

FINAL MINUTES
KLAMATH FISHERY MANAGEMENT COUNCIL MEETING
April 4-9, 2004
Red Lion Inn
Sacramento, California
Meeting #76

Sunday April 4, 2004

3:00 pm Convene meeting and introduce members

Representative Seat

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

Members

Eric Larson
Virginia Bostwick
Dave Bitts
Paul Kirk
Michael Orcutt
Dan Viele
Dave Hillemeier
Keith Wilkinson
Curt Melcher
Jim Harp
Phil Detrich

Agendum 1. Review and approve agenda

Dan Viele stated that the KFMC will report to the PFMC on Tuesday and Thursday of this week. Dave Bitts asked to add an update on the status of the Fall Creek hatchery yearling program after agendum item 13. The Council decided to hold off on agendum item 3 (election of new officers) until later in the week for continuity in conducting the meeting. An update on the most recent Fish and Game Commission meeting was added under agendum 13.

Motion by Keith Wilkinson to approve the amended agenda.

Seconded by Paul Kirk.

Motion passed unanimously.

Agendum 2. Review materials and correspondence

Phil Detrich reviewed the list of handouts. Agendum 16 handout is now called agendum 14 handout. Eric Larson added that the informational item from the Fish and Game Commission has been amended based on abundance and this document includes those changes (see Agendum 13a handout).

Agendum 3. Election of Officers (Discussion occurred on Tuesday)

The group discussed the process for electing new Council officers. Phil Detrich read the charter section on the election of new officers. Keith Wilkinson placed into nomination for Council Chair, Curt Melcher. Mike Orcutt nominated Jim Harp for Council Chair. Dave Hillemeier seconded the nomination for Jim Harp and Paul Kirk seconded the nomination for Curt Melcher.

Dan Viele called for discussion on the nominations. Paul Kirk stated that he would support Curt Melcher because of his technical background and knowledge. Mike Orcutt stated that there are various Council Chairs throughout the Klamath and Trinity Basins and he wonders when the day will come when a tribal representative will serve as a Chair. He is seeking that here today with his nomination of Jim Harp who is seen as a neutral party who brings experience in dealing with co-management issues. He has experience with state and federal regulations.

Phil Detrich asked both nominees about the amount of time they have to commit to this Council. Curt Melcher responded that his office is currently short-staffed and he might have issues with workload management, but he is committed to this process and is willing to accept the additional workload, but would look for a strong Vice Chair to assist with Council issues. Jim Harp responded that he has seven weeks per year that he is committed to meetings. Dan Viele said that he thinks Jim Harp would make an excellent Chair, but his concern is that the PFMC representative to the KFMC has tended to cycle through fairly frequently and it is helpful to have a Chairman who will be available for several years. Jim Harp added that he has geographic challenges living farther from the Klamath Basin and he is also new to the Klamath Council. He added that he does have over 25 years experience in co-management with tribes, states, and federal agencies, as well as international entities.

Phil Detrich asked Jim Harp about his tenure with the PFMC. Jim Harp replied that the PFMC appointment is a three year term, but he has been there since 1988 and will be there at least until August 2006. Eric Larson stated that he could support both Curt Melcher and Jim Harp, but he thinks the KFMC and PFMC need to be kept somewhat separate. Phil Detrich asked Eric Larson to elaborate on the pros or cons of closely linking the KFMC and the PFMC. Eric Larson said he sees a conflict because the KFMC delivers information to the PFMC and therefore the PFMC might steer the KFMC. Keith Wilkinson added that there are logistical problems with the KFMC meetings and the PFMC meetings taking place at the same time. Virginia Bostwick agreed with the scheduling conflict. Dave Hillemeier added that is the reason for having a Vice Chair. The Council voted on a new Chairman and there was a tie between Jim Harp and Curt Melcher. The following are the additional motions made for the election of new officers.

Motion by Jim Harp to nominate Curt Melcher as the next KFMC Chair.

Seconded by Eric Larson.

Dan Viele and Curt Melcher abstained.

Motion passed unanimously.

Motion by Eric Larson to nominate Jim Harp as KFMC Vice Chair.

Seconded by Dave Bitts.

Motion passed unanimously.

Motion by Paul Kirk to nominate Phil Detrich as KFMC Recording Secretary.

Seconded by Paul Kirk.

Motion passed unanimously.

Motion by Eric Larson that the newly elected officers take position as the last agendum item of this meeting.

Seconded by Dan Viele.

Motion passed unanimously.

Agendum 4. Public comment

No public comment.

Agendum 5. Review of Pacific Fishery Management Council's (PFMC) salmon-fishing options for public review.

Dan Viele asked the Council members who were at the public hearings to brief the Council. Eric Larson reported that the Fort Bragg meeting was well attended and options were brought forth that were not included in the original option packet. A new proposal may come forward through the public at the PFMC table. The trollers expressed interest in having as much time in July as possible and mostly supported troll option 1. No comments were received on the recreation side. He reported that he also attended the Fish and Game Commission meeting to hear the in-river public comment. The ocean recreation proposals were explained and no comments were received. Dave Bitts asked if there was any mention on the size limits to protect age 3 fish. Eric Larson responded that they are proposing to increase the size limit to 28" in September.

Keith Wilkinson reported that he attended the Coos Bay hearing and the recreational testimony was in support of option 1. There was a preferred option introduced from the trollers in Brookings in the zone from Humbug to the California/Oregon border that proposed 3,000 fish for June, July, August, and September. He read from the options (see Agendum 5 handout). There is concern with verbiage introduced by PFMC having to do with the count before trucking. This would have to be modeled, but they have cut back their amount of fish from 4,000 to 3,000 from the previous option 1.

Jim Harp reported that he was in Westport where some testifiers preferred option 2 and others preferred option 1. The Chinook numbers for the Snake River fall Chinook increased impacts in option 1 and option 2, where option 3 stayed the same. Impacts went up because the technical team got updated information on the Alaskan fishery, the Canadian fishery, and the increased impacts to Snake River fall Chinook. The task for folks North of Falcon is to shape the fishery to meet the 70% standard. The other driver for North of Falcon is the Thompson coho. He attended a manager-to-manager meeting and received information from Canada on the status of their stocks, so the stock status was updated in the options. There has been a lot of shaping of different fisheries since then and under option II scenario, the 10% Thompson requirement has been reached. Jim Harp mentioned that he has prepared a written report that will be presented to the PFMC this week.

Keith Wilkinson added that there were only two or three people who testified for the troll options. The option II proponent preferred block closures, later. Paul Kirk added that he did not attend the Fort Bragg meeting, but the zone coalition sent a letter to the PFMC noting their support for the retention of Oregon coho. California sport fishermen are in support of option 1 and in support of coho retention in Oregon.

Dave Bitts asked Keith Wilkinson about the proposal from Brookings and if there was any idea where they would compensate to increase quotas. Keith Wilkinson responded that there is a reduction in the September quota from 4,000 fish to 3,000 fish. Curt Melcher added that he's seen the proposal and it doesn't offer any suggestions in Oregon or elsewhere where their fishery would be modified.

Agendum 6. Action: Develop additional recommendations for the 2004 management season for discussion with the Salmon Advisory Subpanel and presentation to the PFMC

Dan Viele stated that in March the Council restated the policy for full resource utilization, commented on the boat limit issue, and requested that the PFMC review existing models for California proposal sensitivity. Those existing models are consistent with what exists in Oregon and Washington. NOAA Fisheries hasn't decided what they will do. Eric Larson pointed out that the boat limit regulations are now in effect as of March 1. Curt Melcher added that Oregon and Washington have existing boat limit regulations. The state and federal regulations have been inconsistent for some time now and it clearly needs to be dealt with.

Dan Viele asked if anyone had recommendations to discuss. Keith Wilkinson stated that he doesn't think the zone troll proposal can be discussed in this Council because it needs to be examined by the SAS. The Council agreed. Paul Kirk added that in the process of the March meetings, there was still some tweaking to be done by Washington above the Falcon fisheries; is there any knowledge whether there will be effects on the other fisheries? Jim Harp responded that discussions are on-going in the PFMC this week. The reason for tweaking is because they are trying to get the Snake River fall impacts down. If that happens, some of the other fisheries will take care of themselves. Most likely, there will be a mix between Options I and II. He added that the only weak coho stock this year was the Thompson stock. As the Thompson stock is taken care of, all of the other fisheries should be taken care of. He doesn't see anything happening up north that could affect South of Falcon. Dan Viele asked if a solution to the Snake River problem will be found in the river or ocean. Curt Melcher responded that the objective is separated between river and ocean. When there are impacts to spare, they go to escapement. If there are constraints on ocean fisheries the river is not required to cut back. Work is still being done on in-river fisheries and managing the ESA impacts.

Paul Kirk said the reason he brought up the North of Falcon question is that we have to do some clean up on the option packages from March; are we doing more or are we moving this forward as a single option? Dan Viele stated that other options proposed in Oregon and California complicate things. He guesses those will be put before

the Council Monday or Tuesday.

Dave Bitts stated that this is the first year that the Council has gotten so much done in March before the April meeting. It was easy because of the relatively high abundance of Klamath fish and California and Oregon contention was low. Next year may be different in terms of negotiations. Keith Wilkinson stated that if these proposed modifications can be modeled and adjustments are made by the TAT, the Council should look at it and join with the SAS in endorsing these changes. Don from the audience stated that there have only been two comments from Oregon trollers and those include changing the days off to make impact neutral. He said the 27" size limit will be adopted throughout. Keith Wilkinson stated that it seems that this might be an easy fix and he hopes this Council has opportunity to review the TAT report on this.

Dan Viele stated that this Council might need to consider the size limits to reduce impacts on age 3 and 4 fish. Estimates of these impacts are lacking. The September fishery is observed and not modeled, so we need a rate for the fall fisheries. That information might be useful to everyone. He suggested the Council work with the STT members to develop the information for the Council and make recommendations for minimizing age 3 impacts. Dave Bitts stated that this makes sense, but he understands it may go to a larger size limit in the Fort Bragg area and there is intent to not soak up age 3 fish savings. If we do that, then we are planning to fish above the floor to conserve age 3 fish. A 28" size limit would lead to some additional escapement of age 3 fish as well as saving some age 3 fish. We would then be managing for escapement in excess to the floor. Dan Viele added that this sounds like seasonal management. Curt Melcher stated that the intent is to minimize age 3 impacts in the ocean, not to get more escapement. In recognizing our utilization statement, the resource could be reallocated for full use.

Eric Larson stated that it is good to discuss this, but the intent was to model a normal season without increasing the size limit and then the age 3 fish size limit could be modified to protect them. After discussing this it didn't seem like that would happen. Dave Bitts added that if we wanted to roll the fish over to the in-river sport fishery, we could do that. Virginia Bostwick asked about hook and release mortality rate. Dan Viele responded that the rate remains the same. He added that he spoke with people in Tacoma about the possibility of implementing the ocean fishery in an emergency rule that allowed small amounts of fishing. He's concerned about the fact that we are now authorizing fishing on an unknown stock abundance in the fall and spring and then by next May we may realize that there is an emergency. I would like to see some information on exactly what the impacts are. As of right now, the impacts look like they are pretty small. If there is an emergency declaration next year, they might question our decision to recommend a fishery on an unknown stock.

Jerry from the audience asked if the 28" size limit is seriously being considered for modeling. Dave Bitts responded that it is seriously being considered for the Fort Bragg area. He pointed out that there is an age 3 forecast of 70,000 fish and if there were more, there would still be less than the age 3 fish forecasted for last year.

