

FINAL MINUTES
KLAMATH FISHERY MANAGEMENT COUNCIL MEETING
February 21-23, 2006
Red Lion Inn, Eureka, California
Meeting #82

Tuesday, February 21st

Representative Seat

California Department of Fish and Game	Neil Manji
California In-River Sport Fishing Community	Virginia Bostwick
California Ocean Commercial Salmon Fishery	Dave Bitts
California Offshore Recreational Fishing Industry	Vacant
Hoopa Valley Tribe	Mike Orcutt
National Marine Fisheries Service	Eric Chavez
Non-Hoopa Indians Residing in Klamath Conservation Area	Dave Hillemeier
Oregon Commercial Salmon Fishing Industry	Keith Wilkinson
Oregon Department of Fish and Wildlife	Curt Melcher, Chair
Pacific Fishery Management Council	Jim Harp, Vice Chair
U.S. Department of the Interior	Phil Detrich

12:00 pm Convene Meeting and Introduce Members

Curt Melcher convened the 82nd meeting of the Klamath Fishery Management Council and asked the KFMC members to introduce themselves.

Agendum 1. Review and Approve Agenda

The group rearranged the agenda to fit the schedules of KFMC members. Agendum items 14-19 were discussed on February 21st and items 4-9 and 12 were discussed on February 22nd. An update on the federal disaster relief declaration was added to Wednesday's agenda.

It was noted by the Yurok Tribe that they cannot make recommendations for options for the 2006 season at this time. Curt Melcher stated that options can be discussed, but the KFMC won't be able to pass a motion regarding the range at this time.

Motion by Keith Wilkinson to adopt the agenda as amended.

Seconded by Dave Bitts.

Motion passed unanimously.

Agendum 2. Review Materials and Correspondence

Jennifer Silveira reviewed the list of handouts. Jim Harp provided a handout for agendum item 15. Members should look at agendum 24 handouts pertaining to outstanding assignments. Agendum 12 handout is a copy of the draft Accomplishments Report the Task Force is working on. KFMC members can review and provide comments.

Agendum 3. Charter and Member Update

Phil Detrich reported that the USFWS received a new charter from Secretary of Interior signed today. There are a few minor changes. He will make copies and provide to members. The California Offshore Recreational Fishery Industry seat is still vacant on the KFMC. Neil Manji reported that CDFG has been trying to get this seat filled and he has been asked to fill this gap to the extent possible.

Agendum 4. Trinity Management Council Update

Doug Schleusner, Director of Trinity River Restoration Council, stated that the preliminary water year forecast looks like a wet water year type, which would allow for the largest release (8,500 cfs) from the dam for fishery restoration purposes. The final determination will be made the first week in April. Conference calls have been occurring to discuss hydrographs, and presentations will be made to the Trinity Management Council (TMC) in upcoming weeks. Recommendations will go to the Bureau of Reclamation (BOR) in April and the schedule for the next year will be implemented toward the end of April. BOR will use 50% exceedence criteria for determining the water year type. The TMC is confident that completed floodplain structure projects will allow for the 8,500 cfs release.

The work group structure was approved by the TMC in October 2005. A proposal was put forward that identified six or seven technical work groups with more formal structures. The schedule for the next twelve months and a calendar of events is available on the website (www.Trpp.net).

Eight rehabilitation sites are in the queue for construction this year. The Canyon Creek complex projects will be constructed this summer. The draft EIS is out for review now and the comment period ends March 27th. The Indian Creek project scoping process and design began and we were successful in getting funding from the state and EPA to feed into that project. A series of slides were shown from the Hocker Flat restoration area. The floodplain restoration project was completed in late October/early November. Re-vegetation work is going on in the area now. More information and tours of the restoration areas are available from Joe Reese.

Agendum 5. Fishery Management Plan (FMP) Amendment on De Minimis Fisheries

Curt Melcher stated that the KFMC provided comments and recommendations on a de minimis fishery at the October 2005 meeting in Klamath Falls and those recommendations were delivered to the PFMC in November 2005. The PFMC moved forward with the plan amendment and confined it to the discussion of de minimis fisheries. The PFMC announced they would scope the issue in March, which will occur on Friday of the March meeting.

Dave Hillemeier stated that the KFMC needs to make a recommendation to the PFMC on the scope at the March meeting. The KFMC added the goal of producing a consensus statement to the PFMC to the Sunday meeting of the March agenda. Dave Bitts asked that each fishery present its idea of a de minimis fishery. Neil Manji said the KFMC needs a risk benefit analysis of each fishery, which the Technical Advisory Team (TAT) can possibly help with this. Dave Bitts said the KFMC should also look at the relationship between spawners and age 3 recruits observed since 1979. Curt Melcher stated that the KFMC needs to ask what the objectives are and how a fishery can be designed that meets those objectives. Information that is not currently available to the KFMC will need to be considered in the upcoming months.

Agendum 6. Report on 2006 Fall Chinook Stock Size Projections

George Kautsky spoke first about the 2005 Klamath River fall Chinook harvest and run data (see handout "Klamath River Fall Chinook Age-Specific Escapement, River Harvest, and Run Size Estimates, 2005 Run"). The TAT met with agency representatives and other interested public to pool the data. The report shows that the return of age 2 fish to the Basin was 2,300 fish, which is one of the lowest age-2 summations for the Basin on record. The age-3 river run of ~44,000 fish has been similar in the record in the past, but is on the lower end of the scale. The group reviewed the age composition of the 2005 run (Table 1 on page 5 of 16 of handout).

Curt Melcher asked whether the recreational jack harvest rate (about 50%) was unusually high. George Kautsky responded that it was atypical, but it has approached that in the past. The regulations, with a 2-jack retention, steered the fishery away from adults. Curt Melcher said it is hard to account for jacks in natural spawning areas – they are the first to go to predators. This could affect the 2006 stock size prediction. George Kautsky said we rely on experts from the various agencies for quality data, and there are a variety of estimation methods used, as shown in Table 2 (page 6 of 16) of the handout.

Dave Bitts stated that it was odd that anglers were able to catch 50% of the jacks in the river, but what was most striking was that we should get a 10/1 ratio between natural and hatchery jacks, as it is usually about 2/3.

Dave Hillemeier stated that it was odd that the Trinity River mainstem population had a higher number of jacks than the hatchery population. George Kautsky referenced Table 6 on page 10 of 16, and stated that for Trinity naturals the jack proportion was almost half of that component, an order of magnitude greater than the Trinity Hatchery. The hatchery proportion number is derived from a total count, while the naturals are estimated from the Junction City weir, using scales. We could have overestimated the non-hatchery jacks – then overall jack estimate would be even lower.

George Kautsky discussed the ocean abundance projections and prospective harvest levels for Klamath River fall Chinook for the 2006 season (see handout “Ocean Abundance Projections and Prospective Harvest Levels for Klamath River Fall Chinook, 2006 Season”). As shown in the executive summary section, the ocean abundance forecast is 44,100 3-year-olds, 63,700 4-year-olds and 2,200 5-year-olds. The TAT entered these numbers into the Klamath Ocean Harvest Model (KOHM), and modeled two scenarios. Scenario A allows no further fishing in 2006, and would give a natural spawning escapement of 29,200 fish, which is below the 35,000 floor. Scenario B uses 2005 fishing regulations, which the KOHM predicts would allow a return of ~19,000 natural area spawners.

George Kautsky explained how the predictor works, using the sibling relationship between fish that return to the river and their cohort members that remain in the ocean. Regressions are constructed from past data (see Table 1 on page 7 of 26) between the age-2 river return and the age-3 ocean abundance, the age-3 river return and the age-4 ocean abundance, etc, (see page 5 of 26). Once these are used to predict ocean abundance, maturation rates are used to predict age-specific returns to the river, and then we use past data to predict the proportion of natural spawners in those returns.

Curt Melcher asked if the had TAT looked at ocean distribution of coded-wire tag recoveries and how this compares to other years. The KOHM has been underestimating the Klamath harvest rate. Perhaps there may be a geographic shift in Klamath tag recoveries towards the north, or for some reason Klamath fish have become more “catchable”. Dave Bitts said the profile of effort is changing, and that could be affecting catch rate. Effort is shifting toward the higher end; boats are bigger, can go further offshore, have more people on board, and can spend less time icing fish and more time fishing. Curt Melcher wondered whether the KOHM’s underestimation of Klamath harvest rate could be due to differential survival of yearling vs. sub-yearling hatchery releases. Dave Hillemeier said he couldn’t see right off how there would be a difference in catchability between the release groups, but it would be an interesting TAT assignment to investigate this.

Agendum 7. Public Comment

Jim Welter discussed the disease workshop that was held in Arcata. He said that Jerri Bartholomew showed that the two parasites are causing most of the deaths on the Klamath side. It was interesting to see how the flushing flow in the spring caused a reduction of that loss to 30%. The rationale is that there is a reduction in the spores in the river with flushing flows. There is a relationship there. In years of low flows, fish are not surviving to make it out of the river. Water and habitat are important. If flows aren't there to flush the system, the spores overtake the fish.

Bob Crouch, Oregon South Coast Fisherman, stated that these diseases and parasites are prolific during low flow times and drought times. They seem to do better in warmer water than colder water, so we might want to consider the way fish are released from the hatchery in drought years. He also understands that fish food abundance is directly related to flows in the river. In dry years, because of parasites and poor ocean conditions, a mistake is being made by putting hatchery fish out there to compete with wild fish.

Richard Heap, Oregon South Coast Fisherman, stated that we are continually trying to deal with fishing regulations when it appears to be related to recruitment rather than fishing pressure. We will continue to be frustrated dealing with over-fishing instead of disease and recruitment.

Ed Duggan, Trinity River Fisheries Group, said it doesn't appear anyone is doing much to investigate the cause of death in smolts and there seems to be a large loss of those on the Klamath and Trinity. We are either not able to collect information or we are not targeting that information. Analysis of this could help explain the reduction in returning fish.

Marge Salo, Commercial Salmon Vessel, stated that people can't keep saying the problem is over-fishing when there are other issues like disease and lack and quality of water. The fish aren't there to catch in the ocean to begin with.

Agendum 8. Report on 2005 Salmon Returns to the Klamath River (Sarah Borok)

Sarah Borok, CDFG, used the Megatable (see handout, 2005 Megatable) to report the Klamath fall run Chinook salmon numbers. The Basin was below the 28 year average this year. There were about 105,000 adults and a very low grilse (jack) return. Harvests were constrained by regulation. Hatchery returns to the Trinity and Klamath were both close to 14,000 for adults and very low for grilse. This was the second year in a row that the floor escapement number was not reached. The Trinity River Hatchery return was above average with a low grilse return. The Trinity River, excluding the hatchery, was slightly lower than the previous year. Iron Gate Hatchery had slightly more fish this year but very few grilse. Bogus Creek varies every year depending on hatchery returns. The Shasta River was up slightly from 2004. The Scott River is up from 2004, but the returns are still below the average. The Salmon River is low as well. Part of problem with the Klamath tributary surveys is that there were high flow events that blew out surveys. In summary, this was the 11th lowest return of adults and second lowest of grilse, the Trinity produced more naturally spawning adults than the Klamath, there were high returns to hatcheries, and the floor was not met for naturally spawning adults.

Agendum 9. Reports on 2005 Harvests

Neil Manji reported that the in-river harvest of adults was ~1,600 fish, and this year's quota was 1,262. The number of fish over the quota was directly related to the late fishery opened up above Indian Creek on the Trinity River and above the Interstate 5 Bridge on the Klamath River. There are inherent problems with the quota system, and the size analysis of fish caught has to be readjusted because the fish were so small this year. We prohibited retention of adult fish on

Tuesdays and Wednesdays to give all anglers an opportunity in different parts of the river. The goal was to make it to Labor Day weekend. The Hoopa Valley Tribe helped run creel censuses from the Highway 96 Bridge to Iron Gate Hatchery, allowing for management on a real time basis.

Curt Melcher asked about the in-river fish caught and how CDFG adopted some additional regulations to extend the fishery. Neil Manji responded that CDFG prohibited the take of adult Chinook two days per week starting August 15, and above the Weitchpec Bridge starting in September. The Trinity was broken up into two timeframes as well. This seemed to work out well in terms of meeting quotas, except on the lower Trinity.

The recreational ocean fishery numbers were provided by Alan Grover. This year, 143,249 fish were harvested in the ocean from different recreation areas, which is slightly below the average.

The commercial sector caught 330,100 fish, which is down from last year. There was a high abundance of Sacramento fish, but the estimate of what was potentially returning to the Sacramento system was overestimated.

Keith Wilkinson reported that the Chinook numbers for the Oregon troll is around 200,000 fish. It was surprising that the numbers were that high with two months of closures. The fleet is concerned because the benefits from that were shared by very few vessels. There was very bad weather this year.

Jim Harp reported that Chinook were abundant in the Washington area in 2004 and 2005. Tribes had a quota of 48,000 fish that they didn't quite make. A presentation was given last week in Vancouver on recent trends of ocean climate, and it was categorized as a warm year for the ocean, which could have effected the distribution and survival of the Chinook.

Mike Orcutt summarized that there was dismal opportunity for spring run Chinook in May. As the season progressed, the Hoopa Valley Tribe ended up with 1,875 fish. It was a major ceremony year for the Tribe, and 2,409 fish were taken on the Hoopa Valley reservation. That is over the 20% that normally is the Hoopa share of the tribal take and the overall tribal impact level was still under 8,300 adults. This was a reflection of a need to provide opportunity. The Tribe has put forth a resolution that the Hoopa Tribe's entitlement to fall Chinook should be 50% of the tribal take.

Dave Hillemeier said the Yurok Tribe was targeting 80% of the tribal share last year, as they will this year. The Tribe came in under this number for several reasons; they observed conservation closures two days per week to extend the season, as well as closures every night in the estuary. There were toxic algae in the river, which caused concern about contamination of fish. Now we know that it probably is not a concern, but the Tribe is still not truly confident that it's not. The inter-tribal allocation issue is huge and will have to be dealt with in a different forum.

Agendum 10. California Fish and Game Commission Update

Neil Manji reported that the Fish and Game Commission met on February 3rd to begin the state salmon process for this year's season. Information regarding our regulatory packages was presented. CDFG provided an update of the salmon process at the February meeting and asked the Commission to take action on a range of allocations for in-river to mesh with the PFMC process. There was a vote to provide a range for modeling purposes of 10-20%, which was voted in and will go forward in the PFMC forum if there is harvestable surplus. The stock projections were not available at the February meeting, but the Commission knew that the preliminary

numbers were poor and could eliminate all harvest of Chinook from Point Sur to Cape Falcon. The next Commission meeting is on March 3rd. At that meeting, CDFG will give the update that based on stock projections, the floor still would not be met even if there were no harvest. CDFG will also lay out a timeframe for the Commission to adopt regulations and let them know that options will be better known after the March meeting. CDFG has explained that the Commission does not have the option to decide to go below the floor, but just what percentage of the pie they will take, if there is a pie. The April Commission meeting is in Monterey.

Agendum 11. Public Comment

Marge Salo, Commercial Salmon Vessel, stated that she has issues with last year's ocean conditions and the poor condition of the fish. It seems the fact that the fish spend time growing and maturing out at sea is not taken into account. If they have to go into the warm Klamath River, they are not going to be as strong as they need to be to make it. She is also concerned about jacks; it was stated that there are a disproportionate amount of jacks in the river, but Sarah Borok said there is a size issue. She wonders how many adult fish were caught by people fishing on the river who thought they were catching jacks. That needs to be looked at. Fish have been in poor condition for many years. This may have impacted the returns a lot more than what was realized before. This needs to be kept in mind when assessing what is caught in the river this year. More scale samples need to be taken to get a handle on size.

Ed Duggan, Trinity River Fisheries Group, said he'd like to see the KFMC recommend a harvest similar to last year for the in-river fisheries. The Trinity River fishing group has been looking at this from an economic perspective. Communities up and down the river have been hit hard. River communities have already taken close to a \$1million dollar hit. Restricting the salmon harvest carries over to the economy, although he understands restrictions have to be made to ensure fish will spawn. He is happy that the Hoopa Valley Tribe did the creel count from Weitchpec to Iron Gate, and he would like to see that creel count so there is an accurate account of what is harvested from Cedar Flat to the Trinity River hatchery.

Bob Crouch, Oregon South Coast Fisherman, said we've had five years in a row of low water drought conditions, which correlates with the fact that the fish coming in now have no fat on them. It also relates to those years when hatchery fish and wild fish are competing for resources. When fish are released in low water years with prevalent parasites we are contributing to this problem.

In response to a question regarding shifting the balance of hatchery production from fingerlings to yearlings to get around the disease issue, Neil Manji responded that there are recommendations to look at current hatchery goals and constraints. The latest recommendation dealt with being able to manipulate mitigation goals by using adaptive management to develop new mitigation scenarios.

Jim Welter stated that mitigation goals have been changed in the past and can be changed in the future. Flows are a huge issue in terms of the parasite issue. We do know that Trinity fish are infected just as badly in the low flow years. There are major problems that this group should take care of.

Agendum 12. Moving Forward Post-Klamath Act – how will the KFMC's role be filled?

Jennifer Silveira stated that she would like to get comments on the Accomplishments Report from KFMC members if they have time to look at it. There is a goal of completing the report by the June Task Force meeting. The target audience is general, but this document could be made available for a reauthorization effort.

The group discussed how the role of the KFMC will be filled in the future if the Klamath Act is not reauthorized. Keith Wilkinson noted that BOR sees the CIP as the avenue for filling the role of the Task Force and KFMC. In his opinion, it doesn't seem that the CIP deals with harvest allocation. Dave Bitts said it might be appropriate for this group to come under the wing of the PFMC because our efforts are directed toward them. What this group does is essential to what the PFMC does and cannot be dropped.

There was a suggestion to pass a resolution to continue this effort in a technical manner in an ad hoc way to ensure Klamath issues do end up on the PFMC floor. Mike Orcutt referenced the letter to the Secretary of Interior being drafted by Phil Detrich and Curt Melcher, and said someone needs to explore what existing authorities there are for fisheries management under the CIP and consider if this group can continue to authorize and appropriate funds to fisheries management.

Phil Detrich responded that the agencies can talk about reauthorization, but cannot go to congress and lobby for the extension of the Act. Congress can earmark money to be spent on restoration with or without continuing groups like the Task Force and KMFC. What appears to be sunseting is the authorization of the Task Force and the KFMC. For example, there are 2007 funds that could be appropriated to USFWS for the upper and mid Klamath. USFWS has recommended that dollars be allocated to Klamath issues and DOI has successfully gotten it in the President's budget.

Neil Manji asked if the SAS could be expanded to encompass the role of the KFMC. Curt Melcher said the SAS has no agency representation. This effort is a mix of agencies, constituents and tribes. Dave Bitts said the SAS has no technical team. Jim Harp said the PFMC has several sub-panels that assist and make recommendations; the SAS is just one sub-panel. Neil Manji stated that the STT offers a technical component and could be a possibility for moving forward. If there were no KFMC and no TAT, CDFG would still provide the same data to the STT and the PFMC.

Dave Hillemeier noted that the data collection and processing that leads up to the creation of these technical documents has no funding next year, which is very alarming. The technical component will be missed and the STT will not go through the same kind of process.

Curt Melcher asked if the KFMC can meet in August or September. Keith Wilkinson noted that the Task Force discussed a joint meeting in June in Yreka. Phil Detrich said if the KFMC wants to meet as the Council it would be an extra meeting and staff would have to consider budget. We could also meet as a workshop.

Phil Detrich suggested the KFMC draft a short list of its functions that are important to carry forward. One important function is that this is a multi-stakeholder group that makes recommendations by consensus. The group agreed it was important to have a list of the KFMC functions.

Curt Melcher summarized that there are two issues; should the KFMC do something to help foster the reauthorization of the Act, and what is the contingency plan if the Act is not reauthorized. There is an outstanding assignment for Phil Detrich and Curt Melcher to draft a letter to the Secretary of Interior and PFMC regarding the items that will not occur if the Klamath Act is not reauthorized. It was recommended that this issue be revisited by the KFMC in March.

Agendum 13. Public Comment

Cindy Williams, BOR, said she is Bob Davis' replacement at BOR. The current draft of the CIP is on the BOR webpage now. Please read it and provide comments to Christine Karas, especially on harvest and budget. BOR is not proposing to take over anything. BOR is offering to be the vehicle that provides funding to get work done in the Basin. It is a basin-wide community based process with a federal vehicle. The CIP will be designed to have a variety of different committees. Folks should submit projects to the CIP because the money is there to do this work. In response to a question regarding obligation of funds in 2006-2007, Cindy Williams said she thinks the projects identified in 2006 can carry over to 2007. She assumed projects submitted now can request 2007 funds. There was discussion about who would be responsible for pursuing this option for funding. It would need to be a coordinated approach to identify needs and priorities. BