



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Klamath River Fishery Resource Office
P.O. Box 1006
Yreka, CA 96097-1006
(916) 842-5763
FAX (916) 842-4517

May 9, 1994

Memorandum

TO: Klamath Fishery Management Council members

FROM: Project Leader, Klamath River FRO
Yreka, California

SUBJECT: Draft minutes of March 7-8, 1994 meeting

Attached, please find the minutes from the March 7-8 meeting in Portland. Please note that we are revising Handout E from Coastal California Fishery Resource Office (CCFRO) regarding proposals for fiscal year 1995 funding. The proposal for age composition of the 1994 Klamath River fall chinook run should ask for \$10,500 not \$8,100. The proposal to estimate the fall chinook salmon spawning escapement in the mainstem Klamath River should ask for \$26,000 not \$20,800.

Please review these draft minutes and get back to us with your comments by May 20.

To save paper and mailing cost, the full version does not contain the attachments. A list of the handouts is included as Attachment 3. If you need any of the handouts from the meeting, please mark up the list, place your name and address on the page and return the list to this office. A summary of these minutes will be put in the next newsletter for public distribution. A comprehensive minutes package will be provided to anyone upon request.

for *Patricia S. Parker*
Ronald A. Iverson

Attachments

Klamath Fishery Management Council
7 March 1994
Columbia River Red Lion, Portland OR

March 7

The meeting was called to order at 3:05 pm by Chair McIsaac. A quorum of members were present (Attachment 1). Handouts for the meeting are listed in Attachment 3.

Agenda item #1: Review harvest allocation recommendations from March 1-2 meeting.

The Council reviewed 3 handouts: Handout A: Klamath Council Draft Summary of March 1-2 meeting, Handout B: Oregon Department of Fish and Wildlife (ODFW) revised proposal of Klamath Fishery Management Council (KFMC) Recommendations Regarding Harvest of Klamath River Fall Chinook for 1994 Fisheries, and Handout C: 1993 Sport and Commercial Harvest (Technical Advisory Team revised handout).

- o Regarding the tribal:non-tribal allocation, in Handout A: we should say, "... this would apply to the '94 season only and is silent as to whether adult equivalents (AEQ) or fish-for fish catch accounting should be used."

**** Action: Barnes will verify %'s to tell the Salmon Advisory Sub-panel (SAS) if 12% freshwater share is correct.

McIsaac: Regarding the motion on allocation between KMZ sport and marine fisheries outside the KMZ, the percentages shown in Handout A (14% : 86%) should be deleted, since we have not verified those numbers.

Bitts: Substitute "1993 harvest share" for those percentages.

**** Consensus: Last year's harvest share would be modeled as "the low end" for KMZ sport. Last year's pre-season target for KMZ harvest rate (0.24) would be modeled as the "high end."

Barnes: The projected and actual landings of salmon in the six cells of the Klamath Ocean Harvest Model are shown in Handout C. The pencilled in corrections are the changes that occurred since last week.

Comments:

Seems like there were few Klamath chinook coded-wire tags recovered below Point Arena, so how did we get 8,500 Klamath impacts?

Dixon: I will check into this.

The tables need to have a footnote: "Klamath Management Zone (KMZ) sport and tribal fisheries did not meet their quotas (the projected value)."

The tables should show expected escapement too.

**** Action: The Technical Team will put together a table with these revisions.

Agenda item #2: Consideration of any new recommendations.

McIsaac: The spawner deficit accounting concept is recommended to go forward for technical analysis and public review. The concept includes a cap of 43,000-50,000 fish, is based on cohort accounting with an annual target and includes the provision for an unspecified level of *de minimus* harvest of age 4 fish. I will work with staff to develop a summary.

Agenda item #3: Council discussion of fishery shaping options.

McIsaac: We have heard from the biologists about the concern for the Scott, Shasta, and Salmon stocks. Could technical staff who are knowledgeable of season dates let us know if there has been relief in the form of fishery shaping options that reduce the impact on these sub-basin stocks at the front end of the season?

Polos: For the past two years, there have been closures on the early end of the season to alleviate impacts on early run fish returning to the Scott, Shasta and Salmon River sub-basins. The Yurok Reservation specifically limited tribal fisheries at both the early and late part of the run to protect these stocks. The early season (mid-July to September) was only open 3 days per week. We also have an early season subquota, but this has not been reached in the last two years. There is little data on the Scott and Salmon natural component of the run. We know that they have different run timing and that the run on the Salmon River is later than on the Shasta River. There is no recent data and just a few tag recoveries from natural stocks tagging done several years ago. The commercial fishery in the estuary was usually closed by the third week of August, so it hit the early run hard. The subsistence fishery lasted until early September.

McIsaac: Is there any shaping of river sport fisheries to protect the early run -- or could there be?

Boydston: The lower river sport fishery quota lasted only until September 10, last year, but we have not structured fisheries to equalize impacts between August and September. Today we need to talk in general principles in terms of shaping the season. California Department of Fish Game (CDFG) will meet with users

later this month to find ways to get the most out of the fishery quota we are given, so we will constrain harvest to meet this number, allowing for a 2-3% drop off. Recommendations from that meeting will go to our Commission.

McIsaac: Other ideas?

Wilkinson: The KMZ Fishery Coalition will be a key player in zone recreational season shaping.

Orcutt: The tribe would like to be involved in a meeting with CDFG to look at hook/release mortality of adult chinook in fisheries that target jacks.

Boydstun: We were not prepared for the amount of hook and release fishing that occurred last year. We are prepared with angling measures that will reduce impact stemming from hook and release fishing for this year (no landing nets, no fish beached).

Bostwick: The in-river sport fishing community is embarking on an intense educational program to educate anglers on reducing the amount of hook and release fishing mortality.

Agenda item #4: Public comment.

Jim Welter, KMZ Fisheries Coalition: We need numbers on the table that are less dynamic.

Bob Jones, Klamath Management Zone Fisheries Coalition: I have a comment regarding season shaping. Last year we utilized 60% of our quota by restricting the fishery substantially. Please remember that just because we were conservative and didn't use fish doesn't mean that we didn't need those fish. We do need fish, and we do need time on the water. Each fish in the quota generated 2.1 angler trips.

Scott Boley: I would like to relate the comments I've received regarding the commercial fishery. People want to see an opportunity to harvest Rogue River fall chinook, they want us to consider a May fishery in the zone that would go from Chetco to Horse Mountain and extend out 6 miles. They also want us to consider an August time frame.

Jeff Feldner: The Salmon Advisory Sub-panel (SAS) discussed the possibility of an April opening in Oregon waters during '95. This season structure would be a way of avoiding Klamath fall chinook and coastal coho stocks. The season would be from Humboldt north, and possibly have an April 15, opening during '95. It couldn't open earlier because of the process required by the Pacific Council. We would like to have KFMC discuss this.

Council discussion:

- o I hope that we would consider looking at the Eel River fishery too. We need to discuss it and see if it has merit to have a target fishery there.
- o Regarding late season fisheries, other California salmon stocks aren't in too good of shape either. An option that targets Eel River fall chinook is not going to go over well.
- o We call it the Eel River fishery, but I don't see that we have proof that it actually harvests Eel River fish.
- o We ought to consider all these fisheries and consider their impacts on Klamath fish. For stocks that are out of our purview, we would need to check with other states. We can suggest that those stocks be monitored and their results be reported back to the groups.
- o In shaping ocean fisheries. let's look for time/area cells with small Klamath impacts, and use that information in identifying target fisheries.

Agenda item #5: Council action.

**** Motion (Bitts): Direct the Technical Advisory Team to evaluate the impacts of target fisheries on Klamath stocks for '94 and the spring of '95. Include target fisheries mentioned so far and be consistent with whatever overall ocean harvest rate shakes out.

Seconded.

Discussion:

- o We already know the Klamath impact rate on the Rogue and Chetco. Maybe an assignment regarding an April 15, opening or the concept of target fisheries would be more helpful than looking in detail at a whole list of target fisheries.
- o If we are going to consider target fisheries, we will need to have an analysis of those impacts.
- o It is appropriate to look at the April '95 fishery and have the Technical Advisory Team tell us about Klamath impacts.
- o Wilkinson: I can't support the motion -- it raises unnecessary alarm. A motion on target fisheries is inappropriate.
- o Why don't we just ask the Technical Team to give us the Klamath contribution in the Rogue, Eel, Chetco, and Elk

River fisheries? The only new assignment is the concept of an April spring fishery. This will help us to look at the stock strength of the Klamath and Rogue. This doesn't need to be a motion, it can just be an assignment.

* Motion and second withdrawn.

Q: Regarding the April '95 fishery, what does the SAS have in mind?

A (Feldner): It would be a fishery north of the KMZ, to avoid winter chinook. We assume the Technical Team will have to use May data to avoid impacts.

Q: Can the Technical Team do this?

A: (Dixon): I don't know -- we would have to consider spring chinook impacts; Polos is just starting to review spring chinook data. (Boley): Rogue spring chinook would be another issue. May not be possible to resolve all this for an April '95 fishery -- 1996 might be more realistic.

- o **Boydstun: In the early years of tagging Klamath salmon, we found that age 4 fish were impacted most heavily in the KMZ in May. So, I am not optimistic that an April fishery would have low Klamath impacts.**
- o We, as a Council, are concerned (1) that options are consistent with 50/50 harvest sharing opinion and (2) all Klamath impacts need to be monitored. Season shaping should be left up to the SAS and the KMZ Fishery Coalition.
- o The SAS should flesh out options then bring these options to us by our April meeting.
- o Regarding the freshwater component of harvest, it appears, we need to protect the Klamath natural fish by focussing harvest on the second half of the run, but we also need to protect the Trinity run, which was very weak in 1993. Partitioned Cohort Projection Methodology indicates that we should target more on the earlier run to harvest high returns to Iron Gate Hatchery.
- o Best place to gillnet for these will be east of I-5.
- o Since only a small portion of the fish are marked, we can't assess the impact on hatchery fish in gill nets.

**** Motion (Boydstun): Ask for NMFS guidance, tomorrow, for counting fish during '94 management so SAS can do its job.

Seconded.

Discussion.

Q: Would it be appropriate for this Council to ask National Marine Fisheries Service (NMFS) for direction on how the fish would be counted (e.g. fish for fish? adult equivalents?)

A: McInnis: At the last meeting I said that NMFS expected to use "fish for fish" counting in '94 (not precluding further refinement). If this motion passes, this will also go before the general counsel for National Oceanic Atmospheric Administration (NOAA).

Q: If adult equivalents are used, will the fishery management plan need to be amended? There are several ways to calculate adult equivalents. Before we jump in, we should review the concepts to insure that we are all talking about the same thing.

A: This question will be answered by Tuesday evening, if there is an answer out there.

- o The STT says that there are technical difficulties in using adult equivalents (see their handout on adult equivalents, from last year).
- o These issues need to be cleared up. We need short and long term answers.

Boydston: I could withdraw this motion if I was assured that it will be addressed on the Pacific Council floor and if I was assured this Council would not exclude adult equivalents from considerations for '95 and beyond.

Shake: Do we need a motion? The Chair could just ask Rod to get us an answer?

McIsaac: I think a formal motion should go forward because the long term angle of motion interests me.

Motion restated: We will ask NMFS to determine or provide the guidance for '94 management to the SAS and ask if there is flexibility in how fish are to be counted for '95 and beyond.

McInnis: The answer to the question for management in '94, '95 and beyond is not a question to be answered by NMFS alone. If the parties agree, then the Solicitor's opinion is fine.

Shake: Regarding making a decision on adult equivalents, this Council needs to decide by consensus how we want to count, then pass this recommendation on to regulatory agencies, for use in 1995 and beyond.

* Motion fails (McInnis and Fletcher abstained, Orcutt voted no).