Agendum 7. Assignments to Technical Advisory Team (TAT), staff, and members

Dave Bitts suggested looking at the effect in savings of age 3 Klamath fish at Fort Bragg on the 28" size limit from whenever season opens in July through August. We can also look at the effects on September 1 age 4 fish on 28" size limit for the season based on the existing options. He added that he would also like to see if it is possible to evaluate the effect of that size limit in September by looking at length of age distributions. Dan Viele stated that the Council has been presented with impact rates for age 3 fish, which shows savings by month. Dave Hillemeier added that we have a graphic, but no number. He asked what is going to be done with the tribal fishery to ensure the tribal harvest is the same. Curt Melcher responded that the full resource utilization statement should be used to roll those fish down to the escapement floor. Dan Viele stated that the information provided to the Council at the March 1-3 meeting doesn't show the effect of September 1 abundance, which would be interesting to see for some specific areas. The result would be indicative of what will happen in other areas as well. Dave Bitts stated that he would still like to grapple with the question of whether numbers would stay the same in September or not.

Dan Viele asked if the impact rates of the total effects of fall and spring fisheries that the Council is currently authorizing can be estimated. Allen Grover stated that he's not sure about the fall, but we do have some average contribution rates. Curt Melcher added that the fall fisheries are accounted for and it would be easy to calculate an

average exploitation rate, which would be quite small. Dave Bitts suggested also looking at cost of total catch when going to the larger size. Dan Viele replied that would require fall Chinook size of age information. Curt Melcher said it was looked at on a very crude basis and a 1" size limit equaled a 5% reduction in catch. Dan Viele added that we went to 27" last year because we were trying to gain back some time we had lost due to the credit card debt. Smalls were taken out of the market. An adjustment was also made in October and it worked in Coos Bay and not in Newport. We need to make an adjustment with the 3-year-olds that won't take from the other stocks. The pre-season predictor for escapement wasn't even in the ballpark.

Mike Orcutt added that the indirect impact of this would drive the tribal number down slightly because of raising the size limits and reducing impacts on age 3 fish. Eric Larson said it could reduce it slightly, but would reduce the troll take in the ocean, but that take would roll over to the in-river sport fishery, but they wouldn't take all of those fish and the harvest rate would drop. If it rolls over in terms of resource utilization numbers, the tribal fishery would drop by 10 fish or so. Dave Bitts asked the Council to imagine that 1,000 fish were contacted in that size range and 600 of those fish are left alive and about 3/8 would mature to go in the river (about 250), and if those are caught then the reduction in total catch is going to be very small. When a larger number of fish is rolled over, the reduction to tribal fisheries was greater. Dan Viele clarified that what Dave Bitts was originally proposing is setting us up with a buffer so that those fish aren't available to the recreational fishery. Dave Bitts said he guesses he hadn't thought it through enough. Eric Larson added that the Fish and Game Commission testimony will be helpful as well. The non-tribal fishery can allocate whatever they want and whatever that affects the tribal catch. Dan Viele added that the way the seasons are structured in the ocean because of the difference between age 3 and 4 fish also has an effect.

Dan Viele identified two requests that have been made for technical information. The Council can discuss these and if they are deemed important we can forward them on the PFMC: 1) what are effects of increase in size limit from 26" to 28" in Fort Bragg in July and August as appear in option 1, what would the effect be on September 1 abundance on age 4 fish, and 2) what are the impact rates associated with fall and spring fisheries in terms of impact rates on age 4 fish? Dave Hillemeier asked if the Council could look at the change in the in-river sport fishery and change in the tribal fishery when doing this. He suggested also looking at the effects on total available harvest as a result of this modeling.

Mike Orcutt asked to consider conservation. Dan Viele stated that raising the minimum size limit will result in fewer fish killed by the ocean fishery. Dave Bitts said when there is a daily bag limit and fishing is good, people will sort to bring more pounds to the dock. The effect of size change does not introduce that kind of sorting into the fishery. Mike Orcutt said the model impact is different than the reality of it. George Kautsky elaborated on Mike Orcutt's question and said that the model anticipates some things, but it doesn't anticipate contacts with the same individual fish. In conclusion, exploitation rates have to be high in order for multiple contacts.

Agendum 8. Public comment

Jim Welter stated that the lack of people on the TAT is crippling the productivity of the council. He suggested raising the recreational size limit up to give higher abundance of 3 year olds.

Agendum 9. Set meeting times for the rest of the week

The Council recessed on Sunday and reconvened at 5:00pm, Monday for TAT report, recommendations, and election of officers.

Agendum 6(cont.). Action: Develop additional recommendations for the 2004 management season for discussion with the Salmon Advisory Subpanel and presentation to the PFMC (Discussion occurred on Monday)

Dan Viele said that he worked on some assignments last night and would like to report on them. First, Dave Bitts asked me to look at the effect of increasing minimum size limits in the Fort Bragg area in July and August on projected abundance of age 3 fish that turn age 4 in September. The answer was surprising; with a 26" limit, the projected age 4 abundance was 24,056 fish, and for the 28" fish the projected abundance was 24,132 fish, which is an increase of 0.3%. Dave Bitts said that is much less than the rounding error, however it was pointed out that there

is an un-modelable effect at the SAS in that going to a size limit will affect the behavior of fishermen and cause them to leave areas that have smaller fish. People have targeted smaller fish and the larger size limit would modify that behavior and there is no way to model that effect. If that effect is real, we would see a benefit in increase of age 3 and 4 returns to the river, so it seems that we will go after the larger fish in July regardless of what the model shows. Curt Melcher asked if that means that we'll model 26" and then implement 28", or will we model 28", implement 28", and then adjust the fishery accordingly. Dave Bitts said he thinks the intention is to implement and model 27" and take the benefits that accrue from that in the model to extra time in Fort Bragg. The intention is to be explicit about it. Dan Viele clarified that he heard Dave Bitts say that benefits would be taken in terms of extra time. Dave Bitts said yes.

Dan Viele reported that the other assignment he completed was a request to estimate what the impact rates might be associated with the fall and spring fisheries in 2005 because the prediction of age 3 fish is extremely low for this year. The KOHM estimates the spring contact rates and does not estimate a rate for the fall fishery; those had to be estimated by looking at the observed impacts and estimated abundances. Depending on the year chosen, different impact rates are associated with September and October. We looked at a five year average of rates beginning in 2002, and using those we generated an impact rate for combined fall and spring fishery of 2.9%, which is higher than expected. The impact rate of 5.7% from 2000 is the highest, and the lowest was in 1999, which was a 1% impact rate. Dave Hillemeier said that is substantial. Dave Bitts added that 3% is substantial for what we are looking at for the ocean next year.

Dan Viele asked for suggestions from the Council. He said it's a difficult question because so much depends on what the actual abundance estimates come out to be in 2005.

Dan Viele stated that the PFMC makes decisions on the spring fishery in November and fall fishery this week. He asked if the Council should recommend what might be done at the November meeting. He asked what new information will be available from the PFMC. Dave Hillemeier responded that the only other thing that will be available is the in-river harvest. Dave Bitts asked if information on escapement and the jack component of the run will be available by November. Dave Hillemeier said no, a guess could be made, but that is not how it is done.

Curt Melcher said if the spring fisheries become an issue we could advise the PFMC to adopt the spring fishery throughout 2005 and that they consider in-season action in January. It shouldn't be a problem to modify the fishery in-season as information becomes available if it is stated up front. Dan Viele said there could be serious issues next year, and if the spring Council goes forward with a spring fishery without additional information. It could have affects on the post May 1 season. Keith Wilkinson asked if the Council knew what the STT statement will be about this issue. He suggested the need for the Council to confer with those folks and not indicate a position that is contrary to theirs. If we can't agree, it is their job to make that statement. Dan Viele said that concern has been expressed to them. Allen Grover said that he is not sure the STT comments on this kind of situation.

Curt Melcher added that the largest uncertainty is the age 3 forecast for next year because it relates to the floor, so while the age 4 situation is concerning, we don't have indication of forecasts for 2005. Dan Viele said the other piece of information is that in 2002, the projected impact of fisheries was 6%. NMFS authorized an impact rate of 6%, so 3% is one half of that. He said that he'll leave it up to the Council members to decide if a statement should be made. Dave Bitts said the Council is approaching dereliction if no statement is made to the PFMC.

Dave Bitts made a motion that the Council alert the PFMC to the possibility that by this time next year, if the fall and spring fishery proceed as is now, a substantial amount of the allowable catch may have already been made by this time in 2005. Phil Detrich seconded the motion for discussion.

Keith Wilkinson spoke against the motion. He said this may be fact, but if a statement like this is made we must provide an alternative option that says where savings will be affected in the 2004 season. Dan Viele said that he heard a suggestion that in authorizing the spring fisheries in November, the PFMC anticipate the possibility of in-season action in January or as soon as more solid information is available. Curt Melcher said it might be better if a

statement is made. Paul Kirk said he agrees with Keith Wilkinson. Dave Bitts added that it might be too early to take action this early in the game.

Dave Hillemeier pointed out that the age 3 fish coming back the next year are the fish that experienced the 2002 fish die-off. Dave Bitts withdrew his motion from earlier. Mike Orcutt stated that if in fact the jacks are terrible and age 3 fish are in a range that we predict what mechanism is in place to take regulatory action. Dan Viele responded that there won't be substantial information in November, so they would have to have a telephone conference call or NMFS would take in-season action in consultation with the states. Curt Melcher said the Council has stated their intent for the early season fishery in the past in April for the following year, adopted regulations in November and if there isn't information on jacks in November, then they may want to clear some in-season management intent to look at stock abundance information whenever it becomes available. The PFMC will indicate this at the November meeting for clarity.

Paul Kirk added that the Oregon recreational fishery states that the 2005 season is opening in March, but this opening could be modified following the April 2004 meeting. Dan Viele said he guesses it can be modified at the November meeting, but there will be no information to review in November. The SAS would want to bring this up because it is a fishing issue. I would prefer for this to be an SAS issue. Dave Hillemeier added that 80% of these impacts happen in September and October, which are more substantial. Keith Wilkinson added that this issue deals with Klamath fish and the Council does have some responsibility to report any concerns. If they won't deal with it, let's incorporate it into our statement. Dan Viele added that requirements will exist regardless of when fishing occurs, so it isn't a resource concern, it's a fishing issue; when do fishermen want to fish? That is an SAS issue. We should make this available to the SAS and hear a motion from Keith Wilkinson.

Motion by Keith Wilkinson that in the case of 2004-2005 Klamath Chinook, the KFMC express concern to the SAS regarding projected low abundance of age 3 fish inclusive of data provided.

Seconded by Paul Kirk.

Mike Orcutt abstained.

Motion passed unanimously.

Mike Orcutt said he thought the SAS was not taking a position. This message misses the point. Everyone knows abundance is a question mark. Management actions are the unknowns. Concerns about age 3 fish needs some spelling out. Dan Viele said it might be useful to make our analysis available to the SAS to use. Dave Hillemeier mentioned the 1992 emergency action. Dan Viele added that NMFS made the decision to make some fishing available. Dave Bitts asked if the SAS can't respond to this, should this Council incorporate this comment to the PFMC. Keith Wilkinson said yes, but it would take a reintroduction of the motion for the separate motion. Let's wait to get a response from the SAS and if we don't get a response we should consider delivering a statement with documentation to the SAS tomorrow and to the full Council in our report tomorrow afternoon. It would be good for the PFMC to hear concerns from the SAS and this Council. Curt Melcher said that basically, we want the SAS to recognize risks and benefits of fall fisheries and make an educated decision on how to proceed. Age 3 abundance could bail us out, but we don't have that information now. The SAS needs to make an educated decision while recognizing risks and benefits.

