is no way to change this, then we need to find out upfront in order to set our recommendations.
- o I feel that this agenda item calls for us to decide on some kind of mechanism to achieve a sharing agreement. The only way I see for us to do this is -- no fishing until we agree on what the shares would be (i.e. locked up in the room until agreement is reached). We could recommend to the Pacific Council that no fishing occur unless this Council reaches consensus. This could become a motion.
- o I don't think this idea is a bad one, but our mandate is to make recommendations to PFMC who in turn makes recommendations to the Secretary of Commerce. My guess is that our bosses (Secretaries of Interior and Commerce) would say that we were out of line if we mandate no fishing. It might not be a good idea at this stage of our meeting, and it goes against what we are charged with.

22. Approve minutes from the January 28-29, 1993 meeting

** Motion: I move to adopt the minutes as written. Seconded.

**** Consensus.

24. Date of next meetings

Action: This Council will meet again on April 5th and 6th for two evening meetings. We will discuss spring chinook agenda items, any other '93 harvest items and agenda items 16, 17 and 23.

The September meeting would be for other agenda items (administrative items, reviewing 1993 fisheries, hearing reports from other agencies on monitoring/law enforcement, etc.). The exact date will be set at the April meeting.

The meeting was adjourned at 9:00 pm.



KLAMATH FISHERY MANAGEMENT COUNCIL

<u>Name and Address</u>	<u>Representing</u>
Mr Dave Bitts	California Commercial Salmon Fishing Industry
Ms Virginia R. Bostwick	Klamath In-River Sport Fishery
Ms Susan M. Masten	Non-Hoopa Indians Residing in the Klamath Conservation Area
Dr Gary Matlock	National Marine Fisheries
Mr. Pliny McCovey, Sr	Hoopa Valley Tribal Council
Dr Donald McIsaac	Oregon Department of Fish and Wildlife
Mr Al Petrovich	California Department of Fish and Game
Mr Bill Shake	U.S. Department of the Interior
Mr Jim Walters	California Offshore Sport Fishery
Mr Frank Warrens	Pacific Fishery Management Council
Mr Keith Wilkinson	Oregon Commercial Salmon Fishing Industry

Attendees:

Don Bodenmiller
 Judy Cunningham
 Arthur Goller, Fisherman
 Robert Jones, KMZ Coalition
 George Kautsky, Hoopa Valley Tribe
 Paul Kirk, KMZ Coalition
 Mike Maahs, Technical Advisory Team
 Mike Orcutt, Hoopa Valley Tribe
 Joe Petruzzi
 Joe Petruzzi, Sr.
 Mike Ryan, U.S. Bureau of Reclamation
 Fred Schutt, Port of Brookings
 Fred Stutsman, Port of Brookings
 Jim Welter, KMZ Coalition

Revised 3/2/93

DRAFT AGENDA
 Klamath Fishery Management Council
 Meeting of March 6-8, 1993
 Holiday Inn Crowne Plaza, Burlingame, CA

Saturday, March 6

1:00 pm Convene meeting

ADMINISTRATION

1. Introduce members.
2. Review and approve agenda.

1:30 pm

HARVEST MANAGEMENT PLANNING FOR SPRING CHINOOK

3. Spring chinook report (Technical Advisory Team - Polos).
4. Plans for spring chinook harvest.
 - a. Hoopa Tribe.
 - b. Yurok Tribe.
 - b. California Department of Fish and Game.

5. Council discussion.

2:15 pm

6. Public Comment

2:30 pm

7. Action: Council recommendations to managers on proposed spring chinook fisheries.

2:45 pm

HARVEST MANAGEMENT PLANNING FOR FALL CHINOOK

8. 1993 stock projection report (Technical Advisory Team - Barnes).

9. Development of a range of harvest sharing options for 1993.

- a. Harvest rate combinations (Technical Team).

3:15 pm

Break (and user group caucus).

4:00 pm

b. Objectives and constraints (user groups and Technical Team).

5:00 pm

Adjourn

Sunday March, 7

8:00 am

Convene

HARVEST MANAGEMENT PLANNING FOR FALL CHINOOK (continued)

10. Presentation of harvest options.

11. Report from the Harvest Allocation Work Group (Wilkinson).

12. Council discussion of harvest options.

9:45

Break

MEMORANDUM

To: Klamath River Technical
Advisory Team

Date: February 11, 1993

From: CDFG, Dixon and Baracco

Subject: 1993 Stock Projection Report

Subject report is attached. In addition to the actual projections there is information covering short-term items 4.2.1 and 4.3 of Jerry's February 5 memo to the Team. The information in the report's ~~Appendix A~~ is akin to Dave Hankin's table of several years ago, with shares reduced to meet the escapement floor.

Replaced with Appendix AA

Enclosure

Ocean Stock Size Estimates and Appropriate Harvest Levels
for Klamath River Fall Chinook, 1993 Season 1/

by

Klamath River Technical Advisory Team

SUMMARY

Ocean stock size estimates for Klamath River fall chinook salmon are 147,000 and 31,000 ages 3 and 4 fish, respectively. The age 3 projection is nearly six times that of the comparative 1992 pre-season estimate (25,000). The age 4 projection is slightly less (87 percent) than that of the comparative 1992 pre-season estimate (35,800). Under the current Pacific Fishery Management Council (PFMC) Framework Plan (Amendment 9) 33 to 34 percent of each cohort is allowed to escape the fisheries to spawn, with the remainder available for harvest. In addition, Amendment 9 requires that 35,000 natural spawners be provided for in all years.

In the absence of ocean and river fisheries in 1993, the stock strength expectations in this report, in conjunction with the average maturity rates and spawner distribution observed since 1978, would produce a 1993 spawning population 84,700 adult fish, 62,700 of which would spawn in natural areas. Conversely, fishing levels (ocean and river combined) that provide a 33 percent escapement rate would produce a 1993 spawning population of 37,700 adult fish, of which 27,900 would spawn in natural areas. Appendix A summarizes ocean and river harvest rate combinations and harvest levels that will provide 35,000 adult fish spawning in natural areas.

1/ Prepared February 10, 1993.

TABLE 1. Estimated Number of Fall-run Chinook Salmon by Age Entering the Klamath River, 1981-1992, in Thousands of Fish, Including Estimates of Ocean Harvest Rates and Population Sizes. a/

RETURN YEAR	INRIVER AGE COMPOSITION					TOTAL ADULTS	OCEAN HARVEST RATE BY AGE			OCEAN POPULATION BY AGE			
	AGE 2	AGE 3	AGE 4	AGE 5	AGE 3		AGE 4	AGE 3	AGE 4	AGE 3	AGE 4	AGE 4	TOTAL
	1981	28.1	64.0	14.3	1.8		80.1	0.42	0.66	246.6	45.6	292.2	
1982	39.4	30.0	33.9	2.6	66.5	0.57	0.65	344.7	106.7	451.4			
1983	3.8	35.8	20.7	0.9	57.5	0.28	0.70	103.8	84.9	188.8			
1984	8.3	29.6	15.2	2.3	47.1	0.14	0.43	103.4	29.2	132.6			
1985	69.4	30.6	32.8	0.9	64.4	0.25	0.29	138.4	46.3	184.7			
1986	44.5	167.7	27.0	TR	194.8	0.30	0.52	607.8	56.4	664.3			
1987	19.0	120.8	87.9	TR	208.7	0.36	0.53	415.0	194.3	609.3			
1988	24.0	136.3	53.3	1.2	190.8	0.37	0.45	605.4	108.4	713.8			
1989	9.1	15.2	105.4	3.3	123.9	0.21	0.43	133.2	185.9	319.1			
1990	4.4	7.9	27.6	0.2	35.6	0.60	0.61	114.2	71.0	185.1			
1991	1.8	13.3	19.1	0.1	32.4	0.09	0.22	41.9	26.6	68.6			
1992	13.0	7.3	17.7	1.0	25.9	/b	0.04	20.1 /c	19.6	39.7			

a/ Ocean harvest rate and ocean population size for age 3 fish in 1981 and age 4 fish in 1981 and 1982 from CDFG, 1989; all others after KRTAT, 1990.

b/ Cohort incomplete, unable to calculate.

c/ Estimate is very preliminary as cohort is not nearly complete.

Ocean stock-size estimates for age-3 fish were calculated using cohort reconstruction methods for hatchery and natural components of the stock that accommodates the varying maturity rates between years as described in KRTAT, 1990. Age-3 ocean abundance in 1992 (Table 1) used an age-3 maturity rate of 0.37 (the average value in cohorts now completed), since the cohort is not yet complete. While age-3 stock size has been projected pre-season since 1985 using similar methods to those described above, the accuracy of that projection has been less than desirable (Appendix B).

Age-4 Fish

An analysis comparable to that done for age-3 fish was made for age-4 fish, except that all years were included (Table 1). The relation between age-4 ocean abundance estimates and inriver run-size estimates of age-3 fish of the same cohort is shown in Figure 2. The r^2 for this fit is 0.85. An age-4 maturity rate in 1992 (1988 brood) of 0.94 (average 1979-1986 maturation probability from cohort reconstruction) was used to produce an ocean stock size estimate because the cohort is not yet complete.

Age-5 Fish

The age-5 abundance estimate is based on the age 4 inriver run-size estimate for 1992, an age-4 maturation probability of 0.94 and an estimated overwinter survival rate of 0.80, the values for age-5 fish used in the HRM.

Proportion of Adult Spawners Using Natural Areas

An estimate of the proportion of the adult escapement that will use natural areas in 1993 is critical to determining whether the 35,000 adult escapement floor for the basin will be cleared. To make this projection, the ratio of natural spawning and hatchery adults within the basin from 1978 to 1992 was used (Table 2). This data indicates that 74 percent of the fish allowed to spawn will do so in natural areas.

STOCK PROJECTIONS AND APPROPRIATE FISHERY LANDING LEVELS

Ocean abundance estimates for Klamath River fall chinook in 1993 are as follows:

Age 2:	117,000 fish
Age 3:	147,000 fish
Age 4:	31,000 fish
Age 5:	900 fish

TABLE 2. Distribution of natural and hatchery adult fall Chinook spawners in the Klamath Basin, 1978-1992.

YEAR	HATCHERY	NATURAL	% NATURAL
1978	13,000	58,500	82%
1979	3,600	30,600	89%
1980	6,500	21,400	77%
1981	4,400	33,900	89%
1982	10,400	32,000	75%
1983	13,900	30,800	69%
1984	7,500	16,100	68%
1985	22,500	25,700	53%
1986	32,900	113,400	78%
1987	29,100	101,700	78%
1988	33,500	78,900	70%
1989	22,000	43,700	67%
1990	8,100	15,500	66%
1991	6,500	11,500	64%
1992	7,200	11,100	61%
78-92 AVE.	14,740	41,653	74%

APPENDIX AA. 1993 Klamath ocean and river harvests resulting from reduced harvest rates necessary to achieve 35,000 adult natural spawners.

Full Harvest Rate Combinations (Ocean/River) 1/	Sharing Ratio at Full Harvest Rate (Ocean/River)	1993 H.R. 2/ Combinations (Ocean/River)	1993 Klamath Adults	
			Ocean Harvest	River Harvest
0.50/0.24	0.90/0.10	0.43/ 0.18	58,200	6,500
0.45/0.35	0.83/0.17	0.37/ 0.27	50,300	10,500
0.40/0.45	0.77/0.23	0.33/ 0.32	44,400	13,300
0.35/0.52	0.70/0.30	0.28/ 0.38	38,200	16,400
0.30/0.59	0.62/0.38	0.23/ 0.43	31,500	19,600
0.25/0.65	0.54/0.46	0.19/ 0.47	25,600	22,500
0.21/0.69	0.47/0.53	0.16/ 0.50	21,300	24,700
0.15/0.74	0.36/0.64	0.11/ 0.53	15,400	27,700
0.10/0.77	0.26/0.74	0.08/ 0.56	10,500	30,000

1/ Ocean harvest rate is expressed as the fraction of the fully vulnerable component (age 4 and 5) of the starting ocean population. River harvest rate is expressed as the fraction of the fully vulnerable component (age 4 and 5) expected to enter the river.

2/ Harvest rates reduced proportionately to maintain ocean/river sharing ratio as per Provision 5 in 1987-91 Sharing Agreement.

HOOPA VALLEY TRIBE'S BRIEFING PAPER
ON A COMPREHENSIVE FISHERIES MANAGEMENT PLAN
FOR THE KLAMATH-TRINITY RIVER BASIN FALL CHINOOK SALMON

Introduction

The purpose of this paper is to propose a modification to the current harvest management strategy used for Klamath River Basin fall chinook. Adherence to the 35,000 natural adult chinook escapement (the number of fish left to spawn after "escaping" ocean and river fisheries) floor, as established by the Pacific Fisheries Management Council in 1988, is essential to preserving the stock's ability to provide a maximum sustainable yield on a continuing basis. Accordingly, in 1993, a strategy of deficit accounting is developed to compensate for significant sub-floor escapements which occurred in 1990, 1991, and 1992. Floor restoration through deficit accounting assures a rapid recovery to normal harvest-rate management which optimizes resource utilization with a maximum sustained yield.

In the past three years, Klamath-Trinity (northern California) fall chinook stocks have suffered extremely low spawner escapements. Since 1990, the number of "natural" area spawners (fish which spawn outside of the hatchery environment) have fallen below one-third of the prescribed minimum escapement believed necessary to avoid long-term declines to this valuable fishery resource (see Ninth-Amendment of the Pacific Fisheries Management Council's Framework Plan). Low spawner escapements have resulted from a combination of low stock abundance, limited habitat, and excessive harvest impacts.

Since 1978, appreciable investment and progress in riverine habitat restoration has been made. Innovative strategies in fisheries management are now required to coordinate habitat rehabilitation

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PFMC finding), the floor was set at 35,000 adult fall chinook and the scientific advisory body to the PFMC has repeatedly warned that consecutive years of sub-floor escapements could seriously compromise the long-term productivity of the stock. This floor escapement compares with estimates of basin capacity for spawning chinook ranging between approximately 65,000 and 130,000 (Hubbell and Boydston, California Department of Fish and Game report, 1985). In a separate study, the US Fish and Wildlife Service estimated that 63,000 fall chinook were necessary to fully seed the Trinity sub-basin alone (EIS for the Trinity Basin Fish and Wildlife Restoration Program). Similarly, the Klamath River Technical Advisory Team (KRTAT) speculated that the carrying capacity for Klamath-Trinity natural fall chinook adult spawners ranged between 43,000 and 106,000 fish.