Orcutt: The tribe's proposal last year was swept under the rug. This proposal now is similar in that it has lots of technical disagreements. The people who wrote the October 4, opinion have counted on a fish for fish basis.

**** Motion (Boydston): Ask the Pacific Council for clarification on how fish should be counted in '94.

Seconded.

Discussion:

o Boydston: We need to have it publicly stated as to how the fish are going to be counted. If this group doesn't ask, the State will -- but I would like KFMC to take the lead.

Q: How does this differ from your previous motion?

A: (Boydston): It is limited to '94. '95 and beyond is excluded.

o McInnis: I fail to see your point in this motion -- I have given you the answer.

o At the conclusion of our report to the Pacific Council, Chair McIsaac will ask for clarification of how the fish are to be counted in '94.

*** Motion passes (Fletcher, McInnis abstained).

o Feldner: We (SAS) still a range of harvest rates for Klamath ocean harvest.

o Orcutt: Deficit accounting needs to go forward as an option.

o The motion passed last week by this Council, specified that deficit accounting would not be considered for '94, but it would only go out for public review as a Framework Plan amendment.

**** Motion (Orcutt): The Klamath Council recommends, as one option for SAS development, the Hoopa Valley Tribe's deficit accounting proposal as presented in September '93.

Seconded.

Clarification: The motion includes a 50,000 cap, and the state's language regarding the target. The *de minimus* impact is something we are willing to look at.

Discussion:

- o If the *de minimus* concept is included, then it is crucial to specify what the *de minimus* level would be. The 50,000 cap would give us no ocean harvest.
- o We need to decide if the recommendation for '94 would include *de minimus* or 50,000 cap.

break (to caucus on the meaning of *de minimus*)

Motion clarified:

I propose a *de minimus* ocean impact of zero, with severe cutbacks for the tribes. There are already some ocean impacts from last fall.

Q: Are you proposing that the tribal share is comparable, but would not exceed the 225 fish impact (from fall 1993) in ocean?

A: Yes.

Q: How would you account for freshwater angling?

A: Defer to Fish and Game Commission.

- o It would be useful for the Pacific Council to have a motion that includes a higher escapement goal for public comment.
- o The motion will carry good information to the public as to the effects of deficit accounting on harvest.
- o In-river fisheries will need to be modeled to determine spawning escapement under your option.
- o Orcutt: We would shape our fisheries to be consistent with 50/50 and fish-for-fish, if this option were adopted by PFMC and Commerce.
- o There are lots of decisions between when the Secretary of Commerce signs off and when the Yurok fishery begins.
- o Bitts: Spawner deficit accounting is a proposal that is advancing through the Pacific Council process, yet its merits have not been demonstrated for the long term productivity of the resource. If we knew the optimal escapement for the river, and if we knew the floor based on optimum yield, then this proposal could be useful. If the floor is near or above optimum escapement then the long term effects will be adverse. I oppose the proposal based on these points.

- o Voting yes on this motion does not lead to affirmation of the proposal. We are not deciding on the pros or cons of deficit accounting right now.
- o The motion is for a modeling exercise. Options that went out for public review in the past have served a good purpose. Concerns about the validity of the 35,000 fish floor should be on an upcoming agenda.

Public Comment

George Kautsky, fisheries biologist with the Hoopa Valley Tribe: You have just approved a motion with respect to fish for fish counting vs adult equivalents of harvest. That indicates an openness to new ideas -- and Orcutt's motion is in that same spirit. What this means to harvesters is incomplete at this time. I am in favor of spawner deficit accounting because low escapement produced phenomenal recruitment in those productive years. How do we know that bigger escapements would not have produced even more?

Regarding the report by FWS on mainstem spawning, there is a lot of concern on pre-spawning mortality in the mainstem. Until the facts are known, we can't rule on spawner escapement.

* Motion fails (Bostwick and Bitts voted no).

6 pm recessed.

March 8

The meeting was re-convened by Chair McIsaac at 7:05 pm.

6. Council discussion on any further harvest recommendations.

None.