Mike Orcutt said he thinks the motion needs to be a stronger statement in terms of ramifications. Phil Detrich asked if this statement is to be accompanied by a results presentation. Dan Viele responded that this analysis would be accompanied with an explanation from him. He added that he thinks it is appropriate for the KFMC to provide recommendations to the PFMC through the SAS. Paul Kirk reminded the group about agenda 6 and that this Council is alerting the SAS to what we have learned throughout TAT. Dave Bitts said a problem is that in May of next year we may find that we burned all of the allowable harvest in Oregon, which would make California very unhappy. Paul Kirk said that is similar to the credit card fishery in that we always have that concern. Mike Orcutt said it seems that the SAS will look at the data and reconsider their options. If they don't do that, it comes back to this Council to make a recommendation. He views this Council as an individual body that makes recommendations to the main Council. He stood down and abstained from the vote.

Paul Kirk said he would like to clean up the March 9 recommendations. Option II should have been called Option I (see Agendum 6 handout). Dan Viele clarified that the PFMC changed the order of these options at some point, so all of Paul Kirk's recommendations are in respect to season 2.

Motion by Paul Kirk to recommend for KMZ recreational fishery Option 1; May 15-September 12, 7 days/week, 2 fish/day.

Seconded by Dave Bitts.

Motion passed unanimously.

Dave Bitts said he has a single option for the troll fishery. He moved that the Council recommend Option I that was put out in the Council's package (see Agendum 6 handout). Paul Kirk seconded the motion for discussion. Keith Wilkinson said he has no feedback on the proposed zone Oregon troll changes. Curt Melcher stated that the increase is in the zone KMZ quotas as requested by KMZ trollers, which equated to closing 12 days of central Oregon coast, and there's not much interest, so the request is not going anywhere in terms of the SAS or this Council. Keith Wilkinson suggested going back to the Option I troll presented in March. Curt Melcher said he believes that is Don Stevens intent, but it has been modified some. A vote couldn't be made on an Oregon troll option because it is still under discussion. Dave Bitts recalled his motion because he wants a full package. Allen Grover added that he heard from Don Stevens that Option I is as it stands; the California troll has some changes for days open in Fort Bragg and minimum size limits in July and August. Paul Kirk clarified that he was referring to the zone between Oregon and Horse Mountain. He asked Dave Bitts if he was relating to the entire California troll. Dave Bitts replied yes, both sides of the border are being tweaked. Curt Melcher added that Don Stevens is looking at how to minimize impacts on Klamath age 3 fish.

Agendum 12. Public comment (Monday)

Joel Kalahar, Washington troller, thanked the Council for making a recommendation regarding age 3 fish to the SAS. It is the responsibility of the SAS to decide what to do, but the right information comes at the wrong time. He wished the Council luck with the issue.

Agendum 13. Update from California Department of Fish and Game (CDFG) regarding fishery monitoring below Coon Creek and other CDFG monitoring activities for the 2004 season

Eric Larson reported that the lower portion of the river will be monitored in real time. The upper river will be based on a model that was developed based on catches in the lower river. It would take about \$6,000-8,000 to do real time monitoring from Interstate 5 to the upper river. The monitoring that will take place is from the mouth up to Highway 101. The rest of the catch is modeled. Dave Hillemeier said they usually monitor the estuary up to Coon Creek. Virginia Bostwick added that they usually have counters at the boat docks at the Glen. Eric Larson said that he would get clarification on those concerns.

Eric Larson reported on the Fish and Game Commission meeting. The in-river regulations will not be adopted until the May meeting. The other regulatory packet (ocean fisheries) is part of a concurrence process based on PFMC decisions. There was concern that 4,600-4,700 fish for the in-river fishery was too low. River guides came to request that the Commission increase that number. The recommendation of no less than 15% was put forward. They decided to not make any amendments this year, however they would like to discuss if the 15% is sufficient or not because of abundance changes and the socioeconomic uncertainty with maintaining the in-river industry. Dan asked if those are in respect to the 2004 season. Eric Larson said no, but it is important to note that they may want to come forward with something different for 2005; the process for increasing this needs to be discussed.

Eric Larson continued that the allocation issues that we decide on an annual basis may come up for consideration. Dan Viele added that there was question about what the "not less than 15%" may mean. They were more specific in previous years, so it is important for the Commission to understand how this process works. NMFS cannot authorize ocean fisheries that do not meet the FMP requirements. If the Commission changes, NMFS has to take independent action to adjust ocean fishing. Eric Larson said the requirements of meeting the floor and the FMP were explained to the Commission. Keith Wilkinson said when we've gone through this before and the issues were discussed in the past there was more than one joint meeting between Oregon and California concurrent to the

PFMC meetings. There might be an interaction on a technical level to understand implications of the management decisions. Dan Viele suggested the KFMC write a letter explaining this and perhaps the NMFS representative could appear to talk to the Commission before the next season. Eric Larson said a letter to the Commission from the KFMC before the May meeting would be helpful. The letter could explain that the KFMC follows recommendations from the Commission on the 15%, while also explaining what low abundance is and how that affects everyone.

Assignment: Dan Viele will attend the Fish and Game Commission meeting in San Diego.

Motion by Dave Bitts to write a letter to the Fish and Game Commission regarding the interaction between the Council and the Commission (see agenda 13 assignment).

Seconded by Mike Orcutt.

Motion passed unanimously.