In the past three years (1990, 1991, and 1992), the PFMC has recommended that DOC authorize ocean harvest impacts which, when coupled with in-river harvest, have led to spawning escapements well below the critical floor of 35,000. In 1990 and 1991, violation of the escapement floor was not intentional, but due to predictive uncertainties of ocean stock abundance and ocean harvest impacts. However, in 1992, DOC through the PFMC, authorized ocean fishery impacts, knowing in advance that the ocean population size was insufficient to clear the floor escapement. Moreover, the level of harvest authorized within the Klamath Management Zone (ocean management area exclusively managed for Klamath chinook) and in-river harvest sectors was grossly inadequate to reverse, to any appreciable degree, the declining vitality of coastal economies and cultures dependent upon the resource. Representatives from these sectors (primarily California and Oregon recreational fishing interests) have repeatedly stated the need for uninterrupted access to fish throughout the summer months (Memorial Day through Labor Day). Numbers of fish are not as critical as time on the water for the recreational fisheries. Meanwhile, abbreviated fishery seasons have been at the

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Proposed Strategy

The 1993 salmon fisheries management cycle has begun on the west coast. The current ocean stock abundance forecast of Klamath-Trinity fall chinook suggests that spawner escapement shall exceed the 35,000 floor and has raised optimism over the prospects of intensified harvest. However, a comprehensive management alternative, involving coordinated habitat and harvest management, designed to allow additional fish to escape fisheries and spawn in 1993 is needed.

Adherence to the 35,000 spawner escapement floor is essential. To address the federal trust responsibility to Klamath-Trinity Basin Indian tribes, stimulate recovery of the Klamath-Trinity chinook, and set a proactive course for recovery of the economies dependent upon the fishery resource, the floor should be cleared appreciably every year. Instead, fisheries management decisions by DOC in 1990, 1991, and 1992, were adverse to the full recovery of Klamath Basin fall chinook salmon. These decisions were a result of interpreting the floor, an absolute minimum escapement level, as an escapement goal.

Fortunately, past harvest management decisions resulting in sub-floor escapements may yet be rectified. Management of Klamath-Trinity fall chinook in 1993 should minimize harvest impacts by providing additional spawners over and above the escapement floor to compensate for the deficit caused by the breach of the floor in past years. The 1993 ocean population of Klamath-Trinity fall chinook is currently estimated at 180,000 fish. Under this strategy, it is proposed that the spawner deficits realized in 1990, 1991, 1992 be paid back to the resource in 1993, 1994, and 1995. Accordingly, in 1993, this strategy calls for providing approximately 55,000 "natural" spawners to the Klamath-Trinity Basin to compensate for the approximate 20,000 fish shortfall in the 1990 "natural"

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PCFFA 1993 TROLL SALMON SEASON PROPOSAL

NOR open May 1--Sept. 30 (Oct. 31?)

CSB as above, except: closed July 1-31
open May 1-31 to Humbug M

KMZ-T closed to commercial trolling through Aug. 31
fall target fisheries as through 1991

KMZ-S quota of 4000 Klamath fall chinook (c. 25,000 total
chinook) through Aug. 31

FB open May 1--June 15
open July 26--Sept. 30

SOC open May 1--Sept. 30 except: closed June 16-30 from
Pt. Arena--Pt. Reyes

PCFFA will follow Oregon's lead on coho management.

This season shape is designed to accommodate a proportional cutback (to meet the 35,000 natural fall Klamath chinook spawner floor) in both ocean and in-river harvest from the approximate harvest shares determined by PFMC during the late 1980's.

While PCFFA doubts that the 35,000 natural spawner floor is appropriate or justifiable in light of the record of natural spawning numbers vs. three-year-old production, we support managing for that number of spawners in 1993 after three years of substantially smaller runs.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region ATTACHMENT #6
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213
TEL (310) 980-4000; FAX (310) 980-4018

MAR 1 1993

F/SW01:RRM

Mr. Marvin Plenert
U.S. Fish and Wildlife Service
911 NE 11th Avenue
Portland, Oregon 97232-4181

Dear Marv,

The time for me to begin participating in the management of Pacific coast salmon is rapidly approaching. I will be expected to make decisions concerning proposed seasons, quotas, etc. for several species including Klamath River fall-run chinook salmon. Critical to the decisions is information relating to expected spawning escapements, and critical to those estimates is the expected inriver harvest of fall-run chinook salmon. It is clear that the spawning escapement suffers when the impacts of both the ocean and inriver harvests are not accurately portrayed in the decision-making process. So, I am writing to you in your capacity as the representative of the Department of the Interior on the Pacific Fishery Management Council (PFMC).