Boydstun: I would like KTAT to take the lead in a full technical exploration of all the different ways of counting fish. Second, I would like them to explore how the Solicitor's Opinion (50/50 sharing) meshes with our harvest rate management concept for the Klamath (.33 escapement rate). It appears they are compatible only if you have constant recruitment, which we don't have. Perhaps the fishery management plan needs to be amended to be consistent. We also need to take into account the biological considerations that provide for the best protection for fish.

**** Assignment: (McIsaac): Technical Team, give us an "array of headings" on the fish counting issue. Talk to people knowledgeable on how adult equivalents are used in tribal/non-tribal allocations in the treaty fishery areas. Bring that back to us, let us make some refinements, then you can proceed further.

- o We make this assignment with an open invitation to all other entities who wish to participate.
- o We need to be sure that changing the way of counting fish is allowed under the PFMC framework plan
- o We would also need to look at how adult equivalents are used north of the Klamath to see how harvest sharing is worked out.
- o Fletcher: This assignment could have major implications for our tribal fisheries. I want a vote before anything is produced by this Council.
- o In Washington and Oregon, court directed negotiations between the tribes and states determine how to use adult equivalents.

Schedule:

- o By October '94, any proposed technical changes should be put in front of the Pacific Council to be considered for the 1995 season.
- o The document will be mailed out to this Council prior to our October meeting.

**** Assignment: Determine if 50:50 sharing is consistent with harvest rate management.

McIsaac: Technical Team, proceed on this. Analyze harvest rate management to determine circumstances where, theoretically, 50/50 sharing would not be possible.

Barnes: A one to two page summary of bullet statements that analyze at least the three different methods will be put together prior to the April meeting. This summary will not have any data confirmation.

**** Assignment (McIsaac): Barnes, you suggested more Technical Team work on the partitioned-cohort stock predictor?

Barnes: We would prepare whatever PFMC would need to consider it as a technical change, at their October '94 meeting.

7. Review draft letter to Solicitor.

Council members reviewed Handout D, the draft letter to the Solicitor.

- o We should ask the Karuk Tribe (and other agencies who aren't here) for their comments before we finalize it.
- o It is important that the letter be very carefully thought out.
- o Boydston: The state needs to clarify some of the issues before the letter can be finalized. We intend to contact the Karuk Tribe to explain that current state regulations don't provide for their fishery. I suggest the letter be tabled until after that discussion.

**** Action: The draft letter will be tabled until we can consider it at a later meeting.

8. Public comment.

None.

9. Council action

None.

10. Report from technical team on harvest monitoring proposals for FY95

First of all, let's review the current task list:

<u>Task</u>	<u>Responsibility</u>
1) reconstruct Karuk catch data back to '78	Technical Team
2) scale and coded wire tag (cwt) recovery from Karuk catch	Karuk Tribe
3) angler harvest above Coon Creek	CDFG
4) maintain ocean and Klamath River sampling programs (despite CDFG cutbacks in funding)	CDFG
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 for harvest in lower river,
- b) develop separate predictive model for harvest above Coon Ck,
- c) coverage of spawning ground estimates.

7) Mainstem spawning assessment

CCFRO to Task Force

- o At the last meeting we asked the Technical Team to put together draft proposal summaries for future submission to the Klamath Task Force for consideration for FY95 funding. These are shown as Handout E.
- o Since the Bureau of Indian Affairs (BIA) funds the Karuk Tribe to monitor their own fishery, the Technical Team will not put together a proposal on that topic.
- o Shake: Perhaps the three chairs should lay out basinwide monitoring needs so that we have good data every year. We should make this a base cost, so we don't have to search for funds every year. We could also check with the state on how to get this type of monitoring package funded. Department of Interior is interested in making the Klamath ecosystem a model of folks working together to resolve difficult issues. These types of monitoring evaluation programs are exactly what could easily be funded. Proposals for Task Force review are due April 14. June is when the decisions are made. The '96 budget process may also become a possibility if the Secretary identifies the Klamath basin as a priority. All Council members, promote this concept please.

**** Action: Proposals will be written by assigned folks. Shake and Barnes will endorse. Barnes will attend the Task Force Technical Work Group meeting.

11. Set next meeting date and time. Decide on agenda items.

April 4, 3-5 pm with other meetings set later in the week as appropriate.

Potential agenda items:

Fred Schutt, KFMZFC: If you are going to bring Council membership up to date, then the Oregon Sport Fishery should have a representative.

Wilkinson: There was an oversight in the formation of the original Council, in that they didn't call for an Oregon Sport representative. I have tried to volunteer for that position. I

don't know whether this oversight should be addressed by this Council or legislative action.

Boydston: I will contact Bob Hayden to ask him to name a second alternate.

**** Motion to adjourn. Seconded.

**** Consensus.

KLAMATH RIVER FISHERY MANAGEMENT COUNCIL
March 7-8, 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)	
Troy Fletcher	Non-Hoopa Indians Residing in the Klamath
(for Sue Masten)	
Rod McInnis	National Marine Fisheries Service
(for Gary Matlock)	
Don McIsaac	Oregon Dept. of Fish and Wildlife
Pliny McCovey	Hoopa Valley Tribal Council
Mike Orcutt	Hoopa Valley Tribe
Bill Shake	U. S. Dept. of the Interior
(for Lisle Reed)	
Keith Wilkinson	Oregon Dept. of Fish and Wildlife

Attendees:

Rob Ashdown	Port Orford Fisherman's Assoc. - Arcata
Phil Bentinegue	Salmon Advisory Sub-panel - Calif. Charter
Jim Craig	U. S. Fish and Wildlife Service - Arcata
Judy Cunningham	United Anglers - Klamath Management Zone Chapter
Paul Englye	Salmon Advisory Sub-panel
Jeff Feldner	Salmon Advisory Sub-panel
Rick Fielitz	Bureau of Indian Affairs
Stan Griffin	Salmon Advisory Sub-panel
Ronald Iverson	U. S. Fish and Wildlife Service - Yreka
George Kautsky	Hoopa Fisheries
Paul Kirk	Klamath Management Zone Coalition
Duncan MacLisan	Salmon Advisory Sub-panel
Rolf Mall	Calif. Dept. of Fish & Game - Sacramento
Tricia Parker	U. S. Fish and Wildlife Service - Yreka
Kirk Pringle	Half Moon Bay Fishery Management Council
Ronnie Pierce	Yurok Tribe
Fred Schutt	Klamath Management Zone Coalition
Fred Shibma	Klamath Management Zone Coalition
Jim S. Welter	Klamath Management Zone Coalition
Bev Wesemann	U. S. Fish and Wildlife Service - Yreka

DRAFT AGENDA
Klamath Fishery Management Council
7-8 March 1994
Columbia River Red Lion, Portland OR

Monday, March 7

3:00 pm CONVENE

- 3:05 1. Review harvest allocation recommendations from March 1-2 meeting.
- 3:30 2. Consideration of any new recommendations.
- 3:45 3. Council discussion of fishery shaping options.
- 4:00 4. Public comment.
- 4:30 5. Council action.

5:00 pm RECESS

Tuesday, March 8

7:00 pm CONVENE

- 7:05 6. Council discussion on any further harvest recommendations.
- 7:15 7. Review draft letter to Solicitor.
- 7:30 8. Public comment.
- 8:00 9. Council action.
- 8:30 10. Report from technical team on harvest monitoring proposals for FY95.
- 8:45 11. Set next meeting date and time. Decide on agenda items.

9:00 pm ADJOURN

KLAMATH COUNCIL MEETING HANDOUTS MARCH 7-8, 1994

- Handout A: Klamath Council Draft Summary of March 1-2 meeting
- Handout B: ODFW revised proposal of KFMC Recommendations Regarding Harvest of Klamath River Fall Chinook for 1994 Fisheries
- Handout C: 1993 Sport and Commercial Harvest, TAT revised handout.
- Handout D: Draft (March 8, 1994) letter to Secretary of Interior regarding harvest sharing.
- Handout E: Draft proposal summaries from CCFRO (two).