Assignment: Staff will prepare a letter to the Fish and Game Commission (copying CDFG and NMFS) that includes:

- **history of interaction between the Commission and the PFMC,**
- **consequences of their actions being out of sync (referencing the 1997 letter regarding the increase of the in-river recreation quota that triggered a reaction from NMFS),**
- **resource utilization as it relates to moving fish from the ocean to the river, and**
- **the range of effects of Klamath fall Chinook.**

Assignment: Letter is to be written before the May Commission meeting and should go out to the Council members for review and shared with Bob Trainer by April 20th.

Virginia Bostwick asked if the problem is that there are so many new people on the Commission. Eric Larson said that the Commissioner suggested to the fishermen that if they wanted more allocation, they need to come to the Commission meeting. They did that and it was explained that the Commission had already taken action on it. Dan Viele added that the letter needs to state that the 15% or greater has caused some concern. It also needs to explain what the KFMC and PFMC do and the consequences of the Commission's decisions. Paul Kirk added that Virginia raised a good point about this being a relatively new Commission. This needs to be incorporated into the letter somehow.

Mike Orcutt asked about the concept of full utilization and that he needs firm clarification of the modeling tool and mechanism for rollover to the tribal fishery. Is there adequate monitoring to allow for that and are those items for this letter? A general observation is that we went through the report quickly, in terms of other monitoring, and there might be other holes that occur this year, the biggest hole above Coon Creek to the estuary. He asked how the Council could most effectively get people who allocate funding to listen.

Dan Viele said he'd like to finish the question of the letter and then return to the monitoring questions. Eric Larson said the Commission has nothing to do with monitoring; that is the Department's job.

Eric Larson said that he went to the February Commission meeting to explain the KFMC process and how the Commission's letter hasn't fit in with the process. No one wanted to have the discussion. At the end of March when the in-river fishermen showed up to the meeting, they cared. Dave Bitts said he agrees that the letter should be kept simple and brief, but he wonders if there should be brief language about the scope of fisheries that are affected by the allocation. Dan Viele said he is reluctant to do that because that might be a separate letter; we want to keep this letter process-oriented. He'll offer as an example what happened in 1997 when the in-river recreation quota was increased by a number of fish and then that triggered a reaction from NMFS in terms of modeling and then NMFS had to close the KMZ recreational fishery for most of the year to accommodate that number of fish. This is an example of the consequences of being out of sync with the ocean harvest season and the effects of a small number of fish in a certain area. Eric Larson said he feels that the constraints of other fisheries should be pointed out to show the reason why there isn't a roll over to the in-river fishery.

Dan Viele said he will include in the letter to the Commission the history of the Commission/PFMC interaction, consequences of not having things in sync, and resource utilization as it relates to moving fish from the ocean to the river. He'll touch lightly on the range of effects on Klamath fall Chinook and encourage open discussion between the Council and the Commission. He will share the letter with the Council for comment and with Bob Trainer as well.

Eric Larson encouraged all fishing entities to write letters to the Commission so that they recognize the impacts of their decisions. These are important decisions and have effects outside of the Klamath Basin.

Mike Orcutt said there is still the issue of funding to the regulatory entity that monitors the various fisheries. Eric Larson said he thinks that it is appropriate to write the Department of Fish and Game, copying the Commission, regarding monitoring. He reaffirmed that monitoring in the lower reaches will not change. The model will be used for the upper reaches. If people want that monitoring to occur, we need to come up with the means to make that happen, which will take about \$6,000. Mike Orcutt asked if it is a money problem or a hiring freeze that is keeping the Department from monitoring. Eric Larson said they can go out and contract, but we cannot bring in scientific aides. Even if we have the money, we are on a hiring freeze. The Commission approves and adopts regulations, which come through the Department. If information within those regulations is dependent upon monitoring, then it's good for the Commission to let the Department know that it is a need.

Mike Orcutt said he'd like to clarify that his concern is that the sharing is met and conservation goals are assessed. Dave Hillemeier added that they have monitored above Coon Creek for two to three years, and prior to that they were modeling based on early 1980's data, which is a small sample size. If the \$6,000 dollars could come from somewhere, that would be great. Maybe the Council should write a letter asking for the funding. Eric Larson said he doesn't think a letter would hurt. He added that timeliness is critical.

Motion by Dave Bitts for Dave Hillemeier to write a letter to the California Department of Fish and Game stressing the importance of monitoring and meeting allocation objectives to ensure tribal harvest. The letter will be addressed to the head of Fish and Game and the Fish and Game Commission will be copied.

Seconded by Dave Hillemeier.

Motion passed unanimously.

Assignment: Dave Hillemeier will write a letter to the California Department of Fish and Game stressing the importance of monitoring and meeting allocation objectives to ensure tribal harvest. The letter will be addressed to the head of Fish and Game and the Fish and Game Commission will be copied.

Phil Detrich requested that the draft focus on the Council's role as described in the Klamath Act to ensure that the relationship is established in the letter. Eric Larson added that entities need to offer money to help with the monitoring or else the Commission won't take action. Monitoring begins in August so we'd need to get a contract in place. Mike Orcutt asked that Eric Larson find out about all other closures by CDFG.

Agendum 13a. Fall Creek Update and Discussion

Eric Larson reported that in discussion with Jimmy Smith, he thinks he has money to keep the Fall Creek operation going. The only problem is that the salmon stamp accounts are all messed up. We thought there was a 3-way portion of money to keep this program going. It is probably not necessary to address this in the letter we discussed above. More discussion on this item is included under agendum item 13.

Agendum 14. Report on Klamath Act administration budget (Discussion and presentation on Monday)

Phil Detrich explained that Council members should put page numbers on this handout (previously handout 16 that is now handout 14). Figures on pages 5 and 3 refer to the table on page 1 and the figure on page 2 refers to the table on page 4 (see agendum 14 handout).