I would very much appreciate your providing me an estimate of the planned 1993 tribal harvest of Klamath River fall-run chinook salmon before the PFMC meeting convenes on March 9, 1993. That information will allow the PFMC to develop realistic ocean fishery management options for public review.

Considering the record low ocean populations of Klamath fall chinook that have been observed in the past two years, it is imperative that we do all within our ability to ensure the spawning escapement goal is achieved. I am willing to respond to that challenge, but I need your help. If you need anything additionally from me to ensure a prompt response, please do not hesitate to contact me.

Sincerely,

Gary

Gary Matlock, Ph.D.
Acting Regional Director

cc:

KFMC - D. McIsaac
PFMC - P. Anderson
CDFG - B. Gibbons
MMS - L. Reed
BIA - R. Jaeger
FWS - W. Shake
F/NW - R. Schmitten
GCNW - E. Cooney



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 10 1993

Honorable Ronald H. Brown
Secretary of Commerce
Washington, D.C. 20230

Dear Mr. Secretary:

The Pacific Fisheries Management Council (PFMC) has initiated its annual process of developing recommended ocean fishing regulations along the west coast. As you may know, the Department of Commerce must review the proposed PFMC regulations and ensure, prior to final approval by Commerce, that they are consistent with fishery resource conservation requirements and applicable Federal law. The recommendations will include permissible ocean harvest levels for Klamath River chinook salmon, which are also harvested in-river as returning spawners by Indian fishers in the Klamath and Trinity Rivers of northern California. To be consistent with Federal law, the ocean harvest regulations must recognize and not interfere with an adequate and meaningful Indian harvest.

Indian tribes along the Klamath and Trinity Rivers in northern California have Federally reserved fishing rights, which include the right to fish for ceremonial, subsistence, and commercial purposes. As trustee of the tribes' fishing rights, the United States has an obligation to manage the ocean fishery in such a way as to provide adequate river returns and spawner escapements to ensure the meaningful exercise of Indian fishing rights. As such, the Commerce Department must ensure that its decisions in establishing the ocean fishing seasons and allowable harvest levels, and in otherwise managing the ocean fisheries, conform to the exacting level of precision required of a trustee whose actions affect the property rights of its beneficiary.

Although the precise harvestable share of the resource to which the tribes are entitled has not been legally quantified, it is this Department's position that the United States, acting as a reasonable and prudent trustee, must ensure that at least 50 percent of the total allowable annual harvest is set aside for the in-river Indian fishery. That allocation has consistently been adopted by the courts in a variety of Indian reserved fishing rights cases. Until the Solicitor's Office or the courts determine otherwise, a 50 percent allocation to the Indians seems the most appropriate means for the United States and its agencies to fulfill the Federal trust responsibility to the tribes.

MAR 2 1999

1

To: Klamath Fisheries Management Council (KFMC)
c/o Ron Iverson and Patricia Parker
P.O.Box 1006.Yreka, CA. 96097-1006
Phone 916-842-5763 FAX 916-842-4517

From: Joe Mercier
P.O.Box 51. Helena, CA. 96048
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Dear KFMC: Despite a decade of operation and over 100 million dollars expended within the Klamath system it has become increasingly clear that we are witnessing the continued decline of the fisheries and the near extinction of many salmonid stocks.

It is also clear that the various restoration projects are failing. This is because the agencies responsible for the systems management have chosen not to address the true causation of the Klamath River system environmental degradation and have instead opted for business as usual and patch-work remedies.

It is human activity that is the foundation of the problem and in the end it will be management of human behavior that will determine the health of our eco-systems.

All the agencies involved in the management of the Northwest river systems know that the damming of the rivers is ultimately responsible for the decline of fisheries. Studies and agency documentation has clearly represented what happens when free flowing freestone streams are dammed. This is no revelation as this scenario has been occurring all over the west. The endless studies on this subject are redundant, simply telling us what we already know. The anadromous fisheries require systems that are governed by nature not the economic needs of man. They require natural flooding born of high seasonal flows which in turn establish and maintain the natural habitat necessary to the survival of salmonids.

Most restoration projects simply set the stage for increased agency funding and management activities. None of these projects address the real problems at the root and serve only to direct attention away from real solutions. The thought of government agencies rushing around the drainage with their toys and pretending to recreate natural habitats or fish is ludicrous and sets the stage for a perpetual maintenance and mitigation programs. Programs doomed to failure as evidenced by past attempts to micro manage ecosystems. More tax payer moneys to thrown down the bureaucratic rat hole. Any bureaucrat responsible for management and restoration programs of our river systems that believe that we can micro-manage complex natural systems has been walking around with their eyes closed or are blinded by personal or agency agendas. There is no record of success in the human management of natural systems.

behaviors in our history. These behavioral regulation will be painful to the pursuit of the profit motive. Examples of regulated management are: a significant percentage of a river systems flows should be allowed to run free according to natural seasons. Because dams are a physical reality minimum pools must be established. Attempts should be made to provide access to high quality habitat above dam structures. Sensitive lands within watersheds must not be utilized in a manner that will ultimately degrade water or habitat quality. Hatchery operations should be cut back or discontinued. Non-selective off shore commercial fisheries should be abolished in favor of in-river selective harvests. All commercial harvest of salmonids should cease until stable populations of wild fish have been reestablished.

It is in our own best interest to help nature recover its balance. This will require substantive discussions of our policy philosophies and our moral obligations to the future. After all it is man kind that is adaptive to environments not the other way around.

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28 February, 1993

Analysis of, "The Klamath Fishery Management Council Long Term Plan for Management of Harvest of Anadromous Fish Population of the Klamath River Basin"

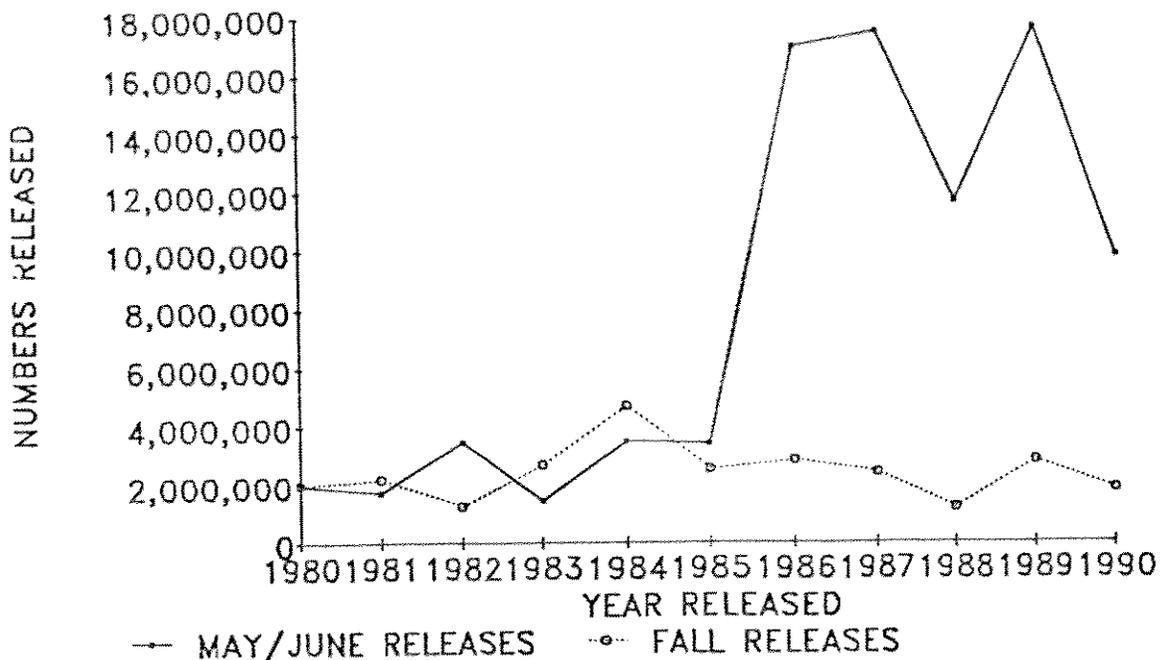
Prepared for: Jim Welter, OSCF, Inc. Brookings, OR

I had to read through the document several times to sort out the difference between a plan for Harvest Management and a strategic plan for organization and communication of an effort to ultimately develop a plan. Unfortunately, this document describes the later, not the Harvest Management Plan recommendations for which the effort was funded.

The rehashing of the 1987 agreement and plan and backtracking to develop a strategic plan for the KFMC rather than a plan for Harvest Management seems to justify itself through the rather unimportant fact that there was a special planning center available in the resort city of La Jolla, CA.

The technical assumption as to what problem should be addressed is stated on pg. 8. as; "Declining salmon landings in the KMZ and nearby ports have occurred as a result of harvest management for Klamath stocks." This is not shown to be correct. In fact, it can be shown that hatchery practices, more than harvest management have caused the stock collapse on the Klamath River as well as on several other Pacific Coast rivers. The chart below shows the relationship between Klamath River flow and Chinook escapement. Note that the escapement curve follows the flow curve four years after the flow. Note, also, that the 1986 flow year shows an unexplained collapse in 1990. (The higher flow in 1986 should have improved escapement numbers in 1990. Keep that in mind in the discussion of the chart to follow this one.)

