

**FINAL--SUMMARY MINUTES**  
**Klamath Fishery Management Council**  
**October 1-3, 1997**  
**Brookings, Oregon**  
**Meeting #50**

**3:00 pm October 1**

Members Present:

Keith Wilkinson:	Oregon Commercial Salmon Fishing Industry
Rod McInnis:	National Marine Fisheries Service.
Pliny McCovey, Sr.:	Hoopa Valley Tribe
Paul Kirk:	California Offshore Recreational Fishing Industry
Ron Iverson:	Department of the Interior.
Don McIsaac:	Oregon Department of Fish and Wildlife.
Troy Fletcher:	Non-Hoopa Indians residing in the Klamath Conservation Area
L.B. Boydston:	California Department of Fish and Game.
Virginia Bostwick:	California In-river Sport Fishing Community
Dave Bitts:	California Commercial Salmon Fishing Industry
Nat Bingham:	Pacific Fisheries Management Council

Other Speakers:

Jerry Barnes:	Technical Advisory Team
Jennifer Silveira:	US Fish and Wildlife Service
Bernice Sullivan:	US Department of the Interior Klamath River Coordinator
Mike Orcutt:	Hoopa Valley Tribe
Dave Hillemeier:	Technical Advisory Team
George Kautsky:	Technical Advisory Team
Ann Ramp:	Private citizen, Brookings, OR
Dave Webb:	Shasta Coordinated Resource Management Planning Group (CRMP)
Duncan MacLean:	SAS California Troll

McIsaac: Are there any suggestions for adjustments to the agenda?

Boydston: I am going to have to be in my office at 8:00 on Friday morning. I am accompanied by Rich Dixon. Are there any items that can be rearranged to accommodate us?

McIsaac: Let's move #19 up to just after #16.

Barnes: Okay, so all of the Technical Advisory Team (TAT) reports are going to be delayed. Regarding #8, Mike Mohr from the National Marine Fisheries Service (NMFS) can give the review of the report first thing in the morning tomorrow. Regarding #6, I hope to get a TAT review of that tonight, so we can report to you tomorrow.

McIsaac: Okay, why don't we move #6 and #8 down on the agenda just after what is listed as #12.

Bitts: It looks like a very full agenda for the time scheduled. Would it be reasonable or practical to entertain an evening meeting tonight?

Boydston: I have no problem with the idea but there may be some administrative considerations here in terms of public notice.

Wilkinson: I don't think that is an enormous problem.

McIsaac: Why don't we proceed and, as we get toward 5 o'clock, bring it up for discussion then?

Fletcher: Maybe we could do our '97 management season discussion today.

McIsaac: Why don't we proceed through the administrative section and the reports from the TAT, #7, #9, #10, and #11 and, if time remains, in to the 1997 management season.

Iverson: In studying the draft notes from the previous meetings, I came across another agendum item that had been deferred: a letter to the Department of Fish and Game (CDFG) and to the California Fish and Game Commission (CFGC) encouraging them to mark or tag more Klamath anadromous fish, hatchery fish. We pondered the draft letter in April and decided to take it up again at a subsequent meeting.

McIsaac: Okay, let's put that tentatively pending Council approval as the last item under future management questions for discussion.

Fletcher: Some of the circumstances surrounding that issue might well be discussed at the update on the 5 Chairs meeting.

McIsaac: Dave Bitts, there was a FAX from you regarding some agenda items to be inserted, are you satisfied with what you see here?

Bitts: Yes, Mr. Chairman, I am, thank you.

McIsaac: Any other suggestions for adjusting the agenda? I would entertain a motion to approve it then.

Wilkinson: So moved.

**xxx: Second.**  
**(Motion passes unanimously)**

Silveira: First, pertaining to agendum #5, there is a response letter from Robert Treanor of the CFGC, dated May 14, 1997 (Handout A). The response is to a letter sent from the Council after the April Klamath Fishery Management Council (KFMC) meeting. Then, pertaining to agendum #5, is a letter from James Cook of the Shasta CRMP, dated July 5th, 1997 (Handout B). Agendum #8 is a table that shows recoveries of fall chinook from Rich Dixon (Handout R).

McIsaac: That would be a couple of pages of bar graphs?

Silveira: There is another handout from Rich Dixon pertaining to agendum #8 that looks like (Handout D). Pertaining to agendum #14 is a small table of the 1997 ocean fishery landings (Handout E). Pertaining to agendum #19 is a letter dated September 2nd, 1997, from Ron Iverson to Robert Treanor, on behalf of the 5 Chairs (Handout F). The subject of that letter was the exchange of information with the CFGC. Then pertaining to agendum #21, there are two letters from the NMFS dated August 11th, 1997 sent to California Governor Wilson and Oregon Governor Kitzhaber (Handout H) regarding the listing of some steelhead populations. Then there are two informational handouts: One is a letter from Blair Hart to representative Wally Herger regarding their request for assistance in establishing another seat on the KFMC (Handout I); the other is a draft agenda of the workshop on ocean harvest models that is sponsored by NMFS in Santa Rosa next week (Handout J). I have a question on (Handout A) the letter from the CFGC. It is marked with agendum #5.

Silveira: Oh, you are right. That is an error; because agendum #5 is the correspondence with the Shasta.

McIsaac: So this would be under #19 then?

Silveira: That is correct, I would put it in there, thank you.

Iverson: I have a couple of other administrative items. One, at the April meeting, during the discussion of how nice it would be if the CFGC were represented at either the March or April Klamath Council meeting, there was a request that we inform them of our meeting schedule. We have given them our upcoming year's meeting schedule. Second, I wanted to point out that in the room with us is Bernice Sullivan, the Department of the Interior's Klamath River Coordinator.

### **3. Adopt minutes of meetings held February 28, March 2-5, and April 6-9, 1997.**

McIsaac: Any discussion by council members about this agenda item?

Wilkinson: I have a problem with the February 28th minutes. Should that have been February 18th?

Silveira: Yes.

Bitts: I would like to commend the staff for an outstanding job of providing detailed and accurate minutes of what went on. The only thing I could find is on page 41 of the April minutes, there is a reference to Forest Mountain, and that should be Horse Mountain.

McIsaac: Further discussion?

Wilkinson: I move to approve as printed, Mr. Chairman, all of the minutes included in the agenda.

Bitts: Second.

McIsaac: It has been moved and seconded to approve the agenda item with the one small typographical error.

**[Motion passes unanimously]**

**4. Report on the 5 Chairs meeting July 23, 1997 (McIsaac).**

McIsaac: I was able to attend the 5 Chairs meeting in Klamath Falls on July 23rd. Those chairpersons in attendance included Alice Kilham of the Klamath Compact Commission, Roger Patterson of the Trinity River Task Force, Troy Fletcher ably filling in for Elwood Miller and myself. There were a dozen or so other persons in attendance and a variety of things were discussed during the course of the day. As I move through a very brief highlight of those events, I would welcome any additional comments from Troy or Dr. Iverson who was also there. We talked a little bit about the Upper Klamath Working Group and the Klamath Compact Commission relative to their ongoing events. I gave an update on the activities of the KFMC. Troy gave some updates on the Intertribal Fish and Water Commission activities. Roger Patterson talked about the Trinity Fish and Wildlife Task Force business of recent times. Troy gave an update of the Klamath River Basin Fisheries Task Force activities preceding the meeting. We received an introduction to the Klamath Provincial Advisory Committee, a new group in the upper basin. We received an introduction of Bernice Sullivan and the Klamath Trinity Coordinator position that she is filling. We also had an introduction of the Klamath Watershed Coordination Group. The agenda item that may be of most interest to the group here was the crisis in funding and monitoring activities for the fisheries management in the Klamath Basin. This was a situation very similar to that of about a year ago, where due to shrinking or stable funding in the Anadromous Fish Act, money that is allotted to the State of California was not performing the same amount of monitoring activities as had been in the past due to inflation. The 5 Chairs group talked about a variety of options to try to find some money to solve this problem. As you recall, the rescue effort of a year ago had to do with some end of the fiscal period help from the U.S. Fish and Wildlife Service (USFWS). That particular well was dried up this year with reference to a new regional office in Sacramento. There was considerable discussion about all of the possibilities to solve this problem. At the end of this long discussion, Mr. Patterson agreed to contact NMFS regarding funding. Mr. McAllister was going to write the USFWS and more formally state the nature of the problem. Troy Fletcher was going to contact the Bureau of Indian Affairs (BIA) and John Amadio. There was a consensus that a monitoring need be placed on the future Klamath Task Force (KTF) agenda, and that monitoring be put at the same priority as the base administration budget level so that it would not come up as a debated item every year. Ron, do you have any updates on what happened after July 23rd?

Iverson: I believe there has been some mitigation on the funding crisis for monitoring. LB, can you expand on that?

Boydston: First of all, Bob has followed through with a letter to Mr. Spear about the funding problems. With regard to some year end money or some last minute funding, I am not aware that anything has come forward at this point.

Iverson: I understand that through Bernice's efforts, some funding was identified. I will just say that Bob McAllister, from the CDFG Redding office, told me that that the BIA bought some coded wire tags for the department and thereby spared some costs and made it possible for the Bogus Weir to be operated.

Sullivan: \$20,000 went to the Iron Gate Hatchery.

Fletcher: The problem is that Bob McAllister was \$150,000 short. The \$20,000 gets us a little bit of the way there but he was already at a bare bones operation so something is going to have to drop out. If you drop out Bogus Creek's contribution to natural escapement, it has a significant impact on how we divide the fish up, because that is part of the information we use to

get in abundance. We are running into funding problems all over the place. On the Trinity River, the Trinity River Act re-authorization will run out at the end of '98. That means CDFG personnel and others are going to have to start finding alternative funding sources or start pulling out of the basin July 1. I really appreciate the job Bob McAllister did; but it is incumbent upon us to lobby people like CDFG, USFWS, NMFS and others to put up the money that is necessary just to keep our minimal monitoring needs going.

McIsaac: There were five or six items that were on the chopping block. It sounds like through the efforts of Bernice Sullivan and others, at least two of them, the Bogus Creek Weir and the application of coded wire tags (CWT), did occur. Should we then presume other ones did not? Maybe we can look for an update about that tomorrow. I think that the next go around for budget allocations for the TF and all the parties that contribute to this entire restoration effort in the Klamath basin is going to be a considerable challenge. At the 5 Chairs meeting, there was also a discussion of the Klamath Flow Study and EIS as well as the Trinity Flow Study and EIS and there was a set of assignments at the end of the meeting. These included a consensus that the 5 Chairs focus on the funding shortfalls for monitoring and each chair dedicate some time to search for a solution. Another assignment was that the Klamath Watershed Coordination Group do some monitoring work if possible. There was an assignment to draft a letter from the 5 Chairs to the CFGC regarding the issue of the season setting process.

Iverson: Later this month is the meeting where the TF advises their budget subcommittee on areas to emphasize in the fiscal '99 funding. If the Council wants monitoring to be emphasized, to the point of making it a noncompetitive item in the fiscal '99 TF budget, this would be the time to do it. The TF meeting is October 15-16 in Ashland.

Boydston: In the past and we have tried to get TF funding and it never came near the top of the final ratings. We get discouraged going through the paperwork part and then the TF not supporting science or monitoring type activities. I would go along with writing another letter to the TF urging them to reexamine their policies.

Fletcher: The problem is we are dealing with such a small budget on the Klamath side that when you stack monitoring needs against the flow study and arguably equally important issues, there isn't enough money. I think the BOR, maybe the NMFS, is going to get an influx of money with all these new Endangered Species Act (ESA) requirements.

Bingham: I would be happy to forward the request of the Council to the TF, but we simply don't have enough money to do the restoration task that Congress has mandated us to perform. We need to separately approach Congress and say, "you have never given us enough money to do our job, how about it, guys?"

Bits: Monitoring is also essential to evaluate the progress of restoration projects, and if that goes away, how are you going to know whether what is being done is appropriate and successful and a good expenditure of money?

Wilkinson: The TF reacts upon direction from the Technical Work Group (TWG). That message needs to be delivered to them, and monitoring has to be elevated in their view so that they see the whole picture rather than just the projects in their area. I am constantly put in the position of being seated on both panels acting as an obstructionist to get the Council's monitoring needs met funding-wise. That is not a comfortable position, because it essentially throws all of the work that the TWG has done prioritizing projects out the window. Changing the theme of the TWG on the TF side is going to be a critical part of the problem.

Fletcher: Every year, something else starts dropping out. Coho aren't being marked at the hatchery, steelhead aren't being marked. We had to buy CWTs. We are getting a longer and longer laundry list. I cannot see the TF bearing any more.

McIsaac: Rod, would you have any comments on whether there might be funding alternatives you know of personally?

McInnis: I can only speak for my own agency and at this point, there isn't that kind of money in the budget to do the monitoring work.

McIsaac: Bernice, in your coordinator's role, do you have any perspective on future funding in any of these agencies that indicates an opportunity greater than the TF arena?

Sullivan: Not that I am aware of now, but I will investigate.

McIsaac: I agree with Mr. Bitts that the restoration efforts in the basin can't be evaluated without critical monitoring. My suggestion is that the entities here that sit on both arenas (TF and KFMC) meet in an informal caucus session here in Brookings, and by Friday afternoon, identify specific things that we would forward to the TF as a base monitoring priority.

Barnes: Just a comment to put it in scale. On the Trinity side, for fiscal year '98, \$1.6 million is going to fish counting. That is just for the Trinity, and it has potential of going away after '98.

McIsaac: Maybe the caucus could talk about potentials there for huge shortfalls. The entities who sit on both TF and Management Council arenas are Keith Wilkinson, NMFS, the Hoopa, Troy, CDFG and...

Bitts: There is a commercial fishing representative on the TF. I am not that person.

McIsaac: At the last TF meeting when this came up, there was unanimous approval to go forward with a budget that didn't have monitoring solved.

Fletcher: I am one of the guilty ones on that body, and the bottom line is that there is not enough money there to cover the existing needs for flow studies, etc. I do not recall a lot of monitoring requests on the ranking sheet. I know we funded USFWS requested spawner surveys. I think we did a pretty good job at covering the request that we had in front of us.

McIsaac: The full magnitude of the problem last year was not in front of the TF at that time.

Iverson: That is right.

Bingham: The TF has worked very hard over the last few years to follow the recommendations of it's TAT without dissent where possible. If the proposals have technical merit, they should stand the test of the scientific review they get from the TAT.

Wilkinson: There is an ever diminishing number of proposals that comes before the TWG. There are people that used to attempt to secure TF funding that don't bother any more.

McIsaac: Ron, is this meeting on the 15th the initial meeting of a process?

Iverson: That is correct. At this October meeting the TF provides the general guidance to their budget subcommittee as to areas to be emphasized. Then the budget subcommittee, which Nat chairs, will allocate money to different categories of work to be used in selecting projects for review by the TWG.

McIsaac: I suggest if there is a consensus, a general motion be made that a letter go to the TF requesting that they categorically assign a segment of funding for monitoring. I will write down as the last agenda item before adjournment to revisit whether or not there is any consensus on a letter to the TF.

##### **5. Report on correspondence and meetings with the Shasta River CRMP.**

Fletcher: In 1994, Blair Hart wrote a letter of inquiry from the Shasta CRMP regarding some harvest management activities and questioning our impacts on Shasta River fish. At that time, the Yurok Tribe responded to those requests and tried to exchange some of our concepts of fishery management and how we try to protect various stocks of fish. In March 1997, Dave Webb presented what you are seeing here in agendum #5, to the Klamath Council. At that time, there was correspondence, and we proposed to form a work group with Shasta CRMP members and take a close holistic look at the issues surrounding Shasta River fish populations. Since then, we had one meeting with Dave, Jim Cook, Blair Hart, Andy Eagan, and Jim Whelan from CDFG. That effort hasn't gotten as far as I would hope. Since that time, the Yurok Tribe received a letter from Jim Cook requesting that we give him a daily break out of what our harvest was in the 1996 season and the percentage of hatchery versus natural fish were during that time period. We just recently responded to Jim about that request (Handout C). We believe that if we are going to look at our harvest it needs to be done as a holistic approach. We need to look at all the problems that affect Shasta River fish. Focusing in on 1996 in particular isn't wise from a biological perspective. You need to look at trends in the fishery population, and you not only need to focus in on harvest, but you need to address the serious and well documented habitat problems associated with the Shasta River. I propose that the KFMC form a subcommittee, and that that subcommittee be composed of Shasta River CRMP individuals, various tribes, anybody on the KFMC who would like to participate, and NMFS. I know NMFS will have to take a serious look at activities in the Shasta River and they will

have to make a determination about issues of take. We would like to provide a working group atmosphere, to help highlight some of the very real issues and problems in the Shasta River. We believe that there are other species of fish that are in more trouble than fall chinook. The potential that Shasta salmon stocks are being managed to extinction, and I think you can say, yes, they definitely are. Coho salmon in the Shasta River system are listed as an endangered species. That is a direct result of poor habitat availability in the Shasta River, which is a result of water diversions and agricultural interests, irrigation needs, etc. If you divert more than 80-90% of the flow in a particular system, you will have habitat problems. Coho salmon are dependent upon fresh water to rear over the summer. Summer conditions in the Shasta River aren't conducive to coho salmon needs. Those are things need to be looked at in a holistic approach. I appreciate Dave Webb coming to the KFMC, but I don't think it is appropriate to put a magnifying glass on one component of the harvest or one factor that affects the survival of the Shasta River salmon. We need to make sure that NMFS and other management entities responsible for the survival of those species participate in well-thought-out discussions and well-presented issues relative to Shasta River fish--not just fall chinook, but spring chinook, coho salmon, steelhead, and anything else that depends on the Shasta River. After we hear the tech team's analysis of the analysis that the Shasta River CRMP presented to the KFMC, we will present a draft response to Dave's analysis. It will include suggesting a subcommittee that would hook up with NMFS to look at the take issues in the Shasta River. I know Dave Webb is in the audience. I think it would be fair if he could come up to the podium and ask us questions.

McIsaac: We have a public comment period and anticipate comments at that time. In the February or the March meeting, we had a thoughtful description of a problem with the spawning escapement in the Shasta River with a strong implication that there was a fishery related impact. LB noted that there was a shortage across all age classes; that is a highly unusual phenomenon to be associated with a particular fishery impact. That developed into some assignments to look at the flow and the temperature issues and to try to do some statistical correlation as opposed to speculation. Troy, are you indicating that the TAT report will answer those kinds of questions?

Fletcher: No, the TAT report will just respond to some of the concerns that were raised in the Shasta CRMP's analysis. However, the temperature and water flow issues in the Shasta we have raised with the CRMP members, and I would rather see them thoroughly reviewed in a work group forum where we can give NMFS some good scientific advice on the problems that have contributed to the decline of Shasta River fish. I do note that there are problems in the mainstem river that Shasta River fish will have to face through some stage in their lifecycle.

McIsaac: There was some talk about a thermal block in the mainstem of the Klamath and temperatures in the tributaries. Is that data on the table before our tech team or any of these informal meetings with the CRMP?

Fletcher: No, I don't have access to that data right now.

Wilkinson: I am concerned about the time frame here. The original presentation of this was earlier this year. Now we have one response dated just a couple days ago. This apparently is a local critical issue in the Shasta CRMP, and we could have been more responsive prior to this. I recall them verbalizing their concern at our March meeting that they did not want this to continue through other harvest cycles. Now we are into two harvest cycles. Let's get going on this, and let's be up front with these folks, because we all understand that there will be arm waving and finger pointing if we don't.

Fletcher: They are saying that harvest is causing the problems associated with Shasta River fish, and Yurok harvest is the main cause. To me, that is a complete denial of the other factors influencing the survival of those fish, namely, instream habitat and flow considerations. We need to get those on the table in a forum and make sure the NMFS has the benefit of conclusions drawn out of that review to cause some necessary changes. If flow and water temperatures are issues there, then I am going to hold Rod or his group accountable to protect those species that currently depend upon that system.

Bits: I have trouble disagreeing with anything you said there, Troy. The thing that troubles me about this document dated February 26th from the Shasta CRMP is that there appears to be a leap to the conclusion that harvest is the culprit. Alternative possibilities are not mentioned or addressed. Clearly something happened, because of the poor return of age 4 fish from the '92 brood. It is not clear that harvest is what happened. For example, it could be that for some reason the upper river population had a much higher maturity rate on 3's. Another possible explanation is that the returning 4's found a barrier of some sort to making it into the Shasta and went up other streams down river instead. We know that this happens in other basins. I am thinking River. Did it happen here? The possibility is not addressed.

Wilkinson: I would like to endorse Troy's proposal that a work group be formed, but we need to speed the process up.

McIsaac: I share Keith's concern. It is time for all the parties to open their books, with regard to CWTs, catches by age, flow information and the rest of it. In our informational packet, we have a letter from Mr. Blair Hart asking Wally Herger for assistance in increasing the membership of the KFMC with a person representing upstream private landowners. While this CRMP analysis material is dated April 25th, here it is September 30th with no analysis to show, no data. That just fosters mistrust and the appearance of a lack of response from the fishery community.

Fletcher: I don't feel comfortable saying, here you go, Shasta River CRMP, you analyze our data. I want to see an inclusive subcommittee. The Long Range Plan (LRP) for the KTF has specific policies and goals and objectives for that river system. We need to revisit those policies through the subcommittee. We need to be as formal as possible and bring everybody in that we can. We need to look at trends and at a number of years, as well as flow information.

McIsaac: That is certainly appropriate.

McInnis: NMFS will participate in whatever work group you set up. I am not sure who that will be. I need some further discussion as to what this work group intends to do. Our top priority would be the listed species in the basin. The only one today is the coho, listed as threatened. I don't know how much data we have on Shasta River coho. I think this debate is going to focus on particularly the fall chinook. This is analogous to the harvest management alternative of the Trinity EIS. There has been some information developed on the Trinity side that group may want to look at if there is a subgroup formed.

Iverson: Troy, you ought to consider the option of a working group made up of technical people, perhaps a joint assignment to the TWG of the TF and the Technical Advisory Team (TAT).

Fletcher: I think that is appropriate. I have looked at some of the past information about coho populations in the Shasta, and there is an impact on those fisheries. I would like to look at what is up with the steelhead in the Shasta. What are low water flows in the summer and high water temperatures doing to those populations? Are they going to be listed because of their activities? I want to know where spring chinook in that system went.

Bingham: I agree this should be a technically qualified group. I think it would be good to over the next 2 days for people involved at this level and in the public to discuss what the charge for this group would be. We should also arrive at some consensus about the make-up of the group, so that the problem will be fairly addressed in an unbiased fashion. I ask a few of the key players to come up with a draft list of questions and charge for this technical committee.

McIsaac: Let's look forward to the TAT presentation tomorrow, and a letter or a motion from the Yurok seat as to how to address this. I think it is appropriate to look at things from a holistic view point, but there was a direct question about fall chinook spawning in 1996 in one tributary, so we should focus the work group on a thorough analysis of, and direct response to, that question. If there is not thorough treatment of that question, then I think the work group's subsequent efforts on a holistic basis will be questioned.

Fletcher: I don't have a problem with that. But I don't think a scientific approach dictates that you look at one season or one year and draw a conclusion based on that information.

Orcutt: We need to have some priorities and management objectives for species like spring chinook, late coho, and steelhead. We haven't taken on those issues here. It has always been focused on fall chinook. I think this Council needs to address concerns with those other species.

## **9. Public comment.**

McIsaac: I would like to move the public comment period forward so that it comes now. After the public comment period, we will move forward with the technical reports. We probably will not have another public comment period until tomorrow, sometime after the technical reports.

Ann Ramp: I have been to these meetings before, and I get staggered that the TF and the management group don't meet together and solve your problems together. Today is a very good example of exactly that. Now either you monitor what you are doing in the rivers or you don't monitor, period. But if you have got three or four kinds of agencies monitoring, nothing happens, and you don't have to be a genius to know that. I would urge that you two groups be one group and come to the same conclusions and then MOVE. Thank you.

Dave Webb: I am the Field Projects Coordinator for the Shasta River CRMP and I would like to make a few statements relative to the discussion. I think most of the ground was covered in the various comments of which I agree with some and some which I don't, but all of which are valid. We have been operating under the assumption that fisheries management issues should be brought to this group, and habitat related issues are more appropriately brought to the TF. Hence we don't discuss habitat issues much with you. Perhaps that creates the impression that our only concern is for harvest, but that isn't the case. I agree that there is no plausible way to separate the two, yet the enabling legislation did just that, so we have worked within that context. I don't know how else it can be done. Fortunately, most people here are represented on both groups so that there is a crossover of information relative to habitat and harvest. It is also important to recognize that there is a vast difference between the statement that harvest is causing problems and harvest is causing the problem. We have never contended that harvest is causing the problems for the Shasta River. We do believe it is causing some problems. The statements made by Mr. Fletcher about habitat conditions are entirely accurate. There is no question about it. That information is readily available to anyone that wants it in the Klamath River Information System, which has been disseminated. It is something that we have embraced as the appropriate forum in which to try to consolidate all available information. It is also available from other sources, and we have tried to make it available ourselves as requested, but we have never claimed that the cause of our problems is harvest. It appears to us that information which we have requested, information on CWT data, is being denied to us because we have habitat related problems. To me, the rationale behind that is serious and indefensible. I believe that should be publicly accessible data, useful and available to anyone for any purpose and to deny it because there are habitat problems in the Shasta River makes no sense to me. We have been working under the assumption that we were trying to work out an information exchange with the representative of this group. Over time, one would expect a few stumbles to occur, but when we look back and see our correspondence from 1994, correspondence from 1995, correspondence in 1996, correspondence from 1997 all gone unanswered, you run the risk of too many stumbles. It is extremely detrimental to your image and it can't be afforded. You have to be effective, and we have to be able to trust you. All of this is creating an air that management is being done in secret. Responsible co-management obviously cannot and isn't being attempted to be done in secret, but nevertheless, that is the impression that is gotten. I would strongly encourage you all to deal with this appropriately. Thank you.

Fletcher: I need to respond, because I think you are talking about me when you are talking about CWT information. We haven't withheld any CWT information. What we have said is we would like to have that reviewed in a forum such as the one I proposed. Have you requested similar information from the sport fishery to break out their daily catches?

Webb: Actually, I pursued CWT data on all forums through the Yurok Tribe, through the CDFG, through Pacific States Marine Fisheries Commission and to tell you the truth, I was appalled at the lack of available information from any source. I don't understand why the Pacific States Marine Fisheries Commission is not being utilized as a central clearinghouse for all tag related data and would likewise encourage you to direct all of your cooperating members to submit to them this data so that it is a simple matter to access it. No, I have not successfully gotten similar data anywhere.

Fletcher: All I asked was if you requested similar data in daily breakouts from CDFG for their sport fishery. Did you do that?

Webb: I began doing that approximately 1 month ago when it became apparent to me that I was going to be receiving no data through what I would call normal channels and would have to proceed on my own. I have not made much progress there. It is a busy time of year for us and this is not what I am supposed be doing.

McIsaac: I would like to thank Mr. Webb for his testimony. I would rather not get into a direct debate on this issue, and I would encourage people that have more detailed questions to wait and see what happens tomorrow.

Bits: There was another thing Dave said that I found disturbing. He mentioned that the CRMP had gotten no response for 4 years running from this Council, and I know I responded as an individual to an earlier letter. It was my impression that this Council had also responded as a Council to earlier letters from the CRMP. Am I in error on that?

McIsaac: I had a similar question. Let's ask staff to have a look at the record of letters that have gone out. If we find out that that is in deed the case, we can incorporate that information into whatever motion is on the table tomorrow. Further public comment?

Duncan MacLean: I am a representative of the Salmon Advisory Subpanel in California Troll. I am curious: in some of your discussions about where is the money, where is the beef? It seems like every time you hear of a depressed or an endangered stock, the bucks come up. It usually stems back to some diversion or program that removes habitat or water from the system.

In each system there is supposed to be a mitigation program set up. Mitigation means that where those fish have been removed because they can no longer get to their habitat, a program is set up to supplement them. It seems to me that monitoring those programs is as important as making sure the fish themselves are there. So my question would be, where is the mitigation, once again? Thank you.

**7. Future leadership of the TAT following Chairman Barnes' retirement.**

Barnes: I had retirement in mind since the early part of the year. In our February meeting, by consensus we designated George Kautsky the vice chairman, so there should be a relatively smooth transition. As far as the Forest Service replacement, we have a possible representative, and he will be present tomorrow.

McIsaac: When might your last meeting be?

Barnes: This is probably it, but I will be working through the end of the year.

McIsaac: You said that somebody from the Forest Service would be a replacement?

Barnes: Not as chairman, but just as a member of the tech team. Regarding the TAT presentation for this afternoon: because of the team's concentration on the Klamath Ocean Harvest Model (KOHM), we have had one member, Dave Hillmeier, looking at some possible modifications of the stock prediction model and the PCPM model (the partitioned cohort analysis). Dave can give you a short review of that preliminary work. This work was not able to go into the PFMC process. We do intend to get the KOHM modification into that process. In fact, Mike Mohr and Rich Dixon are meeting with the SSC in Seattle on October 24th to do the final review. They expect to send the SSC the report 10 days prior to that. Mike Mohr will give you the reports tonight for his presentation tomorrow.

McIsaac: Let's deal with that at the end of the tech team reports.

**10. Analysis of stock, recruitment and yield with reference to the spawner floor.**

Jerry Barnes: The scientist dealing with this item is Mike Mohr's boss, Mike Prager. At the September KFMC meeting last year in Weaverville, there were 8 questions that were put forth by the Council. Those were looked at by the team and most particularly by Mike Prager. One question was that we had all spawning by only 3's in the original model. In reality, only a 1/3rd of 3-year-olds spawn in an average year. Mike Prager started looking into whether or not to do distributed spawning. He has decided that that is possible, at least age threes and fours if not fives. That will make the stock recruitment model much more useful. What he really needed to do it was age composition of the natural run back through the data base. We have dredged up that information and given it to Dr. Prager. The difficulty is that for the last several months, he has been acting director of the lab at Tiburon as well as supervising five biologists. It is going to take him 6 months to redo the model.

Bitts: Jerry, you mentioned "redo the model". You were referring to the evaluation of stock recruitment and yield?

Barnes: We wrote, based upon the previous model, a draft addendum to the stock recruitment and yield model. The floor analysis is so dependent on the model that now that needs to be pushed out to the same time frame.

McIsaac: Do you see any great changes in the thrust of the conclusions from the first analysis to this more sophisticated analysis, for example, with regard to placement of maximum yield ?

Barnes: I really won't know until we see it.

Bitts: In Mike Prager's original report to this Council, he had added rain in Eureka into the mix. Has that remained?

Barnes: That has been removed. In fact there are, right now, no environmental modifications in the model.

Fletcher: One of the obvious concerns that were raised about that was the ability to deal with sub basin substocks. Have there been further discussions especially in light of our recent conversations here about those issues?

Barnes: No. Dealing with just the Trinity and the Klamath is enough of a problem without trying to get it down any finer than that. The model analysis won't do that.

Iverson: Didn't the environmental variable explain quite a bit of the variability?

Barnes: Yes, it did, and that was part of why it has been deleted. There was an error--as I remember, Mike's data was a year off. That is what caused it to be non-relevant, and it is not longer in the analysis.

Iverson: But it fit.

Barnes: It fit. The wrong data fit the circumstance. It turned out when you put in data from the right years, there was no correlation.

Orcutt: Was the initial assignment given with the intent of potentially changing the fishery management plan of the PFMC?

McIsaac: That would certainly be a possibility, depending upon the results, I would guess. If April is the soonest Prager is going to be done with the report, I don't know how that fits into our technical process.

Barnes: Typically, the plan amendment process takes place in the two fall PFMC meetings so it might work out rather well, because that would give the PCMC technical staff time to analyze it and digest the information. The earliest I expect you would see an actual plan amendment would be the fall of '98.

#### **11. Improvement of stock prediction methodology: Update.**

Barnes: Dave Hillemeier has dedicated some time to improvement of stock prediction methodologies. He is going to give you a little update.

Hillemeier: We started to look at improving the stock predictor, and to date, we have no good news. We have not come up with anything better than our current predictor. I wouldn't be too disgruntled by that, because work has just begun. We have compiled some data, such as environmental indicators, and jack size at return at the hatcheries, and looked for some linear relationships. We are going to now look at some other types of relationships, and I think we stand a good chance of finding something better. This winter will be a good time to work on this some more.

#### **12. Update on spring chinook management tools.**

Barnes: George Kautsky will give the update on spring chinook management.

Kautsky: We have to date an ability to predict run size for the hatchery component of spring chinook, based on a similar methodology we use for fall chinook. However, we are missing elements of the natural component of the spring chinook run. We had numbers of spring chinook returns in the natural run, but we don't have an age structure for the Klamath like the Salmon River stock or the Trinity-side spring chinook. We have located some scale collections residing at the Arcata CDFG office. In April or May we achieved an agreement that some of our staff at Hoopa Fisheries could go down to the office there and make some scale impressions of spring chinook scales. Then we could put some age structure on about 6 years of data of natural spring chinook returns. We have not done that work yet. It lapsed into field season for our staff. This winter we will pick up those spring chinook scales and go from there. I don't think we are going to have anything concrete for you until February or March.

Bitts: George, what you have mentioned so far relates to evaluating the run in the river. What do we have as tools if we were to embark on managing spring chinook fisheries as fall chinook fisheries are managed?

Kautsky: Last year at Santa Rosa's meeting we listed five or six things we would need to develop a distributional map (like we have for fall chinook in the KOHM) to chart the impacts of spring chinook in the ocean fisheries. Prior to the mid 80's, we had seasons that began in May or sooner, so we had considerable contact with spring chinook. Then there was a period of about 10 years without many spring chinook impacts in the May-June period in the ocean fisheries. The next step would be to construct something like the KOHM for spring chinook. I would defer to Mike on that one. We haven't launched on that, because it has not been a specific assignment to us. We would have to agree on what would be the birth date for those fish. I think there are three or four other things that were unresolved questions. We need to discuss whether we are going to start managing for spring chinook. There are Federal mandates and the solicitor's opinion. We met with NMFS earlier this year to talk about potential management units and some new concerns that the PFMC would start to look at.

Bingham: Do we really have enough information at this point to move forward with things like stock projections and harvest contribution rates?

Kautsky: To reconstruct those stocks and by age, we need to work with that natural component. There are fragmentary data going back 10 years or so, from the Salmon River and South Fork Trinity. For the natural component, it is all lumped as adults, so we need to break that out by age. We can start working on that from scales. That would be step 1. I could report to you how we have done this winter on that effort. Further, I could review again the types of management options you may have in our next spring chinook update.

Bostwick: Troy just said that there is concern that we should start managing for the solicitor's opinion. Does that have a special meaning to some of us?

Fletcher: Could be. (Transfer of benefits?) We have some clear law here relative to the fall chinook. Issues of 50/50 certainly apply to each run of fish that go through the reservation. Spring chinook is one of those runs, and it warrants some investigation.

Kautsky: Is that where I should proceed then, to compile a little table of options for you to consider?

Iverson: In the Sacramento Valley, there has been investigation of springs in the natural stocks there. Has anything developed down there that would serve as a model for the Klamath?

Bingham: Ron, we have the same problem George just identified. While we have the presence of hatchery tagged spring run, mostly originating from Feather River Hatchery, there are genetic issues because of interbreeding between spring run and fall run. That stock has now been identified as being discreet from the more natural stocks that spawn further up in the basin (Mill Creek and Deer Creek) that are not CWT. Now we are developing a genetic baseline funded by the CalFed program to see what the contribution of those natural fish is to the fishery. We don't have any answers yet.

Fletcher: I failed to mention we are doing a genetic study about spring chinook. That will help contribute to George's information base.

McIsaac: Is the Council then comfortable that at a future meeting, the tech team present us with a list of options and possibilities on this issue?

Boydston: George, do you have gross harvest numbers between tribal and nontribal? Do we really have an issue here?

Kautsky: Yes, at the February meeting I distributed a bar graph showing just that, but that was again relevant to the hatchery component.

Fletcher: We would like that information not only for harvest shares but to adequately provide for the conservation needs of those species.

Kautsky: In the earlier years, pre '85 I believe, we had ocean fisheries that were occurring in May, and they regularly exceeded 50% of tagged spring chinook from the Trinity/Klamath basin. They exceeded that amount that was harvested in the basin, both recreational and tribal combined. A majority of impacts occurred in the ocean. Then after that point, you see a complete reversal of that trend until about 1996 when again the ocean fisheries dominated the harvest.

McIsaac: That brings us to the end of the TAT reports other than the two tomorrow. Let's stand in recess until 9 AM tomorrow morning.

**5:00 PM RECESS**

**9:00 am OCTOBER 2, 1997**  
**RECONVENE**

Members present:

Keith Wilkinson: Oregon Commercial Salmon Fishing Industry  
Rod McInnis: National Marine Fisheries Service.  
Pliny McCovey, Sr.: Hoopa Valley Tribe  
Paul Kirk: California Offshore Recreational Fishing Industry  
Ron Iverson: Department of the Interior.  
Don McIsaac: Oregon Department of Fish and Wildlife.  
Troy Fletcher: Non-Hoopa Indians residing in the Klamath Conservation Area  
L.B. Boydston: California Department of Fish and Game.  
Virginia Bostwick: California In-river Sport Fishing Community  
Dave Bitts: California Commercial Salmon Fishing Industry  
Nat Bingham: Pacific Fisheries Management Council

Other speakers:

Jennifer Silveira: U.S. Fish and Wildlife Service  
Jerry Barnes: Technical Advisory Team  
Dave Hillemeier: Technical Advisory Team  
Michael Mohr: Technical Advisory Team  
Scott Boley: Technical Advisory Team  
Rich Dixon: Technical Advisory Team  
Duncan MacLean: SAS California Troll  
Ronnie Pierce: Yurok Tribe

McIsaac: Jennifer, could you tell us about the new handouts this morning?

Silveira: We have a letter to Blair Hart from the Yurok Tribe that pertains to agendum #5, from yesterday's discussion (Handout K). At the very end of the meeting tomorrow, the letter Troy Fletcher was going to draft, and the proposed subcommittee on the Shasta River, were going to be discussed.

McIsaac: I see it is dated 1994, so perhaps this is in reference to the statement yesterday that there has not been any response for three years to the correspondence from the Shasta CRMP.

Silveira: The other handout (Handout L) is the report from the TAT on the Shasta harvest issue. That will be agendum #6, which has been moved to today. Right now we have three more handouts being copied off. One of those has to do with the KOHM. Another is a FAX that we received from Dave Webb, pertaining to agendum #6 also (Handout N).

#### **6. TAT response to Dave Webb's inquiry on differential harvest of Shasta River chinook.**

Barnes: The TAT met last night right after this meeting to go over the draft report that Dave Hillmeier and I put together, and made some slight modifications. You got the report (Handout L) a few minutes ago. The original Shasta CRMP report (Handout M) triggered the analysis, in that it pointed out a large downfall in the returns to the Shasta River in 1996 from the 1992 brood year. That didn't coincide well with the age distribution of the returns in other parts of the basin. A couple clarifications are needed on that report. The mid Klamath tribes and the Hoopa Yurok Reservation tribes in '95 and '96 are really not comparable. Those data are surrogates that are derived from the Shasta, Scott and Salmon River returns. However, for comparison, you still have the Salmon, Scott, Iron Gate and Bogus. The closest similarity to the low returns of 4's in '96 is at Iron Gate/Bogus. In the rest of the basin down river, you will see that the return of the 3's and 4's by brood year were just about equal, but in the upper basin we had about 40% 4's at Iron Gate/Bogus. That still is significantly higher than the returns in the Shasta, which were only about 9% 4's. The TAT came up with some other potential explanations for this. One was the high temperatures encountered in mid summer and early fall in the Klamath that could have been lethal or caused diversion. This is just speculation. There are a lot of temperature data on the Klamath, but we didn't get it in a timely manner, so we didn't analyze it. One other factor that may have influenced the differential in age of return of that brood year was that, primarily through Dave Webb's efforts, the Shasta CRMP instituted a flushing flow regime in 1993 that would have affected the '92 brood year. There were two flushing flows up to about 160 cfs in May and June. There are some citations in the literature that suggest that earlier migration can cause earlier maturity, which would have favored the 3's over the 4's. Again that is a speculation. Now the only real data that we have to look at was the CWT data in the Yurok fishery. In 1983, '84, '85, '86, '87, the CDFG tagged outmigrants from the Shasta River, and these were really small fish. Most of them were under 50 mm, and they were putting 1/2 tags in them, so there were not very great tag returns and not very great survival. In fact in 5 years

in the Yurok fishery, they only got 55 tags back. There were many more tags recovered in the ocean, but we did not examine the ocean harvest. This explanation of what happened with tags is in the narrative on the second page of Handout L. If you turn to the appendices, which are the CWT recoveries by year in the fisheries, look at the Shasta returns. The number caught is the number of tagged fish. The number caught at Shasta for the three years would total 55. This is not expanded, these are just raw tags.

McIsaac: But in terms of scanning this sheet, it looks like it is arranged in chronological order, so if the Shasta recoveries were all clumped earlier, then it would lead credence to the theory that Shasta fish run early. If they are sprinkled throughout the whole time frame, you could conclude maybe they are not.

Iverson: Are these CWT recoveries the kind of information that Dave Webb said was not available?

Barnes: Troy can answer that.

Fletcher: Yes. What Dave wanted was even more detailed analysis. Breaking out the CWT recoveries by day. These are by day, but he also wanted the CWT recoveries expanded by our sampling expansions and by production so we could ascertain what percentage of fish caught in a particular day were of hatchery origin and what were of natural origin.

Barnes: In 1987, there were 70 Iron Gate tags recovered before we had recovered the first Shasta tag. In 1988, there were 88 Iron Gate tags before we had the first Shasta tag, and in 1989, there were 12 Iron Gate recovered before we had the first Shasta tag. The totals for each year were: in 1987 we had 21 Shasta tags and 1399 Iron Gate. In 1988 we had 6 Shasta tags and 535 Iron Gate. In 1989, 28 Shasta and 1618 Iron Gate. As I said before, this is only from the Yurok fishery, but there were minor recoveries in the sport fishery.

Bitts: The tag recovery information seems to indicate that the Shasta run is pretty much sprinkled through the Iron Gate run, but in the February 1997 paper, presented with the graphs of 3 and 4 returns, the Shasta CRMP shows that the same pattern of a lower age 4 return from the '92 brood occurs for Bogus and Iron Gate Hatchery as well as for the Shasta.

Barnes: The pattern, yes.

Bitts: I think they were trying to distinguish run timing between that upper river component including Bogus, Iron Gate, and Shasta and the lower river, below the Salmon and Scott.

Barnes: I didn't understand, I thought they were just trying to discriminate that the Shasta was earlier. In fact if you mix the Shasta with the Iron Gate, it is pretty hard to do selective management.

Bitts: Right, between those stocks.

Barnes: Which is 50% or more of the total run; with 25% or more of the total run just going to Iron Gate and Bogus.

Bitts: I am just not sure that this analysis is responsive to the question raised in the paper from the Shasta CRMP (Handout M), because .....

Barnes: I thought they were trying to say it was earlier than anything else. Dave Webb participated with us on our analysis last night with the TAT, and he didn't raise that issue. Dave Hillmeier was the primary author on this.

Hillemeier: In the Shasta report (Handout M) they do say the Shasta is recognized as one of the earliest spawning rivers in the Klamath.

Barnes: I am not sure that is true. It says is recognized, but it doesn't cite the author of that conclusion.

Bingham: I have a question regarding the tagging of the outmigrant Shasta fish. What was the methodology used, and was there any attempt made to get a handle on what fraction of the outmigrants were tagged?

Barnes: It was 10 to 15,000 a year. I don't have a report on details on the tagging operation.

Bingham: Was that done by CDFG?

Barnes: Yes. The normal standard sample that the department uses is about 25,000. If they can't tag 25,000 smolts, they figure it is not worthwhile because of the risk of probable low recoveries. That was the main reason they stopped.

Fletcher: Dave Webb went home last night and typed a rebuttal to the TAT's analysis (Handout N) and in that he identifies that they tagged close to 250,000 fish from 1983 to 1989. The problem here is that we are trying blame somebody for what happened to those fish, and it is based on one year's worth of data.

Barnes: We went back to three years worth of data. The one thing that isn't noted in our report (Handout L) is that each of those years, '87, '88, '89, were harvest allocation years, and they met their quota. We don't know what happened after that date, but we didn't make a point of that, because it was the early return not late return of Shasta fish that was questioned.

Fletcher: My point being, I am getting sick of seeing this thing in front of us for one year. If we want to look at a comprehensive approach to the factors that influence the productivity and survival of Shasta fish, then we need to do it. We are going to present a letter shortly that gets us there.

Barnes: I have here in my package the original tagging information from the department. I question that it was 250,000 fish. They would have had to tag 50,000 a year for five years to do that, and I recollect it was 10 - 12,000 a year.

Wilkinson: Jerry, on page four of the response from Dave Webb, (Handout N), he summarizes his view of your analysis. Maybe you can get a copy and respond to that. He has three points he is trying to make.

Barnes: Let me finish on our report first. Our data didn't find that there was a differential return time to the estuary. That doesn't tell you anything else going on up river. To follow up on this, you could go back to marking or we could do a GSI. The GSI was proposed by the Yurok tribe this year to the KTF to look at substocks and get some information on time of entry and harvest, but that was not funded. We have limited our analysis just to the question of the early return of Shasta stock. We have some ideas about future data analysis. If this work group that was discussed yesterday comes about, we will provide some insights from the TAT to that group.

McIsaac: I'm not sure that the Shasta CRMP didn't come to this meeting thinking that they have been blown off on this question. They came to this meeting without seeing a TAT report; that is on the table now. So I would hope this would ameliorate any opinion that we are just not listening to them.

Fletcher: I would feel more comfortable with their assumptions that they had been blown off if we hadn't we spent so much time with them over the last three or four years. The real issue can be traced to the May 20th, 1994 letter. It is an attempt to single out harvest as a problem associated with the Shasta River fish. That has been the pattern for years there.

McIsaac: Let's revisit this issue when we have the written material in front of us.

## **8. Revision of the KOHM.**

Jerry Barnes: The TAT met in the early summer down in Tiburon at the NMFS office, and Mike Mohr and Rich Dixon undertook to go back and document the original KOHM. This was very useful, because it tells you what each parameter does. Because of the previous manipulations and controversy about the use of the KOHM, the TAT was assigned to the potential modification of the KOHM. We have a progress report on that. The progress from this point on has to be very rapid, because it has to be "finalized" by the Scientific and Statistical Committee (SSC). In order to meet their time line, Mike Mohr and Rich Dixon are going to make a presentation after sending the document to the SSC in Seattle on October 24th.

McCovey: I would like to know what the assignment was to begin with?

Mike Mohr: My assignment was to bring out into the open what the KOHM was: what its actual mathematical structure was, what its relationships were, what the assumptions were in the model, what the base data is for that model, and how that data are used to arrive at the estimates of the parameters. Based on last year's Council meetings, it was very clear that the KOHM had become a black box. The first task was just to illuminate the model such as it exists. Second was to revise some of the structures in the model to better do what they were supposed to be doing. Third was to propose various changes, revisions or enhancements to the model to address some of the problems that people are concerned about today. A short list that just

got passed around to you, (Handout O) lists the things that have been done since June on this task. The documentation you have received. The Fortran program has been written. The model previously was in a spreadsheet form. While a spreadsheet is easy for a user to type in numbers and see tables, that has led to a sort of abuse of the model. It has been changed over the years, and it is very difficult to track and document changes that have been made to that spreadsheet. I think having documented the model for what it is on paper and then having a separate device to actually carry out those calculations is a significant advance for the future.

McIsaac: This Council talked about a variety of things in April in San Francisco about one cell or another being fixed, and I think we had a small list that included things like the birth date of fish. Was that on your list?

Mohr: No. That was not. Do any of the council members remember anything else they would have hoped to see treated in this report?

Bingham: A little historical background would be helpful at this point, before we begin these discussions. To the best of my recollection, the origin of the KOHM started here with this Council, but even predated it somewhat in the negotiations between tribal interests and nontribal fishing interests facilitated by the PFMC. Scott Boley developed something called the Klamath River Impact Model (KRIM) which was the progenitor to it. Scott is with us today.

Boley: That original model didn't include a lot of things that the current KOHM model does. It didn't save fish and move them forward to cells. We've refined the current KOHM model and at the same time, we have restricted fisheries, far more than they were in the base period. So now we have problems calibrating the model across these more highly restricted fisheries. A lot of the alpha factors or correction factors aren't well understood. The KRIM model that I brought forward to the Council in 1987 was an attempt to improve the prediction of impacts on Klamath stocks over what we were then using.

Boydston: I have reviewed the documentation here by Mike (Handout P) and I think he has done an excellent job of describing how the model works. On page 20 he writes: Effort prediction is the key to success for application of the KOHM." What is key is how you project the effect of effort through regulation change, and Scott and I way-back-when had these discussions. How do you predict effort? If you close a day, does it make any difference? I think Scott and I agree, probably not. If you close two days, does it make any difference? Probably not. Somewhere we make some closures and restrict the fisheries, and it has an effect. Translating it into data form, to put in the model to predict what that regulation change is going to do is the key, and we have been stumbling on that issue ever since. An additional point: Troy's comment regarding not looking at one isolated year also pertains to this model. All of our predictions are confounded by where the fish are in any particular year. What is the oceanic regime, where is the feed at, are the fish going to be concentrated in one area versus another area? Those things over time will even out, but in any particular year, you may not be happy with the results.

Bingham: Just one footnote for historical perspective. What we were looking at back then was a form of quota management. The development of this system was the path we chose to follow because we felt that we would do a better job of addressing impacts on Klamath stocks than raw quotas applied on mixed stocks. We spent a lot of time making that decision.

McIsaac: Any other questions of the purpose of the document or the documentation here?

Iverson: Would you explain what is going to happen at the Seattle PFMC meeting and what the SSC has to do with your final report?

Mohr: On October 23rd, the SSC will have an open session in which Rich Dixon and myself will be present. It is scheduled for four hours, and this is essentially the document that we are going to review. They will be reviewing both the basic model as it existed, as well as the revisions.

McIsaac: There were a variety of calls for improvements in the KOHM, one of which was documentation. This then would stand as the proposal for what would be used next March and April in the PFMC process. The SSC would review it prior to the November meeting. This would solve the arguing in the April meeting over more tinkering with the model.

Mohr: We put substantial effort into it since June, and all of that work was geared towards these deadlines and trying to have everyone's input well in advance of April.

Boydston: I thought that your section on sizes of fish for time was an excellent addition to the model. The model is basically a reverse cohort model. In the stock projections we have cohort reconstructions, otherwise we estimate the numbers of fish alive at different times and project back in time what they looked like. Based on that we come up with these regressions of the relationship between 4's and 3's and 3's and 2's and so forth. But those reconstructions were based on some parameters that we originally used: shaker mortality, maturation time and so forth. Are these new parameters going to effect the cohort reconstructions we use in the stock predictions?

Mohr: I am not completely familiar with the pre-season abundance predictors yet. My understanding is that, at least for age 4, it is a regression of escapement of 3's the year previous versus May 1 numbers the spring following, with those May 1 ocean abundance numbers being determined through cohort reconstruction.

McIsaac: If we use these, we are going to have to think about going back to all the previous cohort reconstructions, because they could effect the regression.

Mohr: For the 4's there isn't a parameter for shaker mortality, so there is no real correction there. For the 3's, the shaker mortality rate and size limits and such would impact the ocean abundance of 3's throughout the summer and back towards May.

McInnis: I don't see any changes in the model and the documentation of the model having any effect on our abundance forecasts. What I sense is that this model may help us to evaluate what changes in size limits for the ocean fishery might be. Those changes in size limits then might have an impact on our abundance forecasts.

Boydston: There are two parts to that. The second part is absolutely correct. It would be able to evaluate different size limits. The first part, to clarify, would come up with some new fishery parameters relating to proportion of fish that are 26", Klamath River fish by time. These numbers may very well be different from the numbers we have used in the cohort reconstructions in the past.

Bitts: Are we going to have an opportunity to test this model against the most recent and the original versions of the old model by hindcasting to be confident that it does perform better?

Mohr: It is imperative to do that. We are not quite there yet.

Dixon: Regarding how this is all going to fit together in March and April of next year: we hope to have the SSC review it in October and then present the results of that review at the November meeting, so people understand it when we go into March.

McCovey: I have one question and that is the September 1 birth date. There are a lot of impacts after September 1, and I think it is a nightmare for our biologists to come up with the numbers. If we can get all impacts within a calendar year, it would behoove us to do that.

Barnes: It was a consensus decision of the tech team that because of the time requirements of revising the KOHM, we wouldn't tackle the birth-date issue this year. But the team discussed it at length.

McIsaac: At the end of the presentation we can compile suggestions for further work. Are there any questions on the Fortran program conversion from the spread sheet?

Boydston: In the past, the KOHM has been a Lotus spreadsheet that we handed out at the door, and everybody did their own modelling. Is making it a Fortran program going to relegate it to a black box that nobody can use?

Mohr: No, that is not the idea at all. The Fortran program once it is compiled could be handed out on a diskette to anyone that has a PC or a lap top, and they should be able to run it. It would be clear as to how the various inputs are put in, and the outputs would be understood. When you look at a spreadsheet, yes, you can see all the numbers in tables, but you don't know how they were actually calculated. I have certainly put in time on this Fortran program to make it very readable. It is easy for anyone, whether they have a programming background or not, to see that your catch at age 3 is getting divided by such and such. I wouldn't call this a black box at all. In fact, if I was presented that program at the start of this process, I would have understood this model in a couple of hours; as it was, it took me two months.

Mohr: The second point is that the spreadsheet is too easy to tinker with. You can put in little factors, and they get hidden behind the cells in the calculations, and they carry over from year to year. We don't have a historical record of all these changes. Overall there is an advantage to removing it from the spreadsheet form.

Fletcher: You just raised a point that is of concern to us--the ability to track the tinkering.

Bingham: As we get down to the final weeks of a Pacific Council process, it is really important that it be user friendly with a clear comprehensible set of commands, yet transparent so that people can look at all the assumptions that are built in. The essential function the advisors perform is in getting numbers from the technical folks, and then having a couple of weeks to sit down and work on the model and come out with a season recommendation to use at the Pacific Council level.

Mohr: Absolutely, this will be no more difficult to use from that standpoint than the previous version, and it may be easier.

Boydston: Is there conflict between user friendly and tinker resistant?

Mohr: User friendly means it is going to be very clear now what the inputs are in terms of management primers and management options. That is going to be clear so there won't be any tinkering around in the last 2 hours, restructuring the model. There will be seasons, there will be certain size limit possibilities and other things, but a limited and defined set of inputs to the model.

McIsaac: Why don't we take a 15 minute break here.

## **BREAK**

McIsaac: I think we are ready for the third bullet of Handout O: cell specific size limits.

Mohr: What we have done is to explicitly incorporate the ability to set size limits and judge the savings or increase in impacts expected from that. That is illustrated on page six of Handout P. The graphical depiction of the ocean fishery process in a particular month shows this parameter as "P". That is the percent that would be legal size of the fish contacted. "P" then is a parameter that is effected by the size limit. "P" itself is graphically defined on page 11 at the top and "L\*" is the size limit. This is cohort specific, age specific, and month specific, so as you shift the size limit, you are going to shift the percent that are legal size, and therefore the impacts are related to that. So we explicitly allowed "L\*" to be an input parameter. This was not done in the previous version of the KOHM.

McCovey: How come we don't take into account the 4 year olds? They must catch a certain amount that drop off.

Mohr: That is a good point, and the model does not address that. Clearly there is some additional mortality other than what fish are brought on board for age 4 fish or 3's as well, but there are no data on the actual rates of drop off or the mortality associated after that. What has been done in the past is just to inflate the shaker mortality rate by 5%. That is inherently wrong from a modelling perspective, because that is not where the drop off occurs. It would occur before the fish are actually brought on board and shaken off.

McIsaac: So this 5% drop off added on at the shaker mortality stage does account for some level of drop off, but it is not entered at the appropriate time?

Mohr: Yes. It really says that fish that are shaken off have some additional drop off mortality that none of the other fish have, without shaker mortality associated with size limits. Pliny's point that age 4 fish don't suffer this is correct. There is no age 4 inflation factor for drop off rate.

Bits: The issue of the 5% drop off mortality rate that is assumed and added to the shaker mortality, was addressed at the SSC three or four years ago. There was a paper presented to that committee basically saying that this 5% number is artificially high and doesn't make sense in the light of other numbers being used. That committee basically agreed, but wound up leaving it in place. We had been charged that for many years and didn't know it was there. How you know whether a legal sized fish that escapes the hook survives or not, I don't know. My assumption is, if he gets away, it was because he wasn't hooked very well and hence is less likely to suffer permanent damage than a fish that is hooked well enough that you can get him to the boat.

Boydston: I want to support what Dave said there. This 5% rate came from the Pacific Council and the SSC, and I don't know if they even considered the 4 year old component. The model originally used a value that didn't have this 5%. I would leave it up to the TAT as to the appropriateness.

Mohr: To apply a drop-off rate as it actually happens structurally, you have to know what fraction actually are being dropped off first. Those that drop off, you apply that drop off mortality rate to them. Both of those quantities are unknown. That is why I haven't put any attention to it yet.

McIsaac: Any other questions on the cell specific situation?

Iverson: On page 15, it says part way down the page that "P" for the KMZ sport fishery is equal to 1, if I read that correctly. Why is that?

Mohr: If you look on page 14, the bottom row characterizes the sport fishery. This is all age 3 ocean recovery fall chinook CWT data for calendar years 1986-96. These are age 3 length frequencies by month; working from left to right is May through August. The estimated distribution of size at age 3 by month indicates that there are no Klamath age 3 fish that are less than 20". Essentially age 3 Klamath fish are fully vulnerable if the size limit is 20".

Bitts: Can we go back like to Table 1 on page 13? Is  $\mu$  the mean size? (Yes). Is a sigma squared the range that we would expect those fish to vary around the mean?

Mohr: No, that is the variance, which is related to the range. Under the assumption that fish length at age is normally distributed, the mean plus or minus 2 times the square root of the variance, would encompass 95% of the data around the mean.

Bitts: So that if the variance is 4.7 then would it be very unlikely to find a fish that was more than two-something inches shorter than that? Two-something being the square root of 4.7?

Mohr: The mean plus or minus one standard deviation (which is the square root of the variance) would include about 67 or 68% of the data, so you would find 15% or so above or below that value. The mean plus or minus two standard deviations would include 95% of the data.

Bitts: So, the 4.7, basically, you are not going to find a 3 year old fish that is significantly less than 22 inches according to this?

Mohr: Yes, that is correct. Figure 8 shows the estimated distribution of length for each month, so the solid curve is the estimated distribution of length that is used in the model. You can see that for 22" there are very few fish.

Boydston: How do you use the troll fishery data to calculate the variance when you have got a 26" size limit?

Mohr: The troll data, while it is a substantial part of the data base, is biased with respect to the total length distribution, because the only fish that are brought in are greater than 26". So I built the estimator to take account of the fact that you are sampling from a truncated normal distribution. You can see in figure 8 that the estimated distribution for the troll fishery extends to the left of what was observed.

Iverson: I wonder if the people here in the troll fishery would agree that the age 3 chinook that you contact do in fact follow a normal distribution of length? Or by the use of your gear, you somehow skew that away towards larger fish?

Bitts: I don't see anything that would indicate that there isn't a normal distribution of lengths in age 3 fish.

McIsaac: Regarding extension of the base period: has there been any change from the previous version of the model?

Mohr: This is a significant change from the former model, and in my view, a significant enhancement. In previous versions of the KOHM, the base period was calendar year 1986-1990. We have been able to extend that up to the most current year for which we have complete CWT cohort information. In the case of age 4 fish, we have now extended that up to the 1995 calendar year. The way these base period data are used in part is to relate contact rates to actual observed or measured

estimates of fishing effort. That is what the plots on page 18 and 19 are. Each plot individually shows the estimated contact rates on the vertical scale as estimated from CWT groups. On the horizontal scale is fishing effort as measured in thousands of days fished for the troll fishery and in boat days for the KMZ sport. As you look at the columns from left to right, that is time. Working from the top of the page down are the KOHM designated cells from north to south. Each individual plot shows contact rate as a function of observed effort. The black numbers are the '86-'90 former base period numbers. The digit refers to the last number in the calendar year, so an 8 would refer to 1988. Zero refers to 1990. The blue numbers are the data that have accrued since 1990. A question mark in blue appears in some of the plots; that is a preliminary estimate for 1996. That doesn't include age 5 returns in the denominators. So we would expect those question marks to move down a little bit as age 5 data come in for the calendar year 1996. The slope of the line, (what I have assumed is the contact rate) is proportional to effort. The slope was estimated using a variance unbiased estimator which anchors the relation at 0:0, where the variance in contact rates is proportional to effort, and that is clearly the case with these data. The variance and contact rate increase with the larger levels of effort.

McIsaac: You hear people saying the '86-'90 base period is out to lunch compared to what we have had in recent years. If you looked for example at the SOC cell for August and you saw the black numbers in a different relationship compared to the blue numbers, would that be an instance where that criticism would be valid?

Mohr: I haven't looked at that question on a case by case basis. I have looked at it on the overall and seen that for the most part, relations do hold: that the blue numbers for the more recent years are both above and below this estimated relationship as often as the black ones are. Or that if you pull them out separately and estimated a line for the blue data versus the earlier data, those lines would be pretty similar. In the case you pointed out, I would say yes, that would probably be the case. On the other hand, when you go to the age 3 plot for that same cell, it is not so apparent. Everything was estimated entirely separately between age 3 and age 4. There are no parameter connections assumed nor common parameters estimated. Yet the interrelationships shown illustrated between cells and month for age 3, compare very similarly with the age 4 estimates.

Boydston: I am trying to anticipate what the SSC is going to ask you about this. Did you look at this without forcing it to zero?

Mohr: No.

Boydston: I am looking at some of the scatters, and if you didn't force it through zero, it would not go in that direction.

Mohr: I have two comments with respect to that. One is that it is clear process wise that it should be zero, zero. If you have no effort, you are not going to have any impacts.

Mohr: The second point would be that if there is no relationship between effort and contact rate, if it actually a negative slope, then there is no point to doing any of this.

Boydston: You have to really ponder this kind of analysis. In the commercial fishery over years, of course the effort has gone way down in days fished, but guys left fishing like Duncan and Dave are a lot more efficient fishermen than what you had back in 1986. So your effort parameter has changed over time. Fish move around, and one year they may be in Fort Bragg in a high concentration, and the next year they are down in the SOC, so you are going to see a lot of variation. I would expect not to find a good relationship.

Mohr: I was surprised that the data fit as well as they did. I should add that these contact rates are conditional rates-- conditional on the number alive at the beginning of that month. You can't compare plots across a page; you can compare them within the columns. Within the month of May for example on age 3 fish, I have set the vertical scales on the plots all to be the same, so that you get a relative comparison of the contact rates for Klamath fish across the zones. You can do that same comparison within June, but it is not a valid comparison to look at these contact rates across the months. I do indicate in the write-up how that comparison can be done by putting these rates into an unconditional rate structure. That is given in equation 6-11, which is an unconditional version of the model as described in equations 1-5. Same model, but it allows you to make those comparisons on the same face.

Iverson: Referring to these figures, did you say that the denominator in calculating the contact rate is the number that is specific to the time/area cell or is it the coast wide number at the beginning of each month?

Mohr: It is the latter. The numerator is the contacts for that cell, the denominator is the coastwide.

Iverson: So the denominator for any given month is the same for each cell?

Mohr: Yes.

McIsaac: Are there any other changes in the contract rate and effort functions that changed from the previous versions?

Mohr: I just want to emphasize that we are modeling contact rate as a function of effort and that function is specific to time and place and age. We now separate out the model's prediction of effort as a function of season structure and other variables as well perhaps. Those are now two separate items.

Boydston: Are you going to talk about page 21, Table 3? (Proportion of open-access SOC effort attributed to each zone for 1997 protection).

Mohr: This is my presentation what was done in 1997 in terms of estimating effort in the SOC. We are hoping to move entirely away from that in 1998, but we haven't yet. That is the next and last big issue to tackle.

Boydston: I suggest you be prepared next Tuesday to talk about that, because that is a very important part of the management. The assumption is that if you close half the area, you get half the effort. Well it doesn't happen that way as you guys know. They just have to go to San Francisco or Monterey and the same amount of effort continues. What I hear you saying is that within a cell, if you continue with that same total amount, you have to continue with the same contact rate within that cell. Because these closures between point A and point B aren't doing anything.

Mohr: I absolutely agree with that. The evidence of that in part shows in what has happened over the last couple of years with the application of these additional factors put into the SOC impact calculations. While the SOC appears to be considered a single block, in actuality it has been divided into four subcells in the last few years. Effort is presumed to be managed and controlled on the subcell basis. It is presumed that when one of those sub cells is closed, the effort stays home there.

McIsaac: Rich Dixon, can you add to the discussion?

Dixon: I would like to mention a history of the SOC cell. Since my involvement in the Council starting in 1990, it has been very problematic how to characterize effort within this SOC cell. From 1991 to 1993, we partitioned the cell at Point San Pedro. In subsequent years, we have also used Point Reyes, Bodega Head. In Michael's handout, 1997, we were using Point Reyes, Point San Pedro, and Pigeon Point. We have increased these splits to try to model effort, and in 1997, we did an analysis of how successful we had been at predicting harvest rate within the SOC cell. We found that we hadn't been very successful at all. When averaged over the years '91 and '93-'96, harvest rate was actually about 63% higher than what we had predicted. Because of the fleet's effectiveness and their ability to move around, when we would close an area, they would move to another area. Trying to figure out a way to characterize that was a challenge. Look at Handout D, page 2. The lower graph shows boats that landed 50% of the total landings. Then the upper graph is all boats that fished. These are landings in the SOC area. Those that landed 50% of the catch we can consider the most effective at catching fish. Overall, in 1996 about 965 boats landed fish in California commercial fisheries. I think the number of boats catching 50% was about 124. To put that in context, there were 2200 permits out that year, less than 1/2 fished, and of that a very small proportion landed and kept. Anyway, what proportion of the deliveries on average across the boats were landed during periods when some significant portion of the SOC was closed? You would think that if a significant part of the fleet didn't fish, a substantially smaller proportion of fish would be landed. But in general, nobody dropped out. The other factor was the proportion of days closed. What the bar graphs show is in general, there wasn't a substantial reduction in landings or fishing effort. I am using deliveries here because that is how we keep data in our CDFG commercial landings data base. You will notice there is nothing on 1990, and that is because in 1990 either the SOC was open or it was closed. The other way you can look at it is by landings. Look at page 3. In 1990, again, no partial closure; it was closed to all the boats.

McIsaac: Rich, I think the conclusion is that effort transfer is very difficult to get a handle on. What about the distribution of Klamath fish in the entire SOC cell where maybe you have a higher density at the northern end and a lesser density at the southern end. Even if your effort drop off is zero, would there be any biological reasons for breaking up an SOC cell?

Dixon: There appears to be evidence. If you look at the first page of Handout D, the bottom graph, you can see what proportion of the Klamath catch is attributed to the recreational fishery versus the commercial fishery. The bottom graph is just for California minor parts, CRC is Crescent City, TRN is Trinidad, EUR is Eureka, SHC is Shelter Cove, FTB is Fort Bragg, BOD is Bodega, SNF is San Francisco, PRI is Princeton, SCR is Santa Cruz, MOS is Moss Landing, MON is Monterey, and MOR is Moro Bay. Generally, recoveries much below Princeton drop off with the exception of Moss Landing. One explanation for that is they are actually fishing farther north of Moss Landing. It seems realistically our data show that Pigeon Point is a good break-off point for contact rate.

McIsaac: Let's concentrate our questions on what suggestions we might have for further work as opposed to more finite questions of clarification.

Bitts: Rich, on these bar graphs, is it possible to do this kind of a presentation that would show either the total landings in number of fish or the total Klamath landings during these partial closures? Deliveries don't tell me much. I know that my deliveries range 100 fold from one trip to the next.

Dixon: The number of fish, yes. Finding the numbers for Klamath fish would be very hard.

Bitts: One other comment. Mr. Chairman, you referred to the gradient in the Klamath contribution rate from Point Arena south. I think there is a lot of evidence that that gradient is there. One of the reasons we started splitting the SOC into subunits was in acknowledgement of that gradient. When we first started doing that in 1992, all fishing until August was below Point San Pedro. That was an attempt to stay away from Klamath fish while still getting at Sacramento fish. I hope that would be taken into account in looking at the sub areas within the SOC.

McIsaac: As it stands right now, if this was used next March, there would be one SOC cell; is that statement accurate?

Dixon: We are still pondering a split at Pigeon Point.

McIsaac: Why don't we get into that last point? The Point Sur southern terminus question.

Mohr: There is nothing in this draft that looks at that question explicitly. My view is that in 10 years of CWT data returns, there have been 2 fish recovered south of Point Sur. In the second of Rich's graphs on the first page, the MOR entry corresponds to the Point Sur boundary. We should move that boundary from the California Mexico border to Point Sur.

Boydston: I like what I am hearing, because we may have this discussion with regard to Snake River chinook in November in Portland. We are being managed off California for Snake River chinook based on 3 tags, which is 33% more what you are talking about here. Are we just going to throw those tags away, or were you going to fold them back in assuming they were caught somewhere else?

Boydston: We don't throw them away; they do get counted, but they will be counted in another area. I think we need to add to this report what we do on the northern end. There are tags caught north of Cape Falcon, but they get counted in the NOR cell.

Mohr: The tags would go in the SOC cell.

McIsaac: The tech team has done a commendable job; it is a very strong piece of work. For people that were around last April who heard a lot of criticisms of the KOHM and are expecting a thorough process to polish this up for next March and April, this is our opportunity to make comments for improvement.

Bingham: If we are going to give guidance, fairness and the Federal rules require that we hear from the public before we take the action.

McIsaac: Let's take our lunch break now and when we get back together have public comment on this issue.

**12:30 LUNCH**

**1:30 RECONVENE**

McIsaac: Before we get to public testimony, staff has something an announcement.

Silveira: You should have received two more handouts pertaining to agendum #8 from Dave Bitts.

Bitts: The first (Handout Q) is a single sheet with the total vessels landing fish, and vessels landing 50% and 90%. Then it compares landings and percentages for California and Oregon. Then it shows the relative opportunity that has existed in the two states and it also shows the condition of the fleets in the two states over the last five 5 years, not counting '97. For example, the number of boats and the profile of production has remained fairly steady with a slight decline over those five years indicating it has bottomed out under the current management regime. It also shows that there has been in most years relatively equal opportunity expressed as pounds per vessel, with a slight edge in favor of California. The other handout (Handout R) is simply a more detailed and numerical breakdown of the bar graph that Rich presented in Handout D; specifically the bar graph on the bottom of the first page which is headed Expanded Klamath Fall Chinook Recoveries By Minor Port and Fishery. These two pages show first for the entire KOHM area the number of tags landed over 11 years in each cell. If you look at the top of the first page, the really striking thing is the sharp decline in the number of Klamath tags landed since about 1990. Even in 1995 and '96, which were very abundant years, the number of tags landed is way way down from what it was in '86-'90 period. On the next page is the table that actually corresponds more perfectly to the bar graph that Rich presented, but gives it by year rather than all lumped together. We may want to return to this in the course of some later discussion over what to do with partitioning the SOC.

Iverson: Rich Dixon, Dave mentioned that the number of tags recovered has fallen off since 1990, in the troll and sport fisheries. These are expanded numbers, so the expansion factor is about five?

Dixon: They would range anywhere from 1 way up to about 16 depending upon the fishery.

Iverson: In the judgement of SSC or the general scientific community, are these numbers since 1991 adequate to provide a basis for operating the KOHM? They seem so dramatically smaller than the earlier years. Are they an adequate basis for estimating harvest and impact and contact rates?

Dixon: I don't know. The objection to using the recent years' data was that they are spotty.

McIsaac: When you extend the data base to include all these recent years, will this 10 year period now be used to define what 1.0 effort is? If you extended the base period from '86 to the most recent year, will all of these years be weighted equally in describing what the unadjusted norm is?

Mohr/Dixon: That is what I have done so far.

McIsaac: Ron's question would be whether or not the year 1992 warranted enough information to be given the privilege of 1/9th of the profile of normal; as it stands right now every year is equally weighted.

Mohr: Yes.

## **9. Public comment.**

Duncan MacLean: I am the SAS California Troll Representative to the Council. I am concerned that we may push this new model and some of the new concepts along before they are ready. I am prepared to live or die by whatever the data determines, as long as the data is legitimate and all of it is included properly. If it is at all possible, give the team great latitude in developing this and adequate hind-casting to verify it. Mr. Iverson, in the graphs that you were just referring to, the later years from the '90's on, show the degree of the effectiveness of management and regulation. Those areas have been reduced, the times have been reduced, and so we haven't done everything all wrong. The model right now doesn't recognize the fishery as conducted in areas that will be less likely to include high numbers of non-commercially-vulnerable fish. There is some segregation in these fish in the ocean, and we are less likely to conduct a fishery in an area where there are sub-legals. You are going to see that we don't contact the smaller fish as frequently as the recreational fishery, because it is not to our benefit to weed through a lot of small fish just to catch a couple commercial fish. LB mentioned about the closures, that people would migrate to the area that is open, so you are not really reducing impacts by making a smaller area. For the boats that get 50% of the catch, (graph in Handout D) that is very true. You are going to see very little difference in days fished or amount of effort when you close part of the area. However smaller vessels are less likely to transfer areas. You would see a difference though, as fish migrate to the south through a cell. You are certainly not going to double your impacts by

doubling the effort in that cell. Once the fish are gone, they are gone. It is simply not the case that as long as there is an area open, we are still going to see the same kinds of impacts. In Rich's graphs there is a clear distinction in the amount of impacts of different fisheries. I think that the reason is that no matter whether boats were fishing off of Eureka or Fort Bragg or Kitchen Point, they all went back to Moss Landing. Because of the difficulties we face today with so few of us left in the industry, the marketability and value of the product depends on consistent supply. Without our ability to maintain that supply, we are dead in the water. In time, I think we will be restrained more by marketing than by impacts. Michael, in the model, does survival rate remain constant through each month of the year or does it change as the fish mature?

Mohr: That changes each month and the change is a function of the increase in size. See in the table on page 13, the mean size and variance change across the months.

McClellan: I really appreciate the fact that you have broken this out on a monthly basis rather than take it off the top at the end.

Bitts: I want to be sure of what you were saying about effort and partial closure in an area such as the SOC. Are you saying that if for example it is closed north of Point San Pedro, that the hard core fishermen will go below there and apply the same effort they would have if the whole area were open, but that the Klamath impacts would be lower anyway, because there are fewer Klamath fish in that area than there are in the area that is closed?

MacLean: The old Klamath model considered the entire area as an impact zone. The reason we have the step structure in seasons is because we try to stay on the heels of the Klamath fish without getting into Klamath fish. As the fish migrate through the cell to the north, the model should show an impact reduction behind the migrating body as well as more impacts inside it.

Pierce: On your front page of (of Handout D) the graph is showing the impacts from the troll fishery and sport fishery. Please explain how the sport and commercial impacts are different.

Dixon: Klamath fish are farther offshore in the SOC, so the troll fishery is more likely to encounter them, because they go further out.

Pierce: Is the sampling rate the same for both? Or is the sport fishery catching one third the number of mixed stock?

Dixon: Something like that, yes.

Pierce: After all our years of fishery management, no one knows?

Bitts: Ronnie, we first noticed this in the KMZ sport fishery 10 or 12 years ago and my first response was, "that is ridiculous, how can that be?" But it is consistent, year after year. The same thing occurs in the Gulf of the Farallones sport fishery where last year they had their highest Klamath impacts ever but were at 1/4th the contribution rate of Klamath fish of the troll fishery. I don't know if anybody can say why it is, but it appears to be a real phenomenon.

Boley: When we opened up our Rogue River target fishery and restricted it to only 4 miles from shore, we also experienced a much lower rate contribution rate than predicted. I suspect it is tied into the actual patterns of migration of maturing Klamath fish. Whether or not we could ever manage for that I don't know.

McIsaac: Public comment period is closed. Time for Council guidance to the TAT relative to the subject at hand.

Boydston: I recommend that there be a section in the document on the limitations of the model. There are a number of assumptions that go into this. A simple model is we have an initial population of fish, and then fishing occurs, and then fish escape to the river. That is the one cell model. In fact, we have partitioned it into a bunch of cells, geographically and temporally arranged. We don't have initial population and final population estimates for each cell, so inherent in this model is a basic assumption that we are taking a proportion of a whole population of fish that may or may not actually be in that cell. That needs to be explained in the model some place. The second thing: a major positive revision in the model is that length frequencies are effected by fishing. We have snapshots of the length frequency of fish in the middle of a fishing regime which automatically biases downward the average size of fish remaining in the catch. Because you have a 26" size limit, those fish that grow fast and are bigger to start with tend to get cropped off first. In the absence of fishing, you would see a different growth rate indicated in length frequencies. I think you need to point that out. How you treat the northern impacts

needs to be explained. Also I didn't find an explanation of how the model uses several years of data. As I recall from the old KOHM, it actually modelled across a number of years with different year-specific contact rates and then it averaged them at the end. I presume that is the way this new one works. It doesn't average a whole bunch of contact rates and use a contact rate for the cell but rather it goes back into a bunch of years and simulates what happened in those years and then produces an average based across those. That needs to be explained. Finally, we need to test the significance for Klamath chinook in the SOC of establishing a management line: number one, Point San Pedro; number two, Pigeon Point; and number three, treating it all as one cell. We need to address the Pigeon/Pedro management lines and what it means for contribution rates and whether we should actually partition the SOC. The last thing, is the projection methodology, and, obviously you can't do this by next Tuesday.

Bits: I want to follow up, on partitioning the SOC. When this model was developed, the areas of concern were the Klamath Management Zone (KMZ), Coos Bay and Fort Bragg. Northern Oregon and below Point Arena were considered to be the fringes of Klamath impacts and were of secondary concern. Things have changed since then, and it now turns out that the SOC is where most of the Klamath fish in the ocean have been caught in the last 7 years--very different from what we faced 10 years ago. It is very important that we give serious consideration to using the data on the gradient of the Klamath contribution rate below Point Arena, so that we can partition that cell in a way that most effectively allows fisheries to target Sacramento stocks while avoiding Klamath stocks. I would hope that the fishing industry, both sport and commercial, would be able to participate in the decision made on that partitioning and be prepared to live with the results of that decision.

McCovey: I would like the team again to look at accounting for all the fish that are taken in the fall fishery, and that they be accounted for in that calendar year. There are some fisheries taking place after the September 1 birth date. The other issue is we need to account for is the age 4 drop-off rate. In-river, we accounted for our 4 year olds and our drop-off rate in our net fishery. If you guys can't do that, then I need to know the reasons why. I would also like to know when you are going to be able to allow the rest of the team to look at your analysis.

McIsaac: Between what you are obligated to do next week at Santa Rosa, and the next week before the SSC, and the PFMC meeting the first week of November, you can probably count on one hand the number of days you will be back in front of your computer able to address any of these ideas. We are going to meet in Eureka again in late February. Maybe we all ought to have the expectation that next March and April, we are going to have the old and the new KOHM on the table, and will have to make some judgements on what the best science is then. I've got some questions on my list. Relative to cell boundaries, can you look at the Coos Bay cell with regard to the Cape Arago line? There has been some practice of splitting that cell in some of the previous years. If you could also look at what I would call a subcell in the KMZ troll fishery around the mouth of the Rogue. We have about three years of genetic stock identification information there. In this last year, there was a different stock composition used for this particular terminal river mouth fishery than that used for the broad cell. Last on my list is, as LB indicated, documenting your treatment of tags from north-of-Falcon fisheries or Canadian fisheries or Puget Sound fisheries that have been in the northern Oregon cell. There is very little fishing north of Falcon the last few years, so I suggest here that you relook at how those are treated, if the number of tags north of Cape Falcon comes to any significant amount.

Bingham: At what point do we say to the public "okay, this is the model we are going with this year", so that we can have some certainty as we go forward with the process? Where is that milestone is going to be set?

McIsaac: Playing by the rules, what is approved in November at the PFMC meeting is the methodology to be used in March and April, and given what happened last April, I don't know that what was used last April will be judged as the best available science. The purpose of this whole effort is to get away from sudden changes in March and April, but it may not be November of '97.

McInnis: My opinion is that March is really the drop dead date. Mike Mohr and Rich Dixon are ready to go to the SSC in a couple of weeks, and they are going to give an earful next week at in Santa Rosa at that modelling workshop. There are a lot of things that will remain undone at the November PFMC meeting that can be worked on between November and March. I would expect them to keep working on those things rather than just to freeze things at the November meeting. I am not going to tell you that if the Klamath Council doesn't put their seal of approval on it, it is never going to show up at the PFMC. It has got a life of its own aside from us but it would be nice for us to go through a full discussion as to whether or not we want to adopt this. Do we have another meeting scheduled before March?

McIsaac: We are scheduled to meet February 25th through the 27th and the March PFMC meeting is the week of March 8th and 9th.

McInnis: So we will have a shot at this before the PFMC March meeting.

Barnes: Strictly speaking, this presentation today was to get Council input, but not for approval or disapproval. This should have been submitted to the PFMC by September 30th to meet the timeline for technical changes in the PFMC process. Originally, we meant to have the draft out to the TAT by August the 8th. I invited the TAT to this meeting to hear this presentation, and we are going to meet tonight to pass it through a full team review in order to pass it on to the SSC.

Bingham: I would like to then give pretty strong guidance that we do complete that work by the end of the March PFMC meeting, and at that point, even if it is an imperfect product, that we go forward with calibration and get numbers locked in, so that whatever options go out to the public, no changes will be made in April.

McIsaac: And we look forward to this Council having a look at things in late February and making a recommendation.

Boydston: For several years running now, we have had a Klamath Council meeting in conjunction with an all-stocks meeting the CDFG sponsors in Santa Rosa. I would offer that we (CDFG) arrange our salmon informational meeting on the 25th.

McIsaac: We are scheduled for the 25th, 26th and 27th (time is not determined) in the City of Eureka.

Boydston: Can you have it in Santa Rosa, so we can combine it with the Oregon predictions and so forth?

McIsaac: I did receive some static about the Klamath Council meeting being just in Santa Rosa last year, as opposed to Santa Rosa and Eureka like it had been the prior year. I think the local area comments about travelling all the way to Santa Rosa had some validity.

McIsaac: LB, perhaps you could consider the Salmon Informational Meeting in Santa Rosa to have a broad agenda and that the KOHM model be presented in a proposed final form at that time. It is going to only be one of several opportunities for it to be shown to the public throughout the region.

Boydston: Having two meetings runs up travel expenses, but we are going to have the Santa Rosa meeting.

McIsaac: Before we close the TAT component of this, I'd like to express appreciation to Jerry Barnes. This will be his last KFMC meeting, and I want to compliment him on a number of years of faithful participation and a substantial time commitment to the process. I understand the staff brought in a cake for our afternoon break in celebration of all your work, and we would like you, Jerry, back for the meeting in Eureka on March 25th-27th, at which time we would like to give you another token of our appreciation.

Barnes: Thank you very much, and I would like to introduce my replacement. As you may remember the process, there is no Forest Service representative on the KFMC, and I had to finagle my way in order to stay on the tech team when the KFMC was established. Michael Cane, stand up. Mike is another graduate from "Adipose Tech" just south of here.

## **5. Report on correspondence and meetings with the Shasta River CRMP**

Fletcher: As we promised earlier in our discussion on the Shasta River, we have provided a draft letter. It indicates that the Klamath Council establish a process and assign to the Klamath River tech team the job of reviewing the status of fish stocks dependent upon the Shasta River system. It gets to the points that were raised earlier. I do need to make one more final statement about the Shasta River issue. I had a chance to read Mr. Webb's FAX this morning, and I need to correct a few things. He basically accuses us of withholding CWT information, and that is not true. We have merely said that we need to finish analyzing that information and once that is done, we are going to release it to anybody that wants it, but that information is in the process of being compiled. Because of the volatile nature of that information, we will provide a write-up with that information. The assertion that we withheld information is not true. I think we are getting into a bad case of finger pointing, and I want to get away from that. I want to get on to the task at hand: a thorough review of issues surrounding the Shasta River. I would rather focus our energies in that type of effort than having a battle between me and Dave Webb. We are going to do a thorough analysis of our '96 fishery, and make that available to the group. I'd like to see a comparable effort

on the part of CDFG, on the in-river sport fishery, ocean information, and other tribal fisheries that are having an impact. There shouldn't be an effort to discriminate on the basis of fisheries and look solely at the Yurok Tribe.

Iverson: On the point that Dave Webb raised yesterday that he approached several entities to try to get the in-river CWT data, one that he mentioned was Pacific States Marine Fisheries Commission (PSMFC). We contacted them to try to help Dave, to see if the data he was looking for was in their hands. They said that they essentially don't have any inland tag recovery information from California from any source except Fish and Wildlife Service in the Sacramento Valley.

Fletcher: What the CRMP is looking for is daily harvest and the composition of hatchery and natural fish in that harvest. That is a lot more detail than the normal analysis entails. We have people looking at that, but it takes a considerable amount of effort in addition to the other types of factors that are going to influence run timing. It wasn't as simple as "here you go, take our data". It is taking additional analysis. I don't know that he has asked other fisheries for that. Like I said, we will write up our information; hopefully, the others will do the same.

McIsaac: With regard to the PSMFC clearing house function of all CWT information, I think they do have inland CWT information for other spots. LB, do you know if that is part of their contract?

Boydston: The ocean fisheries CWTs are religiously recorded through the PSMFC system. The inland recoveries have not been so consistent, and California has been no exception in that regard. A few years ago, Rich and his crew recorded all the tags from the Klamath basin, but that assignment was handed over to the region. In the Klamath basin for the State recoveries, I don't believe we have been feeding in the inland recoveries into the PSMFC. I am not sure what the Yurok and Hoopa contribution has been there. But they are always receptive to receiving this information. They have a format all set up. You send them a disc. When we have funding problems the first thing that seems to go is recording of the CWTs. In part it is because we don't have expansion factors on many of these areas, so people start making their own expansion factors and drawing their own conclusions, and sometimes it leads to problems.

Fletcher: Daily harvest information is what they are after. It takes a little bit to get that information and compile it and analyze it. How about it, folks, on the letter?

McIsaac: A comment on the clearing house situation: I know the PSMFC format. They are just looking for catches for a statistical week and sample size. For someone who wants stock composition on a daily basis, they are just not going to get that anywhere. Unless you know that everything that contributes to a particular fishery is marked, you are not going to get stock composition either. If they want the more detailed stock composition estimates, then I think they need to hire a biological staff to try to do that, and it is going to be pretty expensive.

Fletcher: We will mail them tomorrow what was provided to the tech team and others. It is the detailed analysis that they want from us, and if they are more than willing to pay our staff, we will be more than willing to provide that for them. As it is, we are going to do it for free with the write-up.

McIsaac: Regarding your letter, Troy, the other day you indicated that there would be some sort of a subcommittee. This reads as if it is an assignment to the tech team. Can you suggest an administrative mechanism that would ensure that this review does happen? To ask our tech team to start bringing together people from outside the KFMC arena might be a strong assumption. Perhaps somebody at this table would coordinate this?

Fletcher: We phrased it like this to make sure it gets done and to make sure that the TWG of the Klamath Council has the opportunity to participate. I am not sure we are going to be able to reach consensus on the Klamath Council that would allow the TWG to participate to begin with. I believe various interests are not going to allow that type of analysis because it could have some hefty implications. I wanted to make sure it was a direct assignment to the tech team because of the harvest component.

Bingham: Given the contentious nature of this, perhaps a third, more neutral party, and facilitator would be appropriate. I am not sure who that would be, but we might see if some other party of interest would volunteer to be a convener/facilitator.

Fletcher: I think that should be NMFS.

McInnis: I am not 100% sure that we are viewed as neutral. We do have a stake in the basin as well as out in the ocean. Who is viewed as being more neutral by the Shasta CRMP? That is really who we are looking at here. We have a stake in the ocean fisheries that may appear a lot bigger to the Shasta CRMP than they can overcome.

Fletcher: My reasoning is you are going to have to do some type of review of the conditions in the Shasta and the impacts to Shasta River coho. Since you are going to be doing that anyway, why not have the benefit of this larger effort assisting you?

McInnis: I don't know what the timing is on that review for us. The Shasta CRMP was interested in getting the results or some feedback even before the harvest this year. We may be well behind schedule to accomplish this by harvest time next year.

Boydston: I think this whole issue is going really beyond what the question was. The question from the CRMP is why wasn't there a large return in 1996? We have gone beyond that in saying we have to make an analysis of the whole basin habitat rearing capacity, and that is really going beyond the charge of this Council. This is a fishery management harvest allocation council, and I think we need to just focus on the question they ask about the '96 return. We should write to Mr. Hart that we reviewed the question and attach the tech team's report, and write a couple sentences about what the report found. If we want to do additional work on why we didn't get a return in 1996 to the Shasta River, we can do, so but I am not going to support going into the Shasta River with our tech team to review the habitat conditions and the productivity of the system. That is going far beyond our charge.

Fletcher: The problem is there have been a number of inquiries from the Shasta CRMP, with misrepresentations about harvest and blaming harvest for the problems associated with the fish returns. I am trying to answer that question; they are going to ask the same question next year and the year after and the year after. You can go back to 1994, our first correspondence that I tracked down, and they are asking the same question every year.

Boydston: Being a bureaucrat now, this happens routinely with all of our agencies. We get a bulldog on our tail, and we can't get rid of it, and we just keep responding as best we can. What I perceive you are trying to say, "let's turn it around and point the finger back the other way" has pitfalls in itself. I am suggesting not to overreact to this thing. Answer their questions as best we can. If we want to send the tech team back to further examine why the fish didn't come back to the Shasta River in 1996, do so, but I am not in support of going beyond that.

Fletcher: I don't have any problems with dropping this issue right now and call it a done deal, but he is going to come back. He will be back the next meeting after that and the next meeting after that, and if we are okay with just sitting here and taking it, then that is fine with me. There are other quorums we have to pursue this. I think LB is right. I am a member of the TF, and we are going to ask this tough question there.

McIsaac: I will suggest some middle ground here. The question of carrying capacity of the Shasta basin is one that a lot of people would be interested in, but the TF is the arena for that assignment. I think that the CRMP did not get a response until we saw one in writing from our tech team at this meeting, and even in that report, it acknowledged that we haven't looked into the temperature data. Based on our prior discussion, that could have played a key role in the event of 1996. Our tech team pointed out some facts that the CRMP would like to look at, but our tech team hasn't had much chance to read their faxed rebuttal dated today. I suggest some intermediate ground that is not as labor intensive, because the tech team has a lot on their plate. I offer to the Council that we ask our tech team to have a look at the response from Dave Webb, and get the temperature data, and add that to the answer to the hypothesis that there is something in the river harvest that caused this problem.

Fletcher: Let's just drop it. What you have just described is almost exactly what we previously talked about. When this issue first came up last March and when Andy Eagan, a member of the Shasta River CRMP, and Dave Webb brought this issue before us, I asked at that time, are you willing to take a comprehensive look at all the factors? They said yes. Sometime between then and now, the focus has switched from taking a comprehensive approach to a focus on the in-river fishery and more specifically the Yuroks. That is not prudent, and that is not fair. So I think we treat them like what they are, because the next memo we write, Dave will make another FAX to us right after that. We are going to be dealing with the problem for perpetuity. We either do a thorough job reviewing the problems associated with the Shasta River or we forget it.

Iverson: If there is a decision to proceed on this limited assignment and look at the temperature data that hasn't been reviewed yet, our office in Yreka will try to assist the tech team in finding that information in the Klamath Resource Information System (KRIS). I understand that some of the critical information that Dave Hillmeier was looking for just hasn't gotten to the point of being analyzed and put into the KRIS system yet.

Wilkinson: In looking at Dave Webb's letter of February 26th, there are three things boldly outlined here that leap out at me and that I feel strongly should be responded to. On page one: "the Shasta River salmon are being harvested at a much higher rate than other natural stocks throughout the Klamath basin." And another strong statement on page 3: "in either case, it indicates the very real possibility that the Shasta River stock of salmon is inadvertently being managed to extinction." On page 6: "what seems apparent from all of these graphs is that those salmon from the '92 brood year experienced excessive mortality when returning as 4-year-olds in '96, if they were returning to the upper end of the watershed. That mortality might also be described as being tied to run timing--the earlier the run, the greater the mortality". I think those questions have to be answered right up front. We need to go a little bit farther before we can just push it aside.

Boydston: The CRMP in '95 saw a large return of salmon to the Shasta River, which they are saying was a 3 year old component. So when '96 rolls around and no salmon show up there are several things here. One is the 4 year old component is probably very small in all years. Even if every one of those fish was a 4 year old, this is probably a small return. My question is: where are the 3 year olds? The jack return from the previous year was average. We should have had an average return of 3 year olds, but nobody has asked the question, "where are the 3 year olds? The other thing is the jack return in '96 is dismal. So across the board, everything is messed up, which indicates to me there is probably something keeping those fish out of the river.

McIsaac: I think a tech team report on that would go a long way toward diffusing the finger pointing: another report addressing the temperature data and a technical response to each one of those three hypotheses directly. This is a consensus body, Troy, so you could stop that if you wanted to, but would you consider that kind of a limited response?

Bitts: I agree with Keith that those three specific assertions deserve an on-point response from the tech team. Maybe some of those assertions have some merit; if so, say so and if not, say why not. Leave it at that for now.

Bingham: I think the matter should also be referred to the TF. We are wrestling here with the holistic approach. The TF has the inland habitat assignment. If we put a request to them to look at the inland aspects, maybe we could move towards that holistic solution.

Fletcher: I will agree as long as we take a good look at all the various fisheries. Right now, it is clear Dave Webb is focused primarily on our fishery and I want to spread it around to the in-river sport and the other tribal fisheries and the ocean fisheries. Maybe there are some substock concerns there. Let's share the bulldog, and he can start biting at somebody else's heels as much as mine.

Wilkinson: After Nat's comments, I would remind the Council here that the Shasta CRMP has a seat on the TWG of the TF and the Klamath Council does not. So you might wonder where some of our budgetary problems come from.

McIsaac: Let's look for the TF to look at the more holistic view of carrying capacity in the system and the tech team can look at the tape of this meeting for a narrow definition of our direct response to these three questions. We could ask the staff to draft a letter to the Shasta CRMP saying that we had a look at their FAX. We hope they would have a look at our preliminary report, and we are going to look into it in more depth and not to expect any response from us until after our February meeting.

## **BREAK**

### **14. Retrospective on 1997 season and discussion (members)**

Bitts: The sheet (Handout E) distributed yesterday shows what I believe is a record commercial landing in number of fish below Point Arena. That happened in spite of three weeks total closure in June and the area below Point San Pedro being closed for an additional five weeks in July and August. There was a phenomenal body of fish in the ocean below Point Arena this year. We had phenomenally good weather also. The run of fish in the Sacramento River is also at very high levels. It may turn out that we actually had a lower CVI harvest index this year than we have had some years in spite of high landings.

Boydston: In terms of contentiousness for setting regulations, I would put the '97 season up there with 1984. That was the first year the KMZ troll fishery was closed down. 1997 started off fairly smoothly. It was obvious early on that Klamath abundance was going to drive a lot of fisheries. We had a well attended informational meeting in Santa Rosa. In Portland we got the three options out. We didn't like what they looked like but everybody pretty much agreed that it was what we were going to live with. The Fish and Game Commission looked like they had some direction to us by the March meeting. They had an assumption about river catch. Then we got the famous San Francisco meeting in April. We had the Fish and Game Commission action in Bridgeport in June that allocated 1,000 more fish. That led to a phone call in July to see where those fish were going to be taken from.

McIsaac: Regarding the Oregon outside fishery: through the 14th of September, the troll catch in Oregon is about 137,000, chinook and that compares to 147,000 last year and 160,000 the year before. The fishing out of Newport has carried most of the landings, and continued last week at a rate of about 30 fish per delivery, with a catch of about 9,000 this second week of September. The sport fishery was very minor along the Oregon coast for chinook and closed to coho south of Cape Falcon. In the Port of Brookings through the 14th of September, the catch of chinook was about 4,400. That compares to 6,700 last year and 4,900 the year before that. There were a couple of quota fisheries in Oregon. In the first one, Cape Arago to the Oregon/California border with a quota of 5,300, the final catch was 6,600 or about 25% over the quota. There was a strong fishing period on the weekend that led to that overage. That was followed however by another quota fishery during the month of August from Arago to Humbug with a quota of 8,800. The catch was only 2,700 or about 30% of the quota. The Rogue River mouth terminal area fishery from Sister's Rock to Mack Arch for the month of August had a quota of 3,000, and the catch was about 300 or about 10% of the quota. In the sport effort north of the KMZ where we liberalized fisheries to try to target on chinook, the effort was about the same as the year before and very minor at about 20,000 angler trips compared to about 22,000 the year before. Any other comments on the ocean fishery picture before we move to the river?

Dixon: Dave made a good characterization of the catch south of Arena. It was extraordinary. For the commercial fishery 1997 was the second highest catch since 1988. For the recreational ocean fishery, it is the second highest as far back as I have been able to look, second only to 1995. It seems evident that most of it is Central Valley fish. My staff has informed me that we have about 12,000 tags to cut and decode, and that that is more than the combined totals for '95 and '96 California ocean fisheries. There wasn't a lot going on north of Arena as far as chinook fisheries and landings. Part of that could be attributed to the fact that there was warm water and albacore.

Bits: A comment on the tuna fever: by August, people were fishing for tuna 6 miles outside of Fort Bragg, 7 miles outside of Eureka and Crescent City. Tuna fever also swept San Francisco, Santa Cruz, and Half Moon Bay. The tuna were close to shore, and there were lots of them. The water is cooling off quite a bit now. I understand from the Chronicle that the warm water we have experienced is not an El Nino phenomenon.

Boydston: We had a special April fishery this year in the Moro Bay area, the first time we have had an April fishery off California for many years.

Dixon: We sampled approximately 70% of the landings that came in from that fishery. There were three or four winter run tags in that fishery recovered.

McInnis: At the Northwest Fisheries Science Center out of Seattle, NMFS received the genetic stock identification samples provided by the California port samplers. Those samples have been processed, and the report is due out in short order. I don't have a final report on that. Preliminary information was that in the raw tag recoveries from CDFG, there were no surprises in the GSI work.

McIsaac: So winter runs did show up in the genetic analyses?

McInnis: No, they are not able to separate them from the other Central Valley stocks. It is going to be a more gross break out, but Klamath stocks are separated by the GSI.

Kirk: In the Klamath Zone sport fisheries we did have a catch that was less than planned for, taking into consideration the 15% buffer. The season had three opening periods in the Ports of Eureka through Crescent City. That was the first time we had a season that had three openings. The water is warm around August, and we had a mixed bag fishery with the salmon going deep and albacore on the top. The most important effect with the small amount of fish that we did catch was that we kept the ports alive. We managed the season, we haven't overfished, we have stuck to the idea of one fish per day and four

per week, and the people who have come to fish are accepting of that. Hopefully the Council will consider, if we have a surplus to fish on this year, that it is reasonable to do similar in the Zone fishery.

Fletcher: Paul, we modeled for a conservative buffer last year. Do you know in terms of numbers how that performed in the KMZ?

Kirk: No, I don't right now. Once again, we haven't overfished. I hope we look very seriously soon at lifting that buffer so that we have a little bit more opportunity to catch our allocation.

Boley: What about the April fishery in Oregon?

McIsaac: I have not seen any analysis of the April situation yet.

Boley: That seemed to be pretty successful from the fishermen's point of view.

Bostwick: The State started counting our in river fishery on August 6. The total for just one week was about 9,000 hours for 337 fish, compared to last year at this same time when we had 19,000 angler hours for 475 fish, or almost double the effort. The regulatory system has caused major migraine headaches for most of us and most of them left for the season. That is about all I can say.

Fletcher: We have a handout here (Handout S). Here is our Yurok Tribe harvest to date as of last Monday. Similar to last year, we found quite a few spring chinook running well into August. In fact, we didn't even break out our spring/fall harvest until about August 17th. On the back of the handout, I have a summary of the CWT data we used to make that break out. The fishery hasn't shaped up like we expected. We have a significant amount of fish remaining in our quota. I think it is due to several factors, but one is the fish just weren't there like they were projected. The Klamath side fish were projected to comprise about 74% of the run this year based on of our internal projection measures. So we afforded a 2-day closure throughout the season from around July 20 until September 23rd. From September 23 through November 24, I believe we have a 2- day closure for coho protection. We are not catching all our fish, and usually we don't have any problem cleaning up those fish.

Iverson: Do you have data on other anadromous stocks? Such as sturgeon?

Fletcher: We monitor that every year. Our sturgeon harvest is a couple of hundred at least.

Hillemeier: About 300.

Fletcher: Our sturgeon harvest has remained relatively stable the last several years.

Boydston: Troy, on the back (of Handout S), is the number recovered about 20 in all?

Fletcher: Yes. We just didn't see a lot of CWT fish showing up in our fishery, and we have our normal sample rates.

Boydston: It seems like a very low number.

Fletcher: It is weird. If you look at the square boxes on that graph those are wild fish tagged on the Trinity River. We believe most of those are spring fish. The run timing is such that the fall Trinity fish should be coming in later.

Bitts: Troy, is the run pretty much over now?

Fletcher: Yes. It is going to be interesting to see what the final escapement numbers are in the basin.

Iverson: Virginia, was the sport quota caught?

Bostwick: Yes. The in-river sport fishery above Coon Creek is still going on. Below Coon Creek we had 1,900 fish to harvest and yes, we harvested them.

McIsaac: Troy, I thought last year was an anomaly with regard to spring chinook being present during the fall chinook time frame. This shows after August 6th, some 1,400 spring chinook taken. The note says the average spring chinook harvest for years '81 to '96 is 1,737. Have there been other years when there have been spring chinook taken after you opened in late July or early August?

Fletcher: Yes, but not in the numbers that we are seeing in 1996 and 1997. I did say it was an anomaly last year, but we are seeing it two years in a row.

McIsaac: Are those 20 tags the basis for the estimate of 1,499 spring chinook?

Fletcher: Those tags estimated the 1,499. You will notice the harvest before August 6th was 3,700.

McIsaac: And that goes all the way back to the month of June?

Fletcher: May, April.

McIsaac: The method by which you estimate the spring chinook when both spring and fall fish are present is what?

Fletcher: CWT information mostly.

McIsaac: Where do you get the mark data that are used to blow up the spring chinook tags?

Fletcher: CWT's.

Hillemeier: This year we did recover xxx 8 tags prior to August 20th and we are recovering all spring chinook tags xxx in addition several Trinity River wild tags xxx spring natural tags spring chinook xxx September. So we said xxx before xxx spring chinook.

McIsaac: How did you deal with the question of unmarked fall chinook destined for Scott, Salmon, Shasta type places?

Hillemeier: Just assumed they were represented by Iron Gate hatchery tags.

Fletcher: We also contacted CDFG biologists and asked them what they were seeing.

McIsaac: Let's go through the Hoopa fishery.

McCovey: We had a rather bright spring fishery. We caught 1,197 spring fish compared to last years 1,180. We have a real dismal picture for the fall chinook. Right now, we have only caught 980 fish compared to 1,500 at this time in 1996. The effort is down right now because the fish aren't there. I don't know what is happening. At the Willow Creek Weir, they probably have about 33% of what was there in 1996.

Kautsky: Here is a copy of the Tribal net fishery chinook salmon, week ending 9/27/97 (Handout T). The solid line is the 1997 fishery. The heavy dashed line is the '96 fishery, and then the dotted line is the '91 -'96 average. You can see we are above the average this year. The spring break is somewhere in about the first week of August.

Fletcher: You haven't decoded your CWTs, so you use your low point to make that break?

Kautsky: Right. You see that dip there in the upper left graph early August. Typically that shows that the spring run is pretty much passed, and we call the new pack of fish that start showing up, we call the fall race. We can verify that later as we start decoding tags.

Bits: The Yurok fishery has spring chinook in the estuary from the 6th to the 17th of August and the fall run not beginning until the 17th of August. The Hoopa fishery has this spring fishery over before the 8th of August and the fall run Trinity (which I understand follows the Klamath fall run into the estuary) showing up as early as the 2nd or 3rd week in August, so I am all confused about the run timing.

Fletcher: I believe that is George's first cut based on catch effort.

Kautsky: We need to collaborate catch per unit of effort data with actual CWT recoveries.

Bitts: If you found that your catch after this slump early in August were in fact springers, that would be quite anomalous. Have you experienced that before?

Kautsky: Last year almost all of August turned out to be springs.

Fletcher: We projected the Klamath side would be 74% of the landings; unfortunately it is shaping up to be a poor year there.

McCovey: In light of ESA listings, we need to take a very good look at what is going on in the Trinity. Something is happening there.

McIsaac: These spring chinook tag recoveries that occurred in your fishery, Troy: are these the same brood year fish one year later showing up late, or is this another age class of anomalous fish?

Fletcher: I don't know.

McIsaac: What about the escapement of the fisheries upstream? Pliny indicated that Willow Creek is running behind.

Barnes: At Willow Creek Weir last year at this time, we had 1,540, and this year we've had 566. Incidentally for fly fishing, there have been over 300 adult steelhead go through the weir and only 17 have gone through Junction City. Dave Webb yesterday mentioned that they have had very few at Iron Gate, but there have been 800 already in the Shasta.

Waldvogel: Mark Pisano said 200 fish at Iron Gate Hatchery as of last week, and the Shasta are at around 814.

Bingham: In the Central Valley, as of the time that they opened the diversion gates at Red Bluff Diversion Dam, the run over the Red Bluff Diversion Dam is estimated by USFWS to be around 210,000 fish -- an all-time record. They estimate that 70% of those are returning to Coleman National Fish Hatchery. Given that the diversion dam figures are considered to be between 1/2 and 1/3rd of the total Central Valley run, that gives you some handle on the abundance. It is note worthy that there have been considerable efforts over the last three years to improve conditions for fish in the Central Valley. Water users have been collaborating with the agencies. We ought to start trying to understand why there is such a difference between the performance of these two basins.

Bitts: This may be the first time since 1978 that there has been this kind of a difference. There has been a pretty strong linkage between relative abundances in the Klamath and the Sacramento up until now.

McIsaac: Any indications of jacks in either the Klamath or the Sacramento? Virginia, there have been other years when the sport fishery down below has done well when there are lots of jacks around.

Bostwick: I don't think we have seen a lot, although last week one of the guys went up river with 4 people in the boat and he said they all limited out on jacks. That was probably around Deep Creek.

Barnes: Jacks at Willow Creek Weir are running about 20%.

McIsaac: Is that a good showing or a bad showing?

Barnes: I don't know offhand.

Wolf: We thought we had a fairly decent return this year. Granted the beginning of the season was slow. The water temperature was very high. We received a couple inches of rain, and the fishing was slow for about three or four days after that, but as soon as the river cleared out, we seemed to have a large influx of fish. The average catch on my boat has been 25-40 adults a day. I usually take three-four anglers each day. Since the rain, we have caught our jack limit almost everyday,

which is three per angler. Anywhere between 8 and 12 jacks a day. I believe we are 100% over our catch from last year at this time period in the lower river.

McIsaac: A quick note on salmon returns to the north: the better water conditions here haven't been seen to the north. The returns to the Columbia River for chinook are as forecasted, and the coho returns appear to be a little less than forecasted. Inside Puget Sound, the coho returns are substantially below forecast. The Canadian fishery, which the PFMC in April estimated to take about 1.04 million coho, was downgraded in-season to an expectation of 500,000 and then 300,000. The catch now looks like it will be 125,000. They are looking at emergency closures inside Puget Sound. The sockeye run to the Fraser River is the largest since 1913: 17 million sockeye. There are reports of stray sockeye showing up along the Washington and Oregon coast and in the Columbia River as well.

#### **15. The 1997 in-river sport allocation**

McInnis: There were two facets to this in-river sport allocation. This Council recommended back in March and April of '97 to the PFMC that they use 15% of the nontribal allocation as the target for the in-river sport fisheries. The PFMC based their recommendations for ocean seasons on that figure, and in April came forward with recommendations for ocean seasons that would achieve the spawning escapement floor of 35,000 natural spawners, with a few to spare because of the Snake River constraints. After the PFMC made its recommendation, the CFGC took its action to make an allocation to that sport fishery in the river and added essentially a flat 1,000 adult fall chinook to the sport fishery quota. If all of the ocean fisheries had gone as expected and the in-river tribal fisheries and recreational fisheries had taken all that was allocated to them, then the spawning escapement floor would not have been achieved according to our model. I am concerned as to where we wound up in real life, but let's put reality aside for a moment and deal with what we knew in spring. Faced with this situation where the spawning escapement goal would not be achieved, we at the NMFS wrote a letter to the CFGC asking them to reconsider their action. We indicated to them that if they didn't reconsider their action, we were going to have to take action in the fisheries over which we had some control, to insure that no more Klamath fish were taken than had been intended in the PFMC's recommendation. Specifically, we indicated that we would be looking at the fishery that occurs closest to the Klamath River mouth (the KMZ sport fishery) as the first place to start recouping some of the impacts. We had a brief conference call with a couple of members of the CFGC, and subsequent to that, they held an emergency meeting. Before that meeting, we provided them with information on updated final model runs of the KOHM, and indicated to them that there were approximately 300 fall chinook adults in the nontribal share that were not going to be taken in the ocean fisheries because of the Snake River constraints. Those fish could be available for allocation to the in-river fishery without jeopardizing our achievement of the 35,000 natural spawner floor or dipping into that buffer for the recreational fishery in the KMZ. The CFGC went with that suggestion, and adjusted the quota for the Klamath River sport fishery. We weren't put in the position where we had to take any emergency actions in the ocean fisheries. After that, we have had some discussions with the CFGC about how better to do business in the future.

Bostwick: Hypothetically, if you had made the decision to take some of those fish to the south out of the troll rather than the ocean sports, what kind of an impact would there have been?

McInnis: The further you get away from the Klamath, the fewer Klamath fish you have for the total chinook harvest. The impact in total harvest could have been significant in the troll fishery. I don't have the numbers in front of me.

Bostwick: I listened to people in Bridgeport testify before the Commission that you can't take the fish from troll because you will impact the coastal communities from San Francisco down all the way to the Mexican Border. Now either we impact you or we don't. If we do impact you, how in God's earth could you have allowed the troll down there to take as many fish as they took? 1% of all those fish is a lot more than any of us are allowed to harvest. I am not arguing with you. I am just telling you I have a really hard time understanding this. They have a runaway fishery, but nobody else can?

McInnis: Our purpose in what we did was to make sure that we achieved, as best as we could predict, the spawning escapement goal. Now what the allocation is between the in-river and the ocean fisheries is a whole different ball game. I was faced with a whole set of assumptions that were already made. We had our Federal regulations, and I was ready to go back and change those regulations on an emergency basis in order to react to something that the State of California had done. That 1,000 increase to the in-river recreational quota was completely within CDGF's authority. We had little left to play with after the May fishery had taken place in the troll fishery off of San Francisco. The May fishery represents the bulk of that 600,000. CFGC's final decision on this wasn't made until the end of June, so we had to deal with the ocean fisheries that were left after that time.

## 16. Public comment.

Wolf: You said that the CFGC had authority to allocate another 1,000 fish to the in-river sport fishery on the Klamath. But clearly the contention of CFGC was to remove those fish from ocean commercial troll. That was stated at that meeting. I would like to know how the process arrived at taking those fish from the sport fishery.

McInnis: The CFGC had authority to set the recreational quota in the river. They don't have the authority to say where it is going to come from. My agency was the one with the authority to make the changes at that time, and with the fisheries we had to deal with, we made the preliminary cut the best we could.

Wolf: We do thank you for the 300 fish that we received. It is just we didn't understand the process that almost took place.

McInnis: I attended the CFGC meeting in Santa Barbara in August, and the CFGC asked what approach I would suggest other than a flat 15%. I suggested they look at allocations between recreational and commercial fishermen within the ocean in other parts of the coast. Some sort of a sliding scale or threshold number. I don't know what those numbers might be. I was a little bit surprised at the numbers you mentioned earlier, the number of adults that you had hooked and released or hooked.

Wolf: For the last several years, we have had fairly decent seasons where 25-30 fish per vessel was not uncommon for a couple of weeks in the bay. In '95 we had almost three weeks of that. Last year, we had about 1 1/2 weeks and then about another week later in the season. This year, it has been limited to three short bursts of three or four days durations.

McInnis: It is obvious the number of fish needed to make an in-river fishery function may differ from others. I would like to have a further discussion on that. The 15% was arrived at through the Harvest Allocation Work Group (HAWG) discussions.

McIsaac: For the audience's benefit, what the authorities of the CFGC relative to the in-river sport fishery and the outside commercial fishery?

McInnis: The CDFC has been given authority from the Legislature to regulate the sport fisheries in California and in the State waters up to three miles. They have some limited authority with commercial fisheries, but by in large, they have regulatory authority over the recreational fisheries. Most sport fisheries in this state go on 2-year regulatory cycles and we are coming upon one starting March 1st. There is an exception in the case of the Klamath. They have set aside a special regulation cycle to accommodate quota management and regulation of the Klamath River sport fishery annually. That is a three meeting process. It ends up in June. The final determination is always in Bridgeport, which occurs after the PFMC has made its final decision and the Secretary of Commerce has promulgated regulations, usually effective May 1st. So the CFGC then has the final say in the whole regulation cycle along with the Department of Interior. Clearly the CFGC has authority to set harvest levels for the sport fishery. When it gets into the ocean, it gets into a different arena because of the Magnuson Act and the Salmon Plan. There are allocations that are determined in the ocean fisheries. It poses an interesting situation if there are conflicts between the CDFC and Commerce over sport fishing regulations in the ocean.

Bostwick: Along those same lines, the Federal law is pretty clear, and it says here "conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen ..". The last I heard I was still part of the United States, because I know Troy doesn't want to adopt us into the Sovereign Nation. So "such an allocation shall be (A) fair and equitable to all fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation or entity acquires an excessive share of the privileges. Conservation and management measures shall be taken into account and allowed for variations among, and contingencies in, fisheries, fishery resources and catches. Conservation and management shall, where practical, promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose." I believe that that is part of the reason the decision was made. Because of the economics that the trollers discussed in all their hearings.

Welter: I am Jim Welter, Brookings. I would like to address this to Rod McInnis and Troy Fletcher. What is the spawner escapement predicted for the Klamath this year? Including that 15% buffer that sport ocean fishing gave up.

Fletcher: 35,800 or 35,300?

Welter: Are we still going to shoot for that, gentlemen? Or did we give that up to the in-river fishery?

McInnis: The spawner escapement as I recall was 35,300 and something. It might have been 35,387.

McIsaac: So the target spawning escapement still included the 15% buffer?

McInnis: It included the 15% buffer.

MacLean: Perhaps your TAT can look into some mechanism that can be used in times like last year, (not this year) with an excess in escapement, where the recreational inside sport fishery and the tribes can utilize excess fish that come at a time when they can still be accessed.

Bostwick: We did ask the CFGC to attune to that if there was an excess. The only year I remember there was an excess was 1995, and then I was told there was no mechanism in place. This year, we got the mechanism in place, and then were informed by the CFGC and the State that there was no excess.

McIsaac: The Yurok staff has looked at some inseason tools, based on extraordinary catch per unit effort. I think that your comments were heeded earlier in the year, and that if something very unusual occurred this fall with regard to high abundance, that door would not have been completely slammed shut.

Davis: I'm Carol Davis, Commercial Fisherman, Brookings. It would be hard me being from Oregon to take the brunt of action done by the state of California. I think it should be taken by the State of California and fishermen in the ocean from the State of California.

#### **19. Coordination with the CDFC in the 1998 season.**

Boydston: This is a continuation of what we have been talking about. President McGeoghegan attended the April meeting of the Council in San Francisco and he is in agreement: we have to get the in-river sport fishery allocation decided early in the process. Bob Treanor sent a letter to the PFMC saying that they will make their determination of in-river allocation for the river sport fishery by the March meeting. I had an opportunity to speak with President McGeoghegan about how to go about this, what kind of process they follow. I suggested one approach that would give some long term stability would be to develop a policy statement with regard to how they propose to manage the in-river sport fishery. At the August CDFC meeting, there was further discussion about making such a decision. It came up again in the September meeting. Hal Cribbs was there speaking for some of the in-river sport people. They are meeting today in San Diego, but salmon is not on their agenda. I think at their December meeting there is going to be a need for a formal push to make a determination on their part.

McIsaac: LB, by determination, do you mean preliminary recommendations for a final in March or to you mean a final?

Boydston: Yes.

McIsaac: I understand.

Fletcher: I would just speak in favor of getting some certainty, because we don't have any solid numbers that we can plan off of.

McInnis: It is apparent that the allocation scheme that this Council adopted is not a satisfactory arrangement for the in-river sports.

Bostwick: You could safely say that.

McInnis: But I don't know what is. Is it a bigger percentage, or is there some appropriate number of fall chinook that you should have in your quota?

Bostwick: Our businesses need a season. To these small businesses, a day on the water means more than 1,000 days to the bigger ones. We need time on the water. If we don't have a fish to catch, the people don't come. We need a decent season. Two weeks is not enough for a season. I could say we probably need nothing less on the lower river (being Coon Creek to the mouth) than 4,000 fish to insure us a full or somewhat modified season. Even sportsmen who backed us in the past left disgusted this year because the Indians were still on the water and we were off. Right or wrong, that just makes for a terrible

PR relationship. It is not the Tribe's fault, it is just the way it is. So yes, we are looking for a season. I don't think we are being unreasonable.

McIsaac: Procedural question LB with regard to the December time frame. The Klamath Council isn't going to meet until late February. If there was a final decision in December, it would preclude entertainment of motions like a 4,000 fish quota? Last year, there were some side discussions about a guaranteed season. How about a 1 fish bag limit and a guaranteed season? Or how about some sort of staggered jack thing that would give time on the water. None of those discussions can occur between now and December, and the forecast won't be out until then either. Is it appropriate for this Council to point that out or would the CDFG being speaking to that? What would you see actually happening in December?

Boydston: This December meeting is going to be informational. What typically they have done with issues is form a subcommittee. Through such a committee, they can go around and talk to groups about what their wishes are. I think the best this Council can hope is by our February meeting there would be some direction provided by the CFGC. At the December meeting, what is going to be important is to review this whole thing about the KFMC's objectives and the fact that there are more people involved than just the sport fishery in California. We have a lot of fishermen in Oregon, San Francisco, and so forth watching this process.

Bingham: The original decision on the allocation was made by the precursor to this group. As the group that is given statutory authority to resolve allocation questions, we need to take the lead on this. Virginia has just put a very realistic goal on the table, which is a defined season. I don't see why we as a council shouldn't work to provide the CFGC with some advice arrived at on a consensus basis.

Fletcher: Would it be possible for us to meet in the evening to resurrect the HAWG and kick around some ideas?

Bingham: We aren't doing our job if we don't.

McIsaac: A huge piece of the puzzle is the forecast that doesn't come out until February. It is very difficult to get into realistic discussions without having that key piece on the table.

Bingham: I concur with you; I suggest at least we start the discussions and maybe get some policy ideas on the table.

Bits: Virginia I hear you saying what the sports fishermen from the Zone in the ocean have been saying for many years; that you need the predictability for your customers. My question to you is if the numbers require it because of a low abundance forecast, are you willing to entertain measures such as the ocean fishery has adopted in order to have a guaranteed block of time that is open. Would you be willing for example to go to four days a week or one fish per day in order to have a guaranteed season?

Bostwick: I can't speak to that at this time. I have to confer with my constituency. Yes, we are interested in a seasonal approach, yes, we are interested in a minimum, but I want to make it clear up front that in no way does that mean the group is going to drop their concept of equitable sharing of 1/3, 1/3, 1/3. I don't want to mislead you.

Wolf: As President of the Northern California Association of River Guides, I would like to ask if you were going to have such a discussion. There are several different harvest plans and models that we have come up with that are all acceptable to us. A large part of our problem is that the best fishery occurs during Labor Day and after. Because of the small size of the quota, most of the fish are caught on the quota during the slow fishing period in August, so generally our season closes slightly before or after Labor Day. The time period we are trying to target is from Labor Day on. If we could get three weeks of September in, all the businesses in that lower part of the river could make it. One of the possibilities would be a catch and release fishery in August. The take of adults would start from Labor Day weekend on, with 4,000 fish or something like that guaranteed, so people can come to your fishery knowing they are able to take a fish home. Presently, the Sacramento overpowers us. You can take two fish a day home there, with no limit.

Fletcher: One of the things we do is have days closed to allow some stock protection. Have you considered that?

Wolf: Our idea of stock protection is the catch and release factor.

Fletcher: In August, you have extremely high water temperatures and some concerns about mortality.

Wolf: If you look at the report from this year, the majority of our fish were all caught on the spit below the 101 bridge. Upriver, we only caught like 181 fish before the quota was closed.

Fletcher: Down below the spit, CDFG has closed that off to hook and release.

Wolf: After the quota closed, there is a petition circulating to close that spit fishery altogether.

Boydston: Perhaps we can have a HAWG committee meeting in advance of this CDFC meeting and develop a strategy for providing input to the group. Virginia, would you consider something like that?

Bostwick: I don't mind accepting your suggestions, but how come everybody wants to tell me what to do?

Boydston: I am only offering that. We talk internally about whether we could have some kind of agreement.

Bostwick: I am more than willing to have a meeting with you.

Boydston: I don't mean to call for a meeting that is not going to be productive.

Bostwick: I will be reasonable.

McIsaac: Let's look at HAWG Chairman Wilkinson canvassing this group before the December meeting of the CFGC, and entertain a comment to the CFGC with particular reference to a process that would involve the Klamath Council.

Wilkinson: Let's schedule it right now. (Discussion about dates.)

McIsaac: Monday, November 10th at the Arcata Fish and Wildlife Office, 9 AM.

Thompson: I'm Roger Thompson, Brookings. If the in-river fishery has a season, that means they could fish every day of it. We have a season in the ocean, but if bad weather keeps us off the water on one of our days to fish, we're out of luck. That won't happen in-river. If you are going to give them so many days in the river, and give us so many days in the ocean, have an extension on it for weather to be fair to the people on the ocean.

#### **17. Should in-river fisheries be decoupled from the abundance predictor?**

Bits: This is prompted by what occurred in 1995, when the 3-year-old abundance was four times predicted, and both of the in-river fisheries had quotas that were based on the predictor. They both had to watch an awful lot of fish go by that they were not able to catch, and probably should have been able to catch. Arguably, had they caught them, it might have been better for the production off of that brood. No blame, but we all know that we do not have an adequate ability to predict the abundance of Klamath fish. It is unfair that the in-river fisheries should bear most of the burden off serious under-predictions. The ocean does suffer some from an under-prediction, but we are better able to take advantage of actual abundance. If there were a way to get a quick estimate in real time when it appears that the abundance is very different from what is predicted, I think it would be in all of our interest to implement a procedure to free the in-river fisheries somewhat from the quota. I am distressed at what I hear today of the low Klamath abundance this year, because I thought this year was going to be like '95 for the Klamath. It appears that it is not.

Wolf: This is not a new idea. We have had this idea in front of the Commission for the last 4 years in a row. This year we had quite a bit of support for this idea from the commercial troll industry. There has been some homework done on this; Dave Hillmeier has been working on it. In years we do have a low stock abundance, there is already a mechanism in place to halt fishing. We would like to see the opposite to be true. It would mean CDFG working closely with the tribe, but I feel it could be done.

McIsaac: Virginia, was the catch per hour better this year than last year?

Bostwick: Yes it was, but only for a small period of time.

McIsaac: So the sport fishery this year, at least for that period, would have suggested the run this year to be stronger.

Bostwick: That was only one week. In '93 when there appeared to be an overabundance of fish, and we called CDFG about having some of those fish rolled over, we were told there was no mechanism. This year we now have that mechanism in place, as far as the CFGC goes. We need to have the buy-in of the Council, so that somebody does not say we are renegeing on our allocation agreement.

Fletcher: We've been conservative about this, because Dave Hillemeier found we don't get a very good relationship between catch-per-unit effort and run size if we don't extend that to the first week of September. We need to work on polishing it and looking at other variables.

McIsaac: Then the initial work that has been done is undergoing refinement by the technical people, whether or not there is a sport fishery relationship developed?

Boydston: The problem with defining it in regulation is the 50/50 sharing.

Bits: My understanding of the dynamics of these events is that in a year like '95, the ocean probably will have caught far more numerically. I think it would help us meet 50/50 or meet whatever the sharing between tribes and nontribes.

McIsaac: The concept is an automatic linkage that wouldn't require an emergency Klamath Council meeting or an emergency CFGC meeting. Dave or Troy, do you have any suggestions on how to proceed on this issue between now and next spring?

Fletcher: I am hesitant to give it to the tech team, knowing that they have a pile of stuff in front of them already.

Hillemeier: We wanted to improve the relationship, and the relationship to the catch-per-unit-effort at the port of San Francisco was promising. It is not possible this year.

McIsaac: We will see what happens after one more data point is added for 1997.

Bits: Is it premature to get a sense of this Council endorsing or rejecting the concept of developing this, knowing that we don't have it ready yet? When Dave was reporting on this last year, he was talking of having a very large confidence window. If you had a 50% confidence window, you would have to see indications that the run is more than 50% larger than anticipated in order to trigger your mechanism, because that puts you in a comfortable area. I think clearly if we had had such a mechanism even with such a large window in place in '95, the trigger would have fired.

Barnes: Somebody needs to speak for the fish. We must be very conservative. You have to know what the abundances of hatchery fish and naturals are because if we predict that there are going to be 47,000 fish in natural escapement and there are 60,000, that doesn't mean that that other 13,000 are wasted fish.

Bits: Jerry, you are exactly right. If for example 50,000 natural spawners were predicted, and the early look showed that it was going to be more like 100,000, I certainly don't think you would increase the fisheries to make up the difference and take it back to 50,000. You might only take it to what you think would be 75,000.

## **RECESS**

**8:00 am October 3**

## **RECONVENE**

Members present:

Keith Wilkinson:	Oregon Commercial Salmon Fishing Industry
Rod McInnis:	National Marine Fisheries Service.
Pliny McCovey, Sr.:	Hoopa Valley Tribe
Paul Kirk:	California Offshore Recreational Fishing Industry
Ron Iverson:	Department of the Interior.
Don McIsaac:	Oregon Department of Fish and Wildlife.
Troy Fletcher:	Non-Hoopa Indians residing in the Klamath Conservation Area
L.B. Boydston:	California Department of Fish and Game.

Other Speakers:

Darla Eastman: US Fish and Wildlife Service  
Jim Welter: Port of Brookings

McIsaac: We have 1/2 a day to address agenda items #17-34, (minus #19) and in addition, an agenda item regarding a letter on marking of Klamath Hatchery fish. My inclination is to prioritize the things that are directly related to fishery management. Is there input from the Council members?

**[Discussion of agendum priorities]**

McIsaac: Let's plan on taking on #18, 20, then 21. To make sure we get to these in order, let's next look at 29 and 28, as they are pertinent to this Council's activities. Then we'll bounce up to 24 and 25 and finally 31, unless it is 11:45, at which point we will drop down to #32-34 and delay these until the next meeting.

Wilkinson: What became of #26?

McIsaac: 26 and 27 and 30 we will get to time permitting, but anticipating that we won't, those would be delayed until the next meeting.

**18. Should the late fall run be managed separately from the fall run?**

Bitts: I hope everyone received my little memo on this issue. We had the anomaly last year of the relatively large September catch of what was determined to be late fall run fish. A lot of time and effort went into figuring out what to do with those fish. We may in future years not have CWT data for those fish. Clearly they are a component of the Klamath run, and my feeling is that it is a separate run in timing, size of fish, and destination. If that is the case then what do we do about it? Do we have a separate management regime for them such as we are proposing for springers? Do we lump them in with the fall run? The one thing that we cannot do is to lump the catch in with the fall run, but break out the escapement separately. I am afraid that may have been done to some extent in the past. I would appreciate the thoughts of other Council members.

Bingham: I think our first step would be to ask for some biological investigation to determine whether they are in fact a discreet stock in the Klamath, as we know they are in the Sacramento. They exhibit a very different life history there, staying in-stream for a year before migrating to sea. Let's ask the technical folks to review literature and bring us back a report as a first step.

Orcutt: My understanding is that NMFS and CDFG are lumping all the chinook stocks races--spring and fall irrespective of late fall chinook--into one ESU. That is the way they were supposed to manage them. Other than that, one of the ideas that we were looking at and hopefully we directed the TAT to look at it, is just moving the birth date back from September 1 to December 1, so the late season fisheries are simply accounted for in that year.

Fletcher: I think Mike is right. We met with CDFG and NMFS, and we talked about possible management in the units that the PFMC may wish to consider. We need to look at the status of those stocks. One good index is Blue Creek, and we want to monitor that on a yearly basis. We didn't get funded to do that this year. We have good information about run timing, and could put that stuff together fairly easily.

Barnes: Dave, what did you mean by the late fall escapement had been accounted separately?

Bitts: This is an issue that I am pretty confused about. It is my impression that fall run escapement is counted for the Klamath side above Weitchpec and for the Trinity side fish above Willow Creek. That winds up excluding from that count some of those lower tributary fish.

Barnes: I talked to a couple of team members here, and we are volunteering to take this on along with the KOHM. Troy is exactly right, Blue Creek has the highest escapement of any of those lower tributaries with late-run-fish. The megatable ends December 15, so any fish hanging around after that aren't counted. It is not likely those stocks will be marked in the future, so you have a very limited data base. We are probably going to have to look at them.

Orcutt: We have one tributary that goes to the Klamath, and we give that information to the megatable. CDGF needs the information by the first week of December, so we give preliminary numbers and go back and update them if there is additional spawning.

Fletcher: We considered marking Blue Creek fish.

Orcutt: The KTF has a subcommittee to look at various subgroups of populations of various species in the Klamath basin, but it never adopted a report from that committee.

McIsaac: What about Horse Linto Creek? Some of those tags showed up. Are those escapements counted? Are those tagging efforts going to continue?

Bingham: We wrapped our Horse Linto program up four years ago. There has been monitoring of outmigrants undertaken by the USFS as part of the follow-up monitoring, but I don't believe they tagged those fish. They have performed very well, and survival of those fish has been terrific. We are about to see the last of those tagged fish.

Barnes: Dave Hillmeier ran that project for a couple years. We are very optimistic that we have restored that stock and expect it to carry on.

McIsaac: The TAT is looking into this issue, not necessarily as a separate stock, but the question of birth dates within the KOHM. Let's leave it up to the TAT to wrestle with this and tell us what the base biological questions are and what their recommendation is.

**Inserted Agendum: Marking of Klamath Hatchery fish.**

McIsaac: Staff has just provided us a draft letter dated March 14th, 1997. (Handout U). The controversy over this letter is that it was directed to be drafted at the March meeting and then reviewed by the Council at the April meeting, and there was some question as to why we were talking about marking for selected fisheries in there and whether that was the intent of the letter. I went back and reviewed that section of the March notes. This letter grew out of a motion by Nat. The March meeting notes clearly indicate to me that your motion followed a pretty extensive discussion of how to come up with selected fisheries in the river, so that those fisheries could continue along with listing. That is why in the draft, we picked up on the idea of marking for selected fisheries.

Bingham: I believe the letter correctly reflects the spirit of my motion.

Bits: Are we talking about 100% marking of these fish? That would be one way of dealing with the problems for the in-river sport fishery, but if we do that with chinook, isn't that going to mess up calculations of ocean catch coast-wide?

Fletcher: My understanding at the March meeting was that our focus was the fact that coho salmon and steelhead weren't going to be marked. Mike had talked about that, and it was a simple request to ask that the appropriate number of fish be marked. I am not ready to endorse any selective harvest type stuff until we have a really good presentation and discussion from the TAT.

Bingham: Perhaps we could direct staff to remove all references to selective harvest from the letter and and just advocate marking the appropriate hatchery stocks. There is really strong support for marking hatchery steelhead from groups like CalTrout. I agree with Troy, that the whole question of selective harvest needs a lot more deliberation.

Bostwick: This is the third year in a row that we have asked the Commission to mark the coho and the steelhead. It was my understanding at their meeting in Santa Barbara, that they already directed the State to do that.

Bits: I thought the whole thrust of this was to mark steelhead and coho for the purposes of keeping a sport fishery going in the river in the face of potential listing of those fish. If that is the thrust of the idea, what is served by removing reference to that?

Fletcher: I see two issues here. One is the issue of selective harvest. The other is the simple issue of marking appropriate numbers of fish so we as fish managers have adequate data to do our jobs.

Bostwick: With the potential listing of the steelhead, State will end up marking steelhead. It is just too big of a sport fishery to let go untouched. Our concern is that the State would like to get out of the business of raising the coho, and the listing might give them the out that they need to stop.

Orcutt: Our purpose is distinguishing hatchery from natural fish. Our secondary purpose is selective harvest. At the Trinity River Hatchery the Department is marking coho with a maxillary clip. I just saw a maxillary clipped coho that looks a whole lot like a hook scar so I don't think that is the appropriate mark. Without a CWT you still don't have the ability to distinguish in the ocean fishery that they are Klamath fish.

Iverson: I recommend deferring this letter to later consideration.

Orcutt: I still would like the TAT to work on a selective harvest that assignment for us.

Fletcher: I agree. A letter just requesting that CDFG and CFGC mark the appropriate number of coho, steelhead and chinook puts us on the record again as saying we need this information.

McIsaac: When we get to the TAT assignments, agenda item #34, think about what we would assign to the TAT on this issue of selective fishing. We need to be cognizant of the fact that the TAT will probably say this is really a policy question. This technical issue of selective fishery has gobbled up thousands of staff hours in the Pacific Salmon Commission. Just be aware that this is a giant tar pit as far as time for our TAT people, and the basic policy question goes beyond a technical assignment.

Bingham: We did pass a motion to send a letter.

Orcutt: If that is the case, there is a lot that needs to be changed in the letter.

Bingham: Even a letter just recommending marking fish?

Orcutt: One approach would be to send the letter asking that they tag an appropriate number and just leave it open for their interpretation.

Iverson: Anything is fine, but what do we say when Mr. Treanor asks over the phone, appropriate for what? What are your objectives. Why do you want us to mark coho when there is no directed fishery on coho? Is it for expansion of CWTs or is it for a selected fishery?

Fletcher: The TF made the same recommendation last year. Have you had similar responses to that letter? We don't need to bring up the issue of selective fishing just yet.

Bostwick: What percentage of their coho do they mark in Oregon?

McIsaac: 100% of the hatchery coho in Oregon are marked, with one exception: in the upper Columbia a restoration effort puts some hatchery fish into the Umatilla River. The system relies on wands and electronic detectors as opposed to adipose fins to determine whether a fish is carrying a CWT. The adipose fin is clipped only for the purpose of selective fishing.

Bingham: I found the notes here. This followed a discussion of the listing of the coho salmon. Troy Fletcher said "that speaks to what Mike was saying about the need for marking salmon and steelhead". My motion read, "I move to encourage the CDFG to consider marking steelhead, chinook and coho from the Trinity River Hatchery and Iron Gate Hatchery as a way of addressing the endangered species with in-river fisheries. The operative word here is encourage not mandate". We took public comment, and, after further discussion, I amended the motion to add "and the CFGC" to the language. The motion did pass with a couple of abstentions.

Fletcher: I didn't hear anything that specified selective harvest.

Bingham: Addressing an endangered species problem was the language.

McIsaac: I think a motion did pass, and some letter should go out. From the discussion the selective fishery words in here should be deleted. We could ask staff to work closely with Nat and Mike and any other council members interested in what this letter would read.

Fletcher: When it comes to agenda items for next meeting, I think we have one.

Bingham: My suggestion for how we proceed on this would be for staff to circulate a redraft to the individuals identified with a deadline for return comment.

McIsaac: I am involved in a organization in the Columbia River, and they use this thing called consent mail. On an issue like this, there is a deadline set up on a draft, sent out, and if there is no negative response by the deadline on a consent mail proposal, it is presumed to have consensus. Let's try to handle it that way then.

## **21. Endangered Species Act, status of coho, steelhead and chinook.**

McInnis: I will refer you to the status sheet that I provided (Handout V). This includes information on listings and proposed listings within California, so it goes beyond the Klamath basin. I will focus just on the Klamath basin. The first ESU in the basin is the coho salmon. As you can see, coho in the Southern Oregon, Northern California ESU was listed on May 6th, 1997. The listing as threatened doesn't automatically impose any take restrictions. Listing as endangered would have imposed take restrictions automatically, so NMFS prepared and published an interim rule under Section 4D of the ESA to apply take restrictions to coho in that Southern Oregon, Northern California ESU. The rule was published on July 18th and was effective 30 days later on the 18th of August. There were a few exceptions to that take restriction relating to State Fish and Game research and to restoration projects that are organized or supervised by the state fishery agency. Moving to steelhead: The listing of steelhead in the Klamath mountain province has been deferred for six months from August 18th until February 18, 1998. We are looking at potentially a threatened listing, so it would require another 4D rule that has yet to be developed. In the case of chinook, the coast wide chinook review is still ongoing. We expect to publish it sometime in 1998, but that is an optimistic view.

McIsaac: Will the take of coho in in-river fisheries in the Klamath basin constrain fishery management as we have known it in the last few years?

McInnis: It will be illegal under the Federal ESA for the recreational fisherman to take and retain coho. It will be illegal for other fisheries not covered by some other provision of ESA to take and return coho. We have undergone a Section 7 consultation on tribal fisheries as BIA requested. It is open to debate as to how you characterize that, because of the status of the tribes and their rights. There is potential for an additional rule later on that will address tribal fisheries aside from Section 7. We have talked with the CFGC and the CDFG and expressed ESA concerns for the recreational fishery. CFGC has said that is a Federal law, and they have not taken any additional actions regulating take of coho in the Klamath basin. At this point, if a recreational fisherman catches a coho in the Klamath basin or Trinity River and retains that, they are in violation of the Federal ESA.

McIsaac: By the broadest definition of take, intercepting a coho in a gill net would be considered a take even if it is released. The State of Oregon 4D rule would allow incidental take or some number of impacts for sport fisheries under the Oregon restoration initiative. Wild fish caught to be incorporated into the brood stock and electrofishing would still be considered a take. There will be incidental take permits to allow such things. Do these incidental take permits exist? Do they have a number limit? Will CDFG have to close some portion of the season because this allowance has been reached beyond what is necessary to ensure fall chinook escapement?

McInnis: The final rule will expand on some of these questions. Let me address who has incidental take approved right now. Private Tribal fisheries are covered because of an incidental take permit being issued to BIA. The recreational fisheries are not covered. The act of angling for and attempting to take coho would be a take under the ESA. Now whether that could be prosecuted is highly questionable. In the case of winter run chinook, we have recreational fishing going on in the upper Sacramento when there are winter chinook on the spawning grounds. If an angler hooks up a winter chinook, as long as they don't bring that chinook on board their boat and do release it, there is no prosecution there. I don't know if there is a number attached to the incidental take statement for the tribes.

Fletcher: Tribes have a little different approach because of our status. Some tribes believe that ESA may apply to them, and some tribes don't. The Secretary of Commerce and Secretary of Interior recently drafted a secretarial order to try to help

define how ESA would apply to tribes. It calls for a process where tribes go into consultation with NMFS through the BIA. Prior to the listing, April 25th, we had meetings with NMFS individuals and tried to prepare for what was going to occur after the listing. After the listing, we drafted a conservation plan, and we had anywhere from one day to maybe three-day closures, coupled with coho protections identified pre-season, and the fact that in the majority of years, we obtain our fall chinook quota so we are completely off the water. Our conservation plan was approved, and we were given an incidental take permit. We are still waiting for a biological opinion around our management plan.

Orcutt: Don, some of the activities allowed to proceed under Section 7 include Federally-operated dam operations. I think it is premature to say what level of impact there will be to the native and recreational fisheries.

Fletcher: This is why I think the Shasta River is a good issue. On one hand fishery managers are forced to constrain their harvest severely. I believe the people on the Shasta and other areas fully intend that it is going to be business as usual. I have been told that repeatedly by those individuals. I hope that when a 4D rule does come out that it really adequately assesses the instream habitat needs particularly in some of those tributaries, and is responsive to the operation of the dams on the Trinity and the Klamath.

McIsaac: It sounds like the southern ESA application may be different than the northern ESA, where you look at a BO, and find the incidental take section, and it says how many impacts are allowed. The best example is the Snake River fall chinook situation and the ocean harvest last summer. The BO says when you get to this number, that is it. Rod, I guess it is not advanced to the point yet where there are numbers and incidental take specificity inside a BO?

McInnis: That is correct. The biological opinion for the ocean chinook salmon fishery doesn't have a number. It has a range of impact rates.

McIsaac: The biological opinion for the Columbia River hydrosystem does show a percentage or a rate of allowable kill; it is not a single number.

Bitts: Rod, is that impact rate in the biological opinion consistent with Council management practices for the past few years? Is it more or less severe?

McInnis: To the best of my recollection, it is pretty consistent with the Council management practices over the past few years. We have very limited direct information on the Southern Oregon/ Northern California coho impact in the ocean. We have been using the OCN impact rate as a surrogate for coho in California and in that regard, the take limit is very much comparable to what the Council has achieved over the past few years.

Orcutt: Rod, in the ESA process, what is the time frame for developing the recovery plan?

McInnis: I am not sure. In the act itself, there isn't a specific deadline for developing recovery plans. Our regulations intended a recovery plan within a reasonable period, which in my mind is a one year period after listing. Having said that, I can't recall one that we have completed within one year after listing. Part of the problem with the recovery plan is we want to get as much outside participation as possible.

## **20. What changes are necessary in the non-KMZ ocean allocation in order to meet the Council's goals.**

Bitts: A recap: For many years, this Council has allocated the non-KMZ sport ocean share of Klamath harvest equally between California and Oregon, (basically between above the KMZ and below the KMZ) with the intent of promoting equitable opportunity in those areas, and under the assumption that over time, the catch would balance out between those areas. In fact, the target would be more or less achieved. Last year there was an unfortunate sequence of events, because we made the same allocation cut early in the process and later discovered that, for several years, (basically since 1990), the distribution of Klamath catch in the ocean has been substantially different from that. This led to severe heartburn on the part of the California Troll Representatives when there was a change in the modelling of the fisheries and severe restrictions in the California fishery (from our point of view) compared to Oregon. I think it is appropriate that over this winter, since we are revising the ocean harvest model in the light of information gained in the last six years, we take a fresh look at the allocation also. My view has always been that for ocean fisheries, we should first use our Klamath share to get the maximum possible access to other stocks of fish in the ocean (primarily Sacramento stocks) and secondly achieve equitable fishing opportunity both above and below the KMZ. If the information that was brought forth last April is acted on, these goals may not be achieved with the current allocation. For example, with about 2/3rds of what is called full fishing available to us, Oregon was

able get all the time and area-based fisheries that coho constraints would allow and had a little bit left over for quota fisheries in the KMZ. California had three weeks of total closure during a peak fishing time, driven by Klamath constraints. If we had full fishing, we might find ourselves under the status quo allocation, in the situation where Oregon can only use its share by ballooning those quota fisheries in the KMZ, while California is still looking at periods of total statewide closure driven by Klamath constraints. I don't think that would be consistent with the purposes and intents that this Council has followed.

Orcutt: What is the Council's goal in this area?

Bitts: My view of the Council's goals in this area goes back to 1986 when I started participating in the predecessor group to this Council. Basically, the goal is that depending upon abundance of fish and the allowable share of harvest, that either pain or gain be distributed equitably among the different fishing groups that are taking Klamath fish. In this specific case, I am talking about ocean fisheries. I believe we have always tried to achieve equitable fishing opportunity in those areas of the ocean affected by Klamath constraints.

Bostwick: You said, "those areas". What areas are you talking about?

Bitts: The areas outside the zone that are constrained by Klamath abundance and ocean share: from Cape Falcon to the KMZ on the north and from the KMZ to the Mexican border on the south.

McIsaac: I am now taking my chairman's hat off and speaking from the Oregon seat. Dave, this is good to bring up early in the game. From the Oregon delegation perspective, there was a rush on Roloids when we found out about proposals that 65% of the ocean impacts south and north of the zone be allocated to California versus an old 50/50 arrangement. I understand what you are saying with regard to maximizing catch of non-Klamath fish, but taken to the extreme, that might mean no fishing in Oregon on a big year of Sacramento fish. We are looking for some balance here. In years past, Oregon and California interests have agreed on proportions that weren't 50/50. On the other hand, when we hear stories about the State of California wanting to take Klamath fish out of the commercial fishery, we wonder whether that means the commercial fishery in the State of Oregon or the State of Washington. We weren't happy how things turned out last year. Maybe a full correction of the KOHM would bring things back into balance.

Bingham: With my PFMC hat on, I urge that this matter be referred to the HAWG committee meeting for further discussion.

McInnis: Yesterday, we heard a report on preliminary information on the Sacramento spawning escapement for fall chinook. The spawning escapement goal (which is a range in the Sacramento from 122,000 to 180,000), was potentially exceeded by a factor of three. When we don't meet the bottom end of a spawning escapement goal range, I usually rattle the saber, but when we exceed the top end by a factor three, I think that is of concern too. I am hoping that these model workshops and this discussion of the allocation policy north and south might help.

Bitts: A lot of things happened last year. I want to single out one of them as being something that we have no problem with at all: the recalibration of the Klamath impacts in the Coos Bay cell. I believe that was a totally appropriate move by the State of Oregon.

**Public comment.**

MacLean: Speaking from a SAS perspective, I hope that the negotiations between Oregon and California continue in the tone of what I just witnessed. If everybody starts bickering over who is going to get the tail section of the last fish, it is not very productive.

Welter: I would like to go back to Item #11 on your agenda. It is the predictor model. If you can correct that a little better, you can eliminate a lot of these unexpected problems. Everybody needs to calm down and try to find out what is really there. And if you are going to make a mistake, let's make it on the side of the fish for a change.

Scott Boley: I am going to take my TAT hat off and talk about the allocation issue that Dave Bitts raised. A historical perspective: it has long been the intent of this Council that different fisheries don't tell other fisheries how to operate. Virginia brought this up yesterday. It has been a choice in Oregon that we want to provide more opportunity coast wide. We want opportunity in the Zone and Coos Bay. We felt for a long time that we were over restricted on Klamath stocks. After about six years, people finally started believing us. There were some corrections made. If we choose to provide fishing opportunities for our fishermen up and down the coast, I think that is entirely legitimate. One of the early disagreements in

this Council was over an issue of whether or not we were going to provide fisheries in the Zone or shove all fisheries out to the fringes. In fact, it lead to the first major blow up--with Nat Bingham being the nay vote. At the heart of that issue was: were we going to get maximum economic benefits by pushing fisheries clear out to the fringe where there are no Klamath fish and harvesting maximum fish, or were we going to spread the pain throughout and allow some fishers in the Zone. Don't impose your view of what you choose in California fisheries on Oregon's view of what they choose.

Bits: I can't disagree with what you said there. I would point out that while the basic decision in California has been to use the Klamath share so as to maximize catch, we do try to put some fisheries closer to the river: in Fort Bragg and minor quota fisheries off of Eureka when we had a big enough Klamath share to do that.

## **BREAK**

McIsaac: We now move to agenda items 29 and 28, followed by items 24, 25, 31, 26, 27 and 30. At 11:45, we will stop again for public comment, identification of agenda items for next meeting and particular assignments to the TAT.

### **29. Report of Trinity River issues.**

Orcutt: The Trinity Task Force met on the 30th of September. One of the issues that were discussed was the status of the Trinity River flow evaluation and EIS. The time frames that were given at the meeting were that the USFWS flow report would be published by December 15th, and the EIS is tentatively scheduled to be completed by November 1998. This means the stream flow patterns in the Trinity Basin will be at 340,000 acre feet until the EIS and NEPA are done. There was a report on the flood hazard reduction program. Trinity County has hired Arnold Whitlege, former supervisor of Trinity County, to interview folks that may be impacted in the upper Trinity. He is looking at the purchase of land that would be impacted by potential flow changes in the Trinity basin. The other major focus of the meeting is to approve the 3-year action plan. In the budget there is about \$5.4 million appropriated for the Trinity for fiscal year '98. The Trinity Task Force approved projects totalling approximately \$5.5 million. They also took action to prioritize the use of \$800,000 to \$1 million carryover money. The priority would be given to projects like watershed restoration activities. The Hoopa Valley Tribe didn't necessarily agree with that for at least two reasons. Some of the projects that we had proposed speak to the long term, post flow decision and projects like hatchery marking, and using temperature to demark oolith formation. The major topic of the meeting was where we go with fiscal year '99. From 1984 to the end of fiscal year '98, there has been about \$70 million spent in the Trinity River basin. In fiscal '99, budget staff see a reduction from \$5.4 in '98 to roughly \$1 million, for the Trinity Restoration program. There was a lot of discussion about the re-authorization and what alternatives. Given the uncertainty of the re-authorization, there were two statements that should be troubling to this Council. One was that Bob McAllister of the CDFG said that by July 1, if they had no assurances of re-authorization, they would be transferring personnel out of the Trinity River basin. Roger Patterson also said that even if there is consensus moving the board within congressional time frames, there won't be anything in place by July 1. There will be a potential void in the management scheme. Then the discussion turned to what the TF was going to do about it. There was a proposed meeting to be scheduled in January or February. One other bit of information: one of Congressman Riggs' staff noted that there was a meeting scheduled on October 16th to convene all the stake holders as well as State and Federal agencies to see where we are going in fiscal '99.

Fletcher: Obviously, we manage the Klamath basin and the Trinity stocks in the same aggregate. It makes little sense to me that we have a million plus dollars on the Trinity side to devote to monitoring while on the Klamath we have very little. CDFG is \$150,000 short this year. Dave brought up separating the lower river late fall fishery from our fall fishery. We need to collect more information on the spring fishery. This re-authorization be a good opportunity for us to forward entire Klamath basin monitoring needs particularly for escapement and activities associated with recovering CWTs etc. Let's make it known to the congressman that it would be good to allow funding through that re-authorization to be used for monitoring on the Klamath side also.

Iverson: I remember that at the 5 Chairs meeting in Klamath Falls, Roger Patterson was asked what the scope of re-authorization might be and whether it could include funds to go on the Klamath side. He said that pretty much it is open. He encouraged bringing forward ideas of this kind. Also he reiterated at the Trinity TF meeting that the time frame for drafting re-authorization legislation is very tight. It is basically this winter.

Fletcher: I envision from talking with other stake-holders that a number of new things will come out in this re-authorization. There needs to be a commitment on the part of the various federal and state agencies to weigh in with the resources necessary to keep core people on. There will be issues of tribal self-governance raised in the re-authorization. I don't see any

problems with raising the monitoring issue, because the TAT has done this exercise before, coming up with and presenting in the record a specific amount devoted to harvest management activities on both sides of the basin.

McIsaac: What is the best way of implementing your idea and getting something in front of the right people?

Fletcher: We can speak in front of Congressman Riggs at the meeting.

Orcutt: From my understanding, it will be a testimony type of hearing.

Fletcher: Then after the meeting on October 16, we have set some assignments for the Trinity Technical Coordinating Committee of the Trinity River TF to begin to discuss and draft re-authorization language.

Orcutt: Bernice, when are the EIS hearings scheduled?

Sullivan: They are not hearings. These are public meetings for the EIS and they are October 28th, 29th, and 30th, in Hoopa, Weaverville, and Sacramento. That is to present the alternatives and the impact analysis that has been done to date. The meeting on October 16th in Eureka put on by Congressman Riggs' office is just to present everyone with an opportunity to say what they would like to see in the re-authorization. The feeling is that it has to be a lot more specific than it has been in the past. We are hoping that specific issues comes out of this hearing.

McIsaac: At this initial meeting then it might be premature to put dollar figures out with regard to monitoring.

Sullivan: I think so. This is just to get the issues on the table.

McIsaac: How does the Council feel about making a statement on behalf of the full Council?

Bitts: I think it is a good idea. I am not sure at this time if my outfit is going to support the re-authorization en toto, but, we should certainly support this element of it.

Fletcher: If this Council drafts a letter, that would be a good sign to send to the congressman.

Bingham: Just to remind everybody, we have this TF meeting on the 16th of October.

McIsaac: I would ask Ron Iverson for a reaction to the option of delegating to the coordinator (Bernice Sullivan) the task of delivering a letter or a speech of support of this concept on behalf of the Council.

Iverson: We have to touch base with our respective USFWS and BOR chiefs, but I am sure that we can have Bernice or perhaps Bruce Halstead, the USFWS representative on the Trinity TF, present a letter. If any Council members present can wave their copies of the letter and say yes we support this, that would be helpful.

Sullivan: I think it would be helpful also if you would list some of the language that you would be comfortable with.

Fletcher: Because it is so soon, I think just a request to support funding requirements for our monitoring would be sufficient. We have got two months where the TCC can really kick it around. We will then be able to bring back the results of the TCC deliberations to this body on February 25th in Eureka, so that would be a good time to make this another agenda item. This group could move to fully support it or not.

Bitts: Were we proposing having the project coordinator or the USFWS representative on the TF present the position of the Klamath Council on this issue of support for monitoring?

McIsaac: That is up for discussion.

Bitts: So that for example, Ms. Sullivan or Mr. Halstead would say at that meeting, "I have here a letter from the Klamath Council reflecting their support for this concept."

McIsaac: That is the idea.

Bitts: I won't stand in the way of that.

Fletcher: We need to make it clear that Klamath basin stocks are managed, and the Trinity is a component of that. I hear often at the TCC "that is the Klamath side, they've got to worry about their own stuff". No, it isn't. Trinity stocks are affected by what happens on the Klamath, too.

McIsaac: So you would ask the staff to draft a letter that makes the point that this basin is managed as a whole and that the fishery management and evaluation components are dependent upon strong monitoring and evaluation (M & E). And that the council introduce the concept of M&E funding at the meeting on the 16th, and that letter drafted by the staff be delivered to Bernice Sullivan who would then be authorized to read it into the record and testify on our behalf. And if there is any green light that opens as a result of that, the staff over the course of the winter would use its discretion in preparing a budget that fills the holes in M&E that we have talked about, and pursue that actively in the absence of our getting together as a full council until next February. Any other directions that should be included in that or portions that should not?

Orcutt: Something to consider is the watershed coordination group and Hatfield legislation money. There is potential in a lot of different areas I would like to see explored. Would this letter be a "consent letter", or is it just going to go out without us having a chance to look at it?

McIsaac: That is up for discussion.

Iverson: We have got 13 days to finalize the thing. So let's stay within the realm of reality here.

McInnis: I think Mike's idea is a good one that there are other vehicles to address this. I don't think that the letter that we are proposing to send and the comment that we are proposing be made foreclose any of those other avenues.

Fletcher: Mike, your concern wasn't enough to hold the letter up though, right?

McIsaac: My reaction to the concept is the same as Rod's. We should pursue this effort. We should also pursue the Hatfield working group money when that opportunity arises. We should pursue all opportunities. With regard to everyone having to look at this letter, if Mike is very interested in that and the time frame is short, we could ask staff to draft this letter and send it to all the members by the 10th, giving them a week to prepare the letter. Let's look at the 14th of October as a consent mail deadline and if the staff does not hear back from any Council members, then they will presume that is their consent to send the letter out as is. If there are suggested edits, we would ask the USFWS staff to use their discretion to try to accommodate the intent of the discussion here today.

McInnis: We get our communications from the staff by US Mail. I know that there are faster ways.

McIsaac: Is there any Council member who does not have access by FAX or E-mail? FAX first and then E-mail as a back up? Seeing none, then let's presume that the FAX machine will be the vehicle. On the question of the consent mail, if any member sees something in the letter that they think is fatally flawed, that would kill the letter; this is a consensus body. If they offer some editorial suggestions that don't get toward breaking the content of our discussion, I am indicating to allow the staff some freedom to wordsmith and accommodate someone's editorial concern.

Fletcher: We have got 1.5 hours. I will have Dave Hillmeier will take a stab at drafting a first draft, because this is such an important opportunity.

McIsaac: Maybe we will have something to look at today and if not, is the council comfortable with this consent mail protocol? Mike, you mentioned \$1 million in carryover money to go to programs on the ground. Is that an opportunity for monitoring?

Orcutt: At this late juncture in time, I think anything new would be entertained, but it is not likely to be funded.

McIsaac: Bernice, would you like to say more on the Trinity EIS process or any other Trinity River issues?

Sullivan: Mike mentioned the final EIS. The public draft will be out in the spring of '98, and there will be a 60 day review period. We will have 30 days as a hearing, and then the final will be out late fall. We need to get it completed and a record decision made for the '99 water year.

McIsaac: To solidify our previous discussion, are you available to accept authorization from this Council to do the task we are hoping you can do on the 16th?

Sullivan: I don't see a problem with it, but I did want to check to make sure. I was selected to be the coordinator in June of this year, and it is from the re-authorization of the Trinity that they recommended a coordinator between the two Task Forces and this Council. I am still trying to figure out some of the things I will be doing, and am looking for suggestions.

Orcutt: I would add that the reason there is no more than 340,000 acre feet for the water year '98 is that is the interim flow proposed by Interior in '97 and a temporary restraining order issued in May has driven the Interior to the position that the EIS needs to be completed before any flow changes will occur in the Trinity.

Sullivan: So the flow study will be complete in January. According to the CVPIA law, the Secretary has to forward it to Congress. There will be no decision made until the EIS is complete.

McIsaac: Mike could you indicate who sued whom and who the litigants were that resulted in no consideration of additional flow until an EIS process is complete?

Orcutt: I believe the lawsuit was issued the day the flow was supposed to have gone up: May 20th. A lawsuit was brought by the San Luis Delta Mendota Water Authority among others against the Department of Interior. The judge issued a temporary restraining order. Subsequent to that, Interior backed off and rescinded the EA that put forth the interim flow.

Sullivan: They rescinded the EA on the 20th. They decided not to appeal.

Orcutt: And because of time frame of the appeal process, the flow that we were looking at for temperature control would have bypassed us anyway.

McIsaac: The temporary restraining order has presumably lapsed now. Is it the position of the DOI to treat it as a permanent restraining order, as they anticipate that there would be a sequence of suits asking for temporary restraining orders?

Sullivan: They didn't feel they had anything to appeal. I think there is still something going on but I haven't been updated on it recently. The water users want to make sure we don't go for an interim flow for '98, because it won't go anywhere in the courts. It will go back to the same judge.

Bits: What happens if there is a whole lot of rainfall? Does that mean that all of it goes over the hill, or does some of it go down the river?

Sullivan: Some of it goes down the river. You can't control Mother Nature.

Fletcher: You have to get a restraining order.

Orcutt: They operate under the safety of dams criteria. They just turn the spigots up until they get the water out they need to.

Fletcher: Could you inform us about the harvest management alternative in the EIS?

Sullivan: The alternative itself is pretty well developed, and we will present it at the public meeting at the end of the month.

Fletcher: Each of us obviously have significant interest in commenting on the EIS and particularly the harvest management alternative.

#### **24. Report on the Oregon Coastal Salmon Restoration Initiative.**

McIsaac: I will give a quick update of things that have happened since April. On April 25th, the Federal government announced their decisions on the listings of coho. Rod McInnis has indicated the decisions to the south. For the area of Cape Blanco to the Columbia river, the decision was not to list but rather to sign a memorandum of agreement (MOA) with the State of Oregon that would put into place the Oregon Coastal Salmon Restoration initiative. The name the people now use for it is the Oregon Plan. This MOA signed between the Federal government and the State of Oregon called for implementation of the Oregon Plan as the basis for not listing, and included features giving all parties some security that the Oregon Plan would indeed occur. The Oregon Legislature then allotted approximately \$30 million to implement this Oregon Plan. There was \$2.2 million in M&E activities. There was a fishery management regime to be pursued in the PFMC arena as an amendment. That will be the subject of a vote at the PFMC meeting in November. There will be a public review process in Astoria on October 27th, in North Bend on the 28th, and in Santa Rosa on the 30th to talk about this Oregon Coastal Fishery Management Regime. There has been quite a bit of discussion about the voluntary nature of the plan, and some complaining from the fishery folks that the fishery restraints aren't voluntary. There are a lot of other things in the plan that really aren't voluntary either, in the habitat arena. Changes to the Forest Practices Act, when adopted, will not be voluntary. Things like water withdrawal, water quality, placement of culverts, construction of new dams, etc. Some of the \$30 million is going to establish watershed councils like we see on the upper Shasta. That is where there will be a lot of money spent on encouraging this voluntary business, such as putting woody debris in the streams, and enhancing the riparian planting activities. The fishery management regime when the Mid Oregon Coastal ESU was proposed for listing in 1996, were used as a surrogate to protect these southern listed fish. Now that there is a decision not to list north of Blanco, the surrogate situation falls apart a little bit. Last year, the PFMC said that there would be about an 11% fishery impact on the northern OCN group and a 5.6% impact on the Klamath-Trinity. They used a combination of those CWT's to estimate that. This fishery management regime amendment, if passed in November, would go to sub-aggregate fishery impact levels for three chunks within this northern ESU. While none identically could be used as a surrogate, presumably we would still be using the CWT data from the Rogue and the Klamath as a direct estimate of what the impacts would be there. The MOA in place obligates the department to come forward on inside fisheries. If there are any changes proposed from what is on the books, NMFS is to be given a two week advanced notice before our commission would consider any changes.

McInnis: Perhaps you could fill us in on the in-river recreational measures applied in Oregon.

McIsaac: As it stands right now, there is no retention of coho in fresh water areas in Oregon other than some areas that are either right near a hatchery (for example, near Fall Creek Hatchery and the Nahalem Hatchery) and where there are 100% marked fish and the retention of marked fish only is allowed. The recent Commission meeting in August changed those rules to say near the North Nahalem Hatchery and Alsea Hatchery and in a couple of other areas, (the Salmon River for example), only marked fish could be retained. There is no retention of unmarked wild coho. There will be catch and release of wild coho allowed while anglers are fishing for chinook or steelhead or hatchery coho.

Fletcher: So you have an incidental take permit that allows for specific numbers?

McIsaac: No we don't, because these are not listed.

McIsaac: We do have an MOA that is very close to the same constraint except that it does not have a number, it has a fishery regime in place with an obligation that if there are any changes to that, that the Federal government be afforded the opportunity to influence the decision.

Fletcher: You spoke earlier about voluntary measures for private landowners and the groups like the Shasta CRMP. How well do you expect those to work? I read in the Oregon Plan where you cite existing regulations like the Clean Water Act that would afford some protection. Is that expected to be meaningful? Maybe we can learn in California from what has occurred in Oregon whether those groups have responded.

McIsaac: I think they should be meaningful. I would cite the Shasta CRMP as something that has made progress, but there are probably better examples right here in the south coast area. Unfortunately, the southern most subaggregate in Oregon was listed despite having probably the best track record of performance in the last 18 months. I would ask Kate or Jim Welter to give examples: where watershed groups have done concrete things that leave people with the feeling that things will be better for coho in those particular streams.

Wilkinson: The Coquille Watershed Group is one of the older ones in Oregon. It was a spinoff from the early STEP program that began back in about 1981. In Coos County, it developed into a fishermen's/timber managers' cooperative and eventually

into this watershed group. It is a very viable volunteer force. Coquille Watershed is very much involved in riparian fencing, cattle exclusion fencing, and alternative cattle watering. In the Coquille what has been identified as a coho constraint is lack of overwintering habitat, so a lot of side channel construction and wetland recovery has been done. More and more people, agribusiness, private property owners, are looking to get into a cooperative mode. Most of the watershed groups get pretty innovative with grant applications to put it all together. We are now facing some economic gaps, so we have to hire the fishermen and timber workers and then lay the crews off because we just run out of funding. In a month or so we are going to hire them back, but those types of things are not good business sense. The Provincial Advisory Committee (PAC) of the southwest region of Oregon, is probably going to generate a letter that would ask the Governor's Watershed Enhancement Board (GWEB)(that funnels all the money to these groups) to build in a 20 to 22% administrative cost, because the money comes in various packages. In Coos County, prisoners do a lot of work, but those are generally hired by the agencies on direct contracts. To avoid the liability, Coquille Watershed has hired people through an employment service. Jim might be able to comment on this south coast watershed group.

Welter: On the lower Rogue River, there is the Coordinating Watershed Council, and then there is a countywide council that met last night. GWEB people were there last night as well as the Governor's watershed coordinator. There are 70 watershed councils in Oregon. Most of them are just starting up, but we have been going here on the south coast since the early 80's as STEP projects and Oregon South Coast Fishermen and the Chetco Fishermen. There have been major groups involved in this restoration program. The major work being done for coho restoration is up around New River and Flores Creek. It is mostly fencing and riparian restoration. Prisoners have been used in it as well as volunteers, but the major thrust was getting local people who owned the property to have a concern for what was going on. I see nothing but progress being made here as far as restoration goes, however I still have a major concern for fishery management and its apparent desire not to consider ocean impacts as a major cause.

Bitts: I wish Tom Wislow were here from Fish Action Council in Humboldt County to give you better information about similar projects that have been ongoing there, particularly in Freshwater Creek and Elk River, which empty into Humboldt Bay. There are fairly long-standing cooperative projects with landowners, that have shown good results and good promise for the future.

Fletcher: I have a real blunt question. I think riparian fencing projects, rip-rapping, putting large woody debris in streams, are all really good projects. With some of these agricultural diversions or the operation of larger dams, when you take 90% of the water out of a stream, riparian projects are good, but that is not going to get you to the recovery of that species. It takes water and I see water having an economic impact on those individuals. I am wondering if they voluntarily (and I am not talking about flushing flows) are putting back quantities of water in the system, that can make and provide for meaningful habitat, especially for coho.

McIsaac: For the area from Blanco to the Columbia River, water withdrawals and dams are not a significant thing on many of the watersheds. The Umpqua is an exception to that: the South Fork of the Umpqua does have water temperature problems. But water withdrawals are not a question on the Alsea, the Siuslaw, the Nahalem, and Tillamook Bay area. It is a near-coastal wet area. Agriculture is minor compared to the other land uses.

Wilkinson: In the Coquille there are no gravity withdrawals. There are quite a few pump withdrawals for agriculture and industry. They are adequately screened. They need to adequately screen them to keep them operational. As you know, I am also involved in the upper basin where it is a whole different story, but I still am optimistic at what I see going on up there in this water supply initiative. Some of those sump rotation things are going to be of tremendous value. The big question is deciding how much water and once you decide how much water, how best to get it. There is a certain segment that wants a big ticket fix, and there are other segments that are not quite that aggressive. They want to look at reclaiming historic storage. Amazingly enough, I have heard from agribusiness up there that they are really reviewing land operations that don't merit the water. I can imagine a social dilemma for those irrigation organizations to decide about a century farm that no one has ever made a living off of, yet it has water rights. At their discussion Monday night, some agency folks and locals expressed a strong belief in raising the dike on the main Klamath Lake. That is going to dislocate a lot of established businesses. I don't know how or when, but some things are going to take place up there, because they have to.

Bitts: On the streams I mentioned that empty into Humboldt Bay, I don't think water diversion is a primary problem. I think trashing of the watershed through timber harvest practices is a much bigger threat, and the main company involved has committed men, equipment, time, and money to repairing damage that has been done in that respect. Is Draft Amendment 13 available from PFMC for review, because I want to look at it before that Santa Rosa hearing?

McIsaac: It is in the process of being finalized. I think John Coon is going to mail it out on Monday.

Bingham: I heard that one watershed council in Oregon is decertified, is that true and if so, why?

McIsaac: I cannot verify that.

Bingham: Could you please check into that for us?

Wilkinson: There is an area in between the Rogue and the Coquille where there were some strong feelings and high water use: agribusiness and cranberries. They struggled for a long time and finally started to form their own watershed council, but found that they were late in the process and everybody else was more sophisticated in getting funding. So they have now joined with the Coquille Watershed Council. So in the decertification, they might have abandoned some efforts to be certified to join with the Coquille Watershed.

McIsaac: That could be it, thank you. I will check into that.

Orcutt: Of the \$30 million that has been appropriated, you said there was \$2.3 million for M&E. Is the area of use for that only coastal areas in the State of Oregon?

McIsaac: At this point in time, it is all the State of Oregon. It does include this southern area from Blanco to the border.

Orcutt: It doesn't preclude spending it in the Upper Klamath Basin in Oregon?

Wilkinson: If there is a watershed council up there, it is a strong move by the Southwest Region PAC and others in the State of Oregon to develop monitoring as it affects watershed health. The lead agency there is the Federal EPA. They are making some strides on developing a standard matrix so that these watershed councils begin to quantify their work. There is a problem with these volunteer groups maintaining professionalism and monitoring protocols.

McIsaac: Mike, \$30 million was infused into this program, with specific areas in mind. That is why that amount of money was approved. To come in now and look to spend some of that monitoring money in the upper basin probably is not in the cards. They approved the set of monitoring activities, including such things capturing and tagging wild smolts in a couple of indicator streams, intensifying SRS surveys, modelling and double index tagging to monitor the impacts on wild fish if there is a selective fishery, overwintering habitat research and monitoring.

Orcutt: Stream buffers are, I understand, voluntary at this point. What would be mandatory if the Forest Practices Act is amended?

McIsaac: The Forest Practices Act will be amended to increase the buffer strip from 150 to 250 feet for example.

Fletcher: Could you provide a copy of that MOA in the plan?

McIsaac: Yes. I can provide a copy of the MOA. The Oregon Plan is 1,600 pages long. It is on the internet. I don't have the internet web site here, but let me find it and the KFMC staff can distribute it. Just don't click on print without cutting down the 1,600 pages.

## **25. Salmonid recovery planning efforts in northern California.**

Bingham: I could talk for an hour about what has been going on and still not adequately cover it. Please understand that this will be fragmentary. To briefly summarize, we don't have anything in California right now that is comparable to the scope of the Oregon Plan. What we have instead are a number of efforts going forward. One noteworthy effort is the so-called Fish, Farm, and Forest Communities Forum (FFFC), which is a group in which the timber industry, the agriculture community and other resource users such as ranchers and gravel miners have come together with the fishing industry to form a nonprofit foundation to do good things for fish. That group has accomplished some cooperative projects where salmon stamp dollars from the fishing industry have been matched with collaborative in-kind contributions and heavy equipment on the ground to do significant work putting roads to bed. Also this group has done a great deal to develop standardized protocols for monitoring. NMFS is beginning to interact with FFFC, and it looks like we are going to be developing an abundance protocol. The State of California did attempt for about a year to develop a process which was known as the Coastal Salmon

Initiative (CSI) to plan for the recovery of coho. The intent was somewhat similar to Oregon, to avoid a listing. That effort failed, because of a lot of confusion about goals and objectives, issues of representation, and non-participation by some key stake holder groups such as the industrial forest industry. Since that failure the resource user community, (all the same folks at the FFFC table except the fishing industry) have formed a group called the Coalition for the Conservation of Coho. They are working closely with the Resources Agency who have developed another initiative called the Governor's Watershed Protection Council. This is a brand new effort and none of us know a lot about it. Another effort has been undertaken by the Coastal PAC, one of the provincial advisory committee on the northern California coast. They have formed the Coho Committee made up mostly of fisheries groups, fish restoration groups, and environmental groups. I am actively involved with that process. We are trying to take a positive problem-solving approach and are working very closely with NMFS. At this point there is a real disconnect between NMFS and the State of California. The county governments are sensing the failure of the State to come to agreement with NMFS and develop a plan, so partly through the sponsorship of For the Sale of Salmon, they have moved into the gap. The big area of disagreement is not about restoration. Everybody agrees that restoration is good and should go forward. The area of disagreement is about how you regulate land use relative to the protection of habitat. Here are two examples that exemplify the problem. One of them was a timber harvest plan filed on Bear Creek by Pacific Lumber Company where they cited over 100 instream projects that had taken place on that creek: some funded out of Proposition 70, some funded with industry money as mitigations for this plan. The fact of the matter is, these projects are sitting buried under 15 feet of soil that was delivered into this creek because of the failure of land management upslope. That points to a problem area that hasn't yet been resolved in California. How do you balance regulatory process and land use management with restoration? To FFFC's credit, they have taken this issue on and are now looking at upslope issues. The other really bright spot is that the California legislature has taken the initiative to pass a Salmon Restoration Bill putting \$3 million in this year's budget and up to \$8 million in next year's budget for restoration. There is a very specific set of mandates in the language of the bill saying that a large amount of these funds will be spent on the ground on upslope erosion control activities. There is a conscience intent in the legislation to avoid touchy feely efforts and actually make the money go out there and hit the ground. That initiative came from collaboration between the resource users and the fishing industry and the restoration people. Paul Kirk, would you say a little bit about the county process?

Kirk: In January of this year, For the Sake of Salmon put on a get-together, after the failure of the CSI process and the need to bring more people back to the table. A lot of people did show up. What came out of the meeting was the potential for some long term discussions and funding from For Sake of Salmon to facilitate moving forward with a plan. The Oregon Plan's successes at that time were still preliminary. What came out of that was the beginning of a five-county effort. It took a number of months for us to get resolutions before our Boards of Supervisors, which happened this summer. Currently, the five counties of Siskiyou, Del Norte, Trinity, Humboldt, and Mendocino are working together in this collaborative effort. We have organized ourselves around a preliminary work plan and MOA. A funding source from the Department of Resources has been offered to us if we come up with MOA's. We have gotten support from all groups, because it was felt that the counties have those land use issues before them constantly. NMFS jumped in right off the bat; Patrick Rutten from the Santa Rosa Office was extremely helpful as was William Hogart, Southwest Region. We had a series of meetings in April, May, and June, and then by July we reached agreement on a resolution. We have the preliminary MOA and work plan on the next Humboldt County Board of Supervisors agenda. The purpose of the work plan is to spell out to Resources and to NMFS the direction that we want to move forward, and they have been giving us guidance along the way. The work plan spells out where we will go in the initial assessment of the needs of the five counties to come up with a recovery plan. We realize this is going to be a three to four year process, but the most important thing is we move expeditiously together. With the potential for \$100,000 in funding, we have put together a budget with a coordinator out of Trinity County, Mark Lancaster. He is a planner with Trinity County with background in fisheries areas. He has been coordinating with the Del Norte and Siskiyou County planning departments. Mendocino and Humboldt are offering technical expertise from their planning and public works departments specific to the roads issues. We hope to have that initial assessment in the hands of NMFS and Resources by February. So the bottom line is we are getting cooperation and comments from both agencies. I might add that we put together a draft plan three or four months ago to get comments from NMFS. That has not gone out to the full public, because it is in no way final. But out of that draft came an assessment, County agreements, a few MOAs and a work plan to present to Resources to get the dollars to do this assessment program. A recovery plan will come after that, for which we are looking for funding. None of the Counties can afford to drop hundreds of thousands of dollars into a long term plan.

Bingham: There is a similar process now underway in some central counties: Sonoma, Marin, Santa Cruz and probably Monterey. That is not as far along. There still is no master governing agreement between NMFS and the State, and the Coast PAC is working very hard to try to bring that to pass. We hope to bring off some kind of final format MOU that everybody can use.

Fletcher: I appreciate the counties getting together; that is the way to go obviously. I hope it will result in some meaningful change in some of the land management practices that we have alluded to roads. We deal with a large timber company, and I know commercial fishermen do. They are starting to come to the realization that we have got to do something. I don't see that from some of the agricultural communities like on the Shasta and the Scott. I have had conversations with them and they flat out said, "we are going to pursue a listing for chinook because it is not going to effect us". They believe that. I think if this effort is going to rely on voluntary measures and existing regulations which to date haven't done the job, (the Clean Water Act, the CDFG code)...if it doesn't have more teeth or commitment to put water in the stream, you can do all the riparian fencing, and rip-rapping, but if you have a bone-dry stream during spawning season, you obviously aren't going to meet the needs of the fish.

McIsaac: This word rip-rapping has come up a couple different times. Let me make sure everybody understands rip-rapping streams is not a part of our rehabilitation program.

Orcutt: You said one of the criteria was money was to be used for upslope work. Is there any possibility of using it for monitoring activities, and also is the area for use of the money inclusive of the Klamath basin? A comment regarding the CSI and all of the different initiatives that have been out there. I think a good example of how to approach that was the Oregon approach. My sense is that the tribes need to be involved in that effort at some level.

Bingham: Taking on Troy's point: the Friant Water User's Association have in fact proposed a riparian restoration program for the San Joaquin River in the stretches which have no water at all. So that is being attempted. Second, getting to Mike's questions: n regard to the Thompson legislation, I believe the Senator plans on holding another meeting probably in Ukiah or Fort Bragg. I don't have a date for that yet, but I will be happy to get it to you. Probably you could get a copy of the legislation and explanatory material from CAC. There is a funding element in the program for monitoring, but it has to be tied into a specific restoration project on the ground, to assess its performance. Relative to the Klamath basin question, the primary intent was to deal with the area of impact relative to listed coho. That would apply to the lower basin and mid reaches, but it is questionable as to whether it would apply to the upper Shasta and Scott areas. The intent language is a little vague on that point. The intent was to wrap it around the Klamath-Trinity Programs and the CalFed Central Valley Program, so you could fill into those areas that weren't covered by those programs. The project proposals will be reviewed by a committee made up of five people from the CAC, plus a timber industry representative, a representative from the agriculture community and a scientific representative. I think it is the intent of the CAC to see at least one tribal member. I suggest you talk to Chairman Litrell about that. We did nominate some names, and I am not sure that we nominated anyone from the tribes.

Orcutt: If there is true coordination between all the funding sources, then we can pull money out of the programs and use it to cover up-slope areas. That is my hope for this watershed group.

Bingham: Regarding the question of where the overall coordination is going relative to the demise of the CSI: everybody is working very hard to achieve that. Right now the situation is like Palestine and Israel. Nobody can even agree on what table to come. By way of example, the new committee that the Resources Agency convened includes no one from the environmental and fisheries side that was on CSI. In other words, we have all been black listed. All of us are sitting over with the PAC coho committee, so there is a real disconnect relative to this issue of "is regulatory reform needed or is it not?"

Kirk: I saw the Thompson Bill in the committee and I might add that two coastal county supervisors are part of that new committee. The Governor's action with the watershed council is a separate group, and I saw on the list about 100 people who were nominated. I'm on the list myself. We county supervisors will participate in everything that we possibly can, to bring forth the best product.

Fletcher: I am going to focus on the water issues, because you need to focus on getting water into the stream and protecting the habitat there. Everything else is fluff.

McIsaac: Looking at the clock, we must get to our last three agenda items, which means we won't get to a couple of other ones. I would like to go through one more public comment period, then have a quick summary of things prior to our next meeting that involve Council members or tasks, then talk about agenda items for our meeting in February, and then go through the assignments to the TAT.

Fletcher: We typed an extremely brief draft letter to Congressman Riggs on the funding issue.

McIsaac: When we adjourn at noon, let's have Council members look at this, and if they see some fatal flaws in here, let's caucus to make sure we take care of that possibility before we break.

Bingham: We also have a draft letter relative to the issue of marking steelhead, chinook and coho in-river. Folks may want to take a look at that draft after the meeting.

McIsaac: Has that one been distributed yet?

Bingham: No.

Iverson: My understanding was that we were to bring in anyone wants to look at it.

**Public comment.**

Welter: Troy, you had some questions about the watershed councils. For the Council that met last night, Pam Blake from DEQ is right. Matter of fact, DEQ cited one of the people who are doing some restoration work because they muddied the water. Don't think that everything that we do isn't being done in an appropriate manner. GWEB's Wayne Krueger was there. USFS Ranger Mike Frazer is there. BLM is represented. Seven or eight watershed councils all work together as one unit, and it is working out real well. The monitoring and coordinating is the most important thing that has to be kept in place to make it work.

Fletcher: I think the efforts that are going on on the Oregon Coast are commendable. My topics were really focused on two river systems in the Klamath basin in two specific areas where I have concern. It wasn't to belittle or question the activities of others up and down the coast.

Welter: I just wanted to assure you that we have been at it here in southern Oregon since '81. We have been involved in a lot of major issues on the south coast for a long time. We are still looking, under harvest concerns, at a separate allocation of the Klamath sports fishery for Oregon and California for next year, too.

McIsaac: Seeing no more public comment, it is closed. I have a list of things that we talked about doing prior to our next meeting. We have a harvest allocation work group meeting that would occur in Eureka on the 10th of November at 9 o'clock. The purpose of that would be to initiate discussion on alternatives to increase the seasonal opportunity for the in-river sport fishery, and in particular to offer some input to the CFGC meeting on the 4th of December relative to a process that would involve the Klamath Council. We have a couple of letters. One is the letter that Troy just referred to. We are looking at a consent mail process with a deadline of the 14th. We have a letter on the marking of hatchery fish that Nat alluded to, a consent mail process. I think we had talked about the end of October for that one. We also talked about a letter to the TF budget subcommittee that is getting together the 15th of October. We talked about having a subcaucus of all those people who sit on both the TF and KFMC, to take a look at recommending a general quantity for some key monitoring needs. I haven't heard of meetings on that or a proposed letter, but we do need to get that general categorical input into the budget subcommittee at an early time. I am looking for someone to take the lead in drafting such a letter.

Bingham: I suggest that that letter should more appropriately go to the TF itself, simply because that way it would enter into our deliberations. At the next meeting, we will give some gentle guidance to the budget committee. I suggest that even though the letter will probably reach the TF after it has met, it still should be addressed to the TF and the referred to the budget committee.

McIsaac: Then if I could rely on you, Nat and maybe Keith to verbalize what our intent here is.

Bingham: We will take that. I hesitate to write myself a letter. If somebody else would like to volunteer.

McIsaac: Let's put that on the list of something that staff could do. I know this is not what we had as a staff assignment to start with but rather some sort of a subcommittee, but if the staff could take a stab at some letter that talks about this recommendation of a general quantity or percentage of their funding to be set aside, as is the administrative functions, just for the key monitoring needs, this concept would be addressed. Let's presume that this message will be delivered verbally and we could have a look at the letter some time after the TF meeting. That is all I have on my list of things prior to our next formal get-together. Just for the record and for any further direction to the staff, is there anything I have left out?

Fletcher: I believe we were going to put the issue of Shasta River habitat concerns to the TF to bring up in that forum.

McIsaac: What is the best way of alerting the TF that there is interest in doing that?

Fletcher: I think a letter, which I wouldn't mind drafting.

Wilkinson: It is a long agenda already.

Fletcher: I know the October agenda is long agenda but there is going to be a meeting in February. That will give people a heads-up. There is no reason not to pursue those issues in that forum.

McIsaac: Maybe as an alternative, the Yurok seat at the meeting next week could suggest that this issue be placed on the agenda as well alert the group to the discussions that we have had.

Bitts: There is that CFGC meeting in Eureka in early December. I am sure there will be action on issues that are pertinent to the work of this council at that meeting.

McIsaac: We were going to rely on the HAWG to offer some input at that meeting. Now the chair of the HAWG has indicated he is not going to be around on the 4th. We ought to speak about how that input would be provided. We talked about the schedule of the March meeting of the CFGC and the timeliness involved, and LB said he doubted whether they would make final decisions in December. I guess what we are saying here is the HAWG would meet and make comments on behalf of the Council without the Council's full blessing. Is there any discussion about that?

Orcutt: It is a mystery to me how the Commission process works.

Bostwick: The process has been going on for forty years and they have never changed it. They have always met in Bridgeport, they have always made their final decision then. I thought LB would have said a little more. I thought they were going to actually work in cooperation and coordination with this Council so that they would have a final answer before the PFMC makes theirs.

Orcutt: I am not only speaking to the regulatory process for chinook, how does any regulatory proposal get initiated and/or approved by the commission?

Bostwick: It is presented on the agenda. They talk about it, and at the next meeting they vote on it.

Orcutt: Any member of the public can just put something on the agenda?

Fletcher: There is a process with deadlines if you want to forward proposals.

Bostwick: But as we all know the process by vote can be changed. I have seen them flip flop every time something comes up.

Wilkinson: As to the conduct of the HAWG: in the past, because it was a work group, they had been discreet about activities that went on there, but if there is a direction that materializes from the November 10th meeting, with consensus on a position or a range of positions, then that could be presented by any member of the HAWG at that CFGC hearing. However, I would really prefer that it be fleshed out more thoroughly than we can do at a one-day meeting.

Bostwick: If anyone is expecting some decisions and conclusion from that November meeting, you are probably premature in your thinking. Whatever we discuss and talk about, I certainly have to take back and see if my group is in agreement with it. I see this HAWG meeting as an exchange of ideas.

Wilkinson: We are in agreement there.

McIsaac: Maybe we should have the expectation that this meeting on the 10th would initiate new ideas relative to sport fishery management. Also on the agenda was a discussion about this Oregon/California sharing situation. A result of this meeting could be someone saying to the CFGC on the 4th that these discussions are underway, and that we suggest that they

delay a final decision until their meeting the first Thursday in March. That would allow for a meeting of this Council, and a final decision before the March PFMC meeting. Let's proceed along those lines, and on the 10th the group can look at a letter that would be a recommendation coming from the HAWG and not the council.

**Identification of agenda items for the next meetings.**

Bitts: Items #8 and 10 and 17-20 are ongoing items.

Fletcher: Let's open the selective harvest can of worms. If that is going to pop up, let's take it straight on.

Wilkinson: Troy, would it be possible by the next meeting to have a preliminary semiformal report on the mid-program review?

Fletcher: Are you are talking about the Klamath TF mid-program review, or are you talking about a mid-program review for this Council?

Wilkinson: The TF mid-program review, which also includes this Council.

McIsaac: We were going to talk about the idea of a mid-program review for this Council in agenda Item #31, which we did not get to this time. Let's include both of those.

Fletcher: I can include that; there are linkages there that the reviewer is supposed to cover.

Wilkinson: Do you anticipate that they would be far enough along to get a preliminary feel of how it looks?

Fletcher: I have talked to them a couple of times in the last several months, and they have been on line with their time lines.

McIsaac: Let's also include #30 and #26 that we didn't get to this time, and certainly LB's report of what happened in November. #27 we didn't get to this time; it will be a new story next spring, but let's try to get to that.

**TAT Assignments.**

McIsaac: I have got a short list here. We should expect to hear more about the KOHM technical work that has been done. Agendum #10's report from the TAT was postponed until next meeting; let's have that one then. Agendum #6 was our response to the Shasta River situation, a more limited response. We talked about the three hypotheses that Keith brought up. The discussion is on the record about what we would expect the TAT to do about a report there.

Barnes: Is there a final due date for that?

McIsaac: Yes, I think our discussion was that we would ask staff to send a letter to Dave Webb saying thank you for your input, we are looking further into it, and the single TAT report that is out is not our last treatment of the issue, but that we would see the next TAT treatment of this at our next meeting before it goes out to anyone.

Fletcher: I would also like to have the opportunity to enter into the record our response to Dave Webb's rebuttal to the TAT. He made some accusations specifically levied at the Yurok Tribe which are false and need to be corrected, and that I think are unprofessional. The TAT not only has to review the issues that Keith brought up, but as soon as they do that, we are going to get another rebuttal just like we had the rebuttal before.

McIsaac: Let's expect that the TAT report will look at the temperature information, which they didn't do last time. They are going to look at these three hypotheses, and look at the data and have a comment or a conclusion on each one of those.

Barnes: Incidentally I looked at the data...LB said yesterday that age-two returns in-river predict age-three returns on the Shasta. That is not correct.

McIsaac: The TAT could also entertain those items in Dave Webb's letter in their next analysis of this. As far as those parts that are accusatory of one KFMC party withholding data, I don't know if there is a technical obligation of the TAT to respond.

Fletcher: I will respond to that.

Orcutt: When this whole thing on the Shasta came up before the TF over the years, its partner assured us that there was a report coming out. The TAT may want to look at that biological needs assessment report. I understand that that is now complete. There is some temperature information in there. Also, I just want to reiterate that under the KOHM analysis, the TAT is going to look at the birth date issue of those late fall chinook.

McIsaac: There was a series of things including the birth date that we asked them to look at.

Bingham: Hopefully we will have the megatable with escapement figures before us by then and if possible hindcast to see how the prediction performed.

Barnes: Yes.

Iverson: The 5 Chairs promised a technical presentation to the CFGC. I haven't seen a response to the letter suggesting that, but I would assume that if it is accepted, the TAT would have to make a contribution to that presentation.

McIsaac: The thrust of that comment was that the CFGC might not have a complete fathoming of all the complexities of fishery management. There was an offer made that we would give a technical presentation showing how detailed it has been and what it encompasses. As Ron indicated, there has been no response to that offer but should there be a positive response, that would snare some of our TAT's time. Seeing no more comment, we will adjourn the meeting and meet again in Eureka on February 25th.

Wilkinson: LB did raise the question about an earlier meeting in February.

McIsaac: He was interested in having a Klamath Council meeting in conjunction with their Santa Rosa informational meeting. We will not set a Klamath Council meeting in Santa Rosa, but LB's invitation to Santa Rosa will go out to all of this Council.

Bingham: Are we planning to meet on the day before the Pacific Council meeting, March 8th?

Eastman: Our March and April meetings are scheduled on Sunday the 8th of March and Sunday the 5th of April.

McIsaac: That is correct.

Kirk: Did LB indicate the date of the Santa Rosa meeting?

Fletcher: February 24th.

McIsaac: Further comments? We are adjourned.

**12:15: ADJOURN**