Phil Detrich explained that the table summarizes the entire restoration program carried out by the Yreka US Fish and Wildlife Service office. He noted that there is restoration funding from other entities. All Department of Interior spending is just under one half on the ground in terms of projects. The Council discussed the Klamath Act budget expenditures. Phil Detrich asked the Council members for suggestions on how to better portray these numbers.

Agendum 15. Discussion on KFMC presentation to the Klamath River Basin Fisheries Task Force at their June meeting (Discussed on Monday)

Dave Bitts stated that the responsibilities and actions of the KFMC need to be made clear to entities in the upper basin. Phil Detrich said that staff volunteered to provide this presentation to the Task Force in June, but it is the will of the Council and should be a decision made by the Council. Dave Hillemeier asked about the intent of the presentation and if it would be presented to the public or only the Task Force members. Dave Bitts replied that the intent is to set aside some time to give the presentation to the public. The Council decided that the presentation should be kept as short as possible and should not conflict with other Task Force activities. Council members will coordinate via email or conference call closer to the meeting date.

Phil Detrich added that the presenters need to make sure that the presentation does not cross that line of sensitivity about advocating for reauthorization. At this point, content is purely background information on the KFMC. Dan Viele reinforced that the Council does not want to appear to be engaging in activities that actively lobby for an extension of the Council. Paul Kirk recalled that the Council discussed the possibility for a joint committee to talk about reauthorization. Dan Viele said that is up to individual members outside of the June meeting agenda. Phil Detrich reported that John Engbring is getting legal advice from the Department of Interior on whether a joint committee is a good idea. The subcommittee may be advised to disband efforts.

Assignment: Staff will determine if the evening of June 23rd is available for the KFMC presentation to the Task Force.

Agendum 16. Public comment

No public comment.

Agendum 17. Assignments to TAT, staff, and members

The Council reviewed the identified assignments. Dan said that he will draft a letter to the Fish and Game Commission and will appear at their May meeting. Eric Larson asked that Council members send him any letters that are drafted to the Department and the Council for review prior to sending the final drafts. They discussed the monitoring letter that Dave Hillemeier would be drafting.

Agendum 18. Agenda for October 2004 meeting

The Council discussed that the only October agenda item would be to report on the May Fish and Game Commission meeting.

Agendum 19. Time and place of October, 2004, and February, 2005, meetings

Dave Hillemeier said that it might be a good idea to review strides in management at the October meeting, but if there isn't anything else, there may not be a need to meet in October. He continued that if new information is available, a meeting might be a good idea. Dan Viele suggested not making a firm decision now. The new Chair can make the final decision. The Council tentatively scheduled the next KFMC meeting for October 20-22 at the US Fish and Wildlife Service office in Yreka, CA. The February meeting will be in Eureka, following the Department of Fish and Game information meeting.

Agendum 20. Public comment

Jim Welter stated that regarding the Council's concern about next year's abundance, it is important for the TAT be able to provide information to help craft options that will handle everyone's concern. The Council should work to replace openings on the TAT.

Tuesday, April 6th

Dan Viele asked if Allen Grover or Mike Mohr wanted to talk about the latest KOHM run. Mike Mohr replied that it is an informational run and is season specific. Eric Larson added that all Klamath objectives are met in terms of listed species and the floor. Curt Melcher asked Mike Mohr about management this year not being for the floor but rather for the objective and since the reduction rate is met, are we not able to shape it to bring it down to the floor? Mike Mohr replied that it is just a rounding issue with the reduction rate, which is the intent of this floor management.

Dan Viele asked Council members for any additional recommendations to the PFMC. Keith Wilkinson said the only thing left is the zone troll and he doesn't know if it's in the KFMC jurisdiction to comment on it because it is locked in. Eric Larson said the recommendation is moving forward and he doesn't think there will be any final tweaking in the zone fishery. Allen Grover added that Chuck will go to the floor tomorrow morning with Snake River and North of Falcon. In terms of our package, we are set and anticipate no additional tweaking unless Oregon loses some time for the Snake River. Dan Viele said he will not be giving a report to the PFMC on Thursday. Keith Wilkinson asked Dan Viele to comment on the new slate of KFMC officers to the PFMC on Thursday. Dan Viele agreed.

Keith Wilkinson commented on Paul Kirk leaving his seat on the KFMC. He said he will be sorely missed. Paul Kirk stated that he has enjoyed his time as a Council member. He said that Jimmy Smith may possibly take his seat on the Council. Keith Wilkinson thanked Dan Viele for his service as Council Chair as well.

The meeting was adjourned by Curt Melcher.

MOTIONS AND ASSIGNMENTS

*Klamath Fishery Management Council Meeting
April 4-9, 2004
Red Lion Hotel Sacramento, CA
Meeting #76*

Motions:

Agendum 1

Motion by Keith Wilkinson to approve the amended agenda.
Seconded by Paul Kirk.
Motion passed unanimously.

Agendum 3

Motion by Jim Harp to nominate Curt Melcher as the next KFMC Chair.
Seconded by Eric Larson.
Dan Viele and Curt Melcher abstained.
Motion passed unanimously.

Motion by Eric Larson to nominate Jim Harp as KFMC Vice Chair.
Seconded by Dave Bitts.
Motion passed unanimously.

Motion by Paul Kirk to nominate Phil Detrich as KFMC Recording Secretary.
Seconded by Paul Kirk.
Motion passed unanimously.

Motion by Eric Larson that the newly elected officers take position as the last agendum item of this meeting.
Seconded by Dan Viele.
Motion passed unanimously.

Agendum 6

Motion by Keith Wilkinson that in the case of 2004-2005 Klamath Chinook, the KFMC express concern to the SAS regarding projected low abundance of age 3 fish inclusive of data provided.
Seconded by Paul Kirk.
Mike Orcutt abstained.
Motion passed unanimously.

Motion by Paul Kirk to recommend for KMZ recreational fishery Option 1; May 15-September 12, 7 days/week, 2 fish/day.
Seconded by Dave Bitts.
Motion passed unanimously.

Agendum 13

Motion by Dave Bitts to write a letter to the Fish and Game Commission regarding the interaction between the Council and the Commission (see agendum 13 assignment).
Seconded by Mike Orcutt.
Motion passed unanimously.

Motion by Dave Bitts for Dave Hillemeier to write a letter to the California Department of Fish and Game stressing the importance of monitoring and meeting allocation objectives to ensure tribal harvest. The letter will be addressed to the head of Fish and Game and the Fish and Game Commission will be copied.
Seconded by Dave Hillemeier.
Motion passed unanimously.

Assignments:

Agendum 13

Staff will prepare a letter to the Fish and Game Commission (copying CDFG and NMFS) that includes:

- history of interaction between the Commission and the PFMC,
- consequences of their actions being out of sync (referencing the 1997 letter regarding the increase of the in-river recreation quota that triggered a reaction from NMFS),
- resource utilization as it relates to moving fish from the ocean to the river, and
- the range of effects of Klamath fall Chinook.

Letter is to be written before the May Commission meeting and should go out to the Council members for review and shared with Bob Trainer by April 20th.

Dan Viele will attend the Fish and Game Commission meeting in San Diego.

Dave Hillemeier will write a letter to the California Department of Fish and Game stressing the importance of monitoring and meeting allocation objectives to ensure tribal harvest. The letter will be addressed to the head of Fish and Game and the Fish and Game Commission will be copied.

Agendum 15

Staff will determine if the evening of June 23rd is available for the KFMC presentation to the Task Force.

FINAL AGENDA

*Klamath Fishery Management Council Meeting
April 4-9, 2004
Red Lion Inn, Sacramento, California
Meeting #76*

Sunday April 4, 2004

3:00 pm Convene meeting and introduce members

Administration

1. Review and approve agenda
2. Review materials and correspondence (Staff)
3. Election of Officers
4. Public comment

2004 Management Season

5. Review of Pacific Fishery Management Council's (PFMC) salmon-fishing options for public review
6. **Action:** Develop additional recommendations for the 2004 management season for discussion with the Salmon Advisory Subpanel and presentation to the PFMC
7. Assignments to Technical Advisory Team (TAT), staff, and members
8. Public comment
9. Set meeting times for the rest of the week

Recess

Meeting times to be arranged April 5-9:

10. Revise and approve agenda
11. Items relevant to the progress of the PFMC meeting
6. (cont.) **Action:** Develop additional recommendations for the 2004 management season for discussion with the Salmon Advisory Subpanel and presentation to the PFMC
12. Public comment

General

13. Update from California Department of Fish and Game (CDFG) regarding fishery monitoring below Coon Creek and other CDFG monitoring activities for the 2004 season
- 13a. Fall Creek Update and Discussion
14. Report on Klamath Act administration budget
15. Discussion on KFMC presentation to the Klamath River Basin Fisheries Task Force at their June meeting
16. Public comment
17. Assignments to TAT, staff, and members
18. Agenda for October, 2004, meeting
19. Time and place of October, 2004, and February, 2005, meetings
20. Public comment

Adjourn

LIST OF HANDOUTS

*Klamath Fishery Management Council Meeting
April 4-9, 2004
Red Lion Hotel Sacramento
Sacramento, CA
Meeting #76*

- Agendum 2 Letter from Oregon Governor, Theodore Kulongoski to Phil Detrich appointing Curt Melcher to the Klamath Fishery Management Council, dated March 11, 2004.
- Agendum 2 Letter to Howard McConnell, Chairman, Yurok Tribe from the Klamath Fishery Management Council thanking the Yurok Tribe for hosting the Klamath Fishery Management Council meeting in Klamath, California, dated March 17, 2004.
- Agendum 2 Letter from Phil Detrich to Dan Viele regarding Nomination of Technical Advisory Team Member for the Klamath Fishery Management Council, dated April 2, 2004.
- Agendum 5 Commercial and Recreational Fishery Management Options. Tables 1 and 2 from Pacific Fishery Management Council Pre-II Report, dated March 2004.
- Agendum 6 Klamath Fishery Management Council Report and Recommendations to the Pacific Fishery Management Council, dated March 9, 2004.
- Agendum 13 Update from California Department of Fish and Game (CDFG) regarding fishery monitoring below Coon Creek and other CDFG monitoring activities for the 2004 season.
- Agendum 14 Klamath River Basin Conservation Area Restoration Program Draft Budget Expenditures – FY 1989 through FY 2003.
- Informational Handout
- Handout 1 Draft Proposed Agenda for the Pacific Fishery Management Council on April 4-9, 2004, in Sacramento, California.
- Handout 2 Notice of Proposed Changes in Regulations of the Fish and Game Commission regarding Salmon.
- Handout 3 KOHM 2004.

LIST OF ATTENDEES

*Klamath Fishery Management Council
April 4-9, 2004
Red Lion Hotel Sacramento
Sacramento, California
Meeting #76*

The following individuals attended the Klamath Fishery Management Council meetings in Sacramento, California on April 4-9, 2004.

<u>Name</u>	<u>Representing</u>
Bob J. Crouch	Klamath Coalition
Don Stevens	SAS Oregon Troll
Desma Williams	Technical Advisory Team
Jim Welter	Brookings KFMC Coalition
George Kautsky	Technical Advisory Team
Allen Grover	STT
Russ Crabtree	Port of Brookings Harbor
Jerry Reinholdt	SAS
Duncan MacLean	SAS California Troll

<u>Name</u>	<u>Representing</u>
Allen Grover	Salmon Technical Team

<u>Name</u>	<u>Representing</u>
Bob Crouch	Klamath Coalition
Craig Foster	ODFW-Salmon Technical Team
Jim Welter	SAS
George Kautsky	Hoopa Valley Tribe