KLAMATH BASIN CHINOOK RELEASES SPRING & FALL RELEASES



On pg. 14 is stated " It is also important to remember that harvest rate management is not a perfect regulatory tool-- the management models used in this system are still being refined." It is my experience over thirty or more years that all management models dealing with uncontrollable dimensions such as weather, choice, etc. are unreliable and always subject to refinement. It is even more important to remember that hands-on management is the only tool capable of making allowances for weather effects and any other environmental or biological anomalies which occur in nature. The model must be tailored on an annual or more frequent basis by the fish biologists who are employed for the purpose of doing that job. Since such things cannot be modelled it is mandatory to keep the model tailored to the lowest flow years experienced and expected for the particular habitat. (An example would be to change the " annual escapement floor" used in the 1987 Long Term plan and agreement from 35,000 down to a more likely level of 12,000 by using pre-1985 and post-1989 data rather than using 1985-88 numbers which are the result of several years of back-to-back excellent flow and temperature environment in the river.)

The point must be made that the models must be used in displaying status and historical trends which give us accurate data upon which we can evaluate new data as it becomes available. We can make corrective decisions based on past data and present circumstances. We cannot, however,

Category 3. looks like a list of funding requirements for some (State or Federal) agencies to do things which they are already chartered to do. If priority went from regulation, hatchery production, and tribal nurturing, to habitat and protection of stocks there is probably more than ample funding in place.

3.6 Is worded as if nobody ever heard of fin clip. Why is it necessary to "develop" a method???

Category 4. Why have three tribal representatives on the council. As wards of the Federal Government the tribes are specifically chartered and restricted as published in the federal laws. Nothing the council does can change law.

Category 5.

5.1 This statement is very hopeful, but there is no indication of what will be done, or how it will be done to accomplish the lofty ideals stated.

5.2 Refer back to the charts provided at the start of this document review for an idea of where to start in searching for the MSY.

The "Council recommends that the optimum level be determined by Harvest rate management" should be taken for granted since this study was supposed to provide a harvest management plan.

IF THE TOTAL OF THE HARVEST MANAGEMENT PLAN CONSISTS OF .. "HARVEST RATE MANAGEMENT BASED ON THE TECHNICAL TEAM'S BEST ESTIMATE OF STOCK PRODUCTIVITY.", we knew that going into the study effort and should carefully audit the effort which produced this report to see where the cost of this study really belongs in the budgets of the funding entity.

Category 6.

6.1 The water flows will be what they are. The law requires certain minimum flows. The law is not always complied with. That is a subject which could be addressed by the council. The direct responsibility, however, is to recommend the proper size, number, location and timing of any hatchery releases to match expected flow yearly and even monthly. When there is not enough water do not release hatchery fish. If they cannot be held, destroy them. Good pre-season planning should avoid the need to destroy hatchery stock, but variances in river flow and temperature may demand that action at times.

6.2, 6.3, & 6.4 are all being done by several State and Federal agencies. KFMC can comment on anything, of course, but needs to focus on a more narrow realm to ever accomplish something.

DRAFT

PROPOSED COUNCIL STRATEGY FOR EFFECTIVE HABITAT ACTIONS

The Pacific Fishery Management Council (Council) is guided by the principle that there should be no net loss of the productive capability of marine, estuarine and fresh water habitats which sustain commercial, recreational and native fisheries beneficial to the nation. To implement this policy, the Council must assume an aggressive role in the protection and enhancement of marine and anadromous fish habitat.

The need for effective habitat protection and restoration is especially important in reversing the current trend of declining salmon stocks which has been intensified by the unremitting degradation or outright destruction of critical freshwater and estuarine habitat within the Pacific coast region. Continued curtailment of harvest will not bring back productive fisheries unless the critical underlying habitat problems are resolved. With limited resources, staff and authority (see attached excerpt from the MFCMA), the Council can provide only a part of the effort and attention required by all citizens, fishery managers, and local, state and federal officials to achieve effective habitat protection and restoration. With this recognition, the Council has developed a proposed habitat strategy to improve coordination of Council habitat actions and make them as effective as possible.

In 1985 the Council established a habitat committee to help review and prioritize the Council's habitat actions. Since that time, the Council has addressed, by letter, resolution and testimony, various habitat issues. These issues include stream flows and water quality, forest and land use practices, hydro developments and operations, and ocean pollution and seabed mining. The effectiveness of Council comments is difficult to ascertain, since the Council's actions are only one of many being focused on the problem. However, it is obvious that many of the same complex problems continue to exist year after year, despite the concerted efforts of the fishery agencies and fishery industry representatives.

To highlight the importance of fishery habitat and enhance the resolution of long standing critical habitat problems, the Council proposes to use the following procedures.

1. Vital Habitat Problems--To enhance public awareness and education of habitat problems critically impacting Council managed fisheries and impairing the economic and social well being of communities dependent on those fisheries, the Council will annually identify and update the status of the most damaging actions to fishery habitat in the Pacific coast region. [The status report may be set up in a briefing book format which can be used to hold future updates.] The description of the problems will be organized by ecosystems or broad categories and include proposed solutions and the impediments to those solutions. Each identified problem will be monitored and progress (or lack there of) reported in the Council Newsletter and/or other media to bring pressure toward their resolution.

The major issues that are candidates for this list are:

- Temperature, flow and other water quality problems in the Klamath and Sacramento-San Joaquin river basins.
- Hydro system impacts in the Columbia River Basin.
- Lack of an ecosystem approach to watershed management (e.g. negative impacts from urbanization and agricultural, grazing, forest and other land use practices affecting riparian areas and wetlands in California, Oregon, Washington and Idaho).
- Mineral exploration and location of ocean dredge-spoil dump sites.

Quick Response Procedures - Individual or agency representative contacts Council staff who communicates with any other affected entities, habitat committee chair, Council chair and any other pertinent Council members.

Alternative B

Establishment of a Council Habitat Panel - The Council will establish a Habitat Panel consisting of a Habitat Steering Subpanel and Regional Subpanels. The panel will function to elicit and facilitate discussion and screening of important habitat issues which have regional significance to fisheries managed by the Council and to help develop strategies to resolve present habitat problems and avoid future habitat conflicts. The panel makes recommendations to the Council for actions which help achieve the Council's habitat objectives as defined in the FMPs.

Habitat Steering Subpanel - The steering subpanel will consist of 7 persons, 1 from each entity or category as listed below. The representatives selected for the steering subpanel should have experience in habitat issues and/or expertise in strategic planning.

Council Member	(Subpanel and Panel Chair)
NMFS	
USFWS	
State Fish & Wildlife	(WA, OR, CA or ID)
Tribal	(NWIFC, CRITFC or Klamath Tribes)
PSMFC	
Public Member	(A member from industry, conservation organizations or public at-large)

[One common comment in March recommended increasing the number of public representatives on the steering subpanel to at least two.]

Habitat Regional Subpanels - The Habitat Regional Subpanels will act as expert advisory resources for the Habitat Steering Subpanel. They shall be constituted from entities such as those listed below which express a desire and ability to participate in the Council's habitat process.

California Subpanel:

CDFG habitat section representative
 Klamath Tribes
 PCFFA
 United Anglers
 NMFS SW Region habitat section representative
 USFWS
 Center for Marine Conservation
 US Forest Service
 Bureau of Reclamation
 Corps of Engineers
 Others

Subpanel when the Council meets in San Francisco and Northwest Subpanel in Portland and Seattle). There may be an occasional need to have certain subpanel members attend out of area meetings. Travel costs will not generally be reimbursed for regional subpanel members.

Issue Screening and Review Procedures - the following criteria will guide panel and Council procedures.

- All issues must have a significant impact on Council managed fisheries. This may include habitat policy issues of regional or national scope as well as effects of specific projects or resource developments.
- Direct presentation of issues to the panel should be at the request of the Council or coordinated with the appropriate individual fishery management entities. Private individuals or organizations may submit requests directly to the steering subpanel but any Council action will require approval of the full Council.
- All issues submitted to the steering subpanel should have sufficient supporting information to allow clear identification of the issue and to permit an evaluation of the need for Council support.

Quick Response Procedures - There is occasionally a need to develop and transmit comments on behalf of the Council which cannot wait for approval at a Council meeting. The habitat panel will strive to anticipate such instances and identify them at Council meetings to receive preapproval of the comments in terms of their general concept. Also, at that time any Council member may request that he or she has an opportunity to review the comments prior to their transmittal. In cases where preapproval has not been possible, the following procedure will be followed:

Individual or regional subpanel member contacts Council staff with details of the issue and comments. The Council staff communicates with any other affected entities, panel chair, Council chair and any other pertinent Council members before transmitting comments. If there appears to be a lack of consensus among pertinent Council members which cannot be resolved, the comments will not be transmitted.

Alternative C

Other suggestions or modifications to the present proposal?

[Comments: The proposed habitat panel structure (Alternative B) formalizes and expands the operating procedure for the current Habitat Committee and formally designates habitat experts from the agencies to coordinate with the steering subpanel (currently this is an informal infra-structure). The proposal is aimed at expanding involvement with agencies and entities not currently involved on a formal basis (Forest Service, Bureau of Reclamation, etc.). There will be overlap in representatives on the steering and regional subpanels, so there are not as many total people involved as it may seem. Participation by Regional Subpanel members is very flexible on an as-needed and as-willing basis. However, Council staff will need to contact specific Regional Subpanel members before meetings to assure pertinent input on specific agenda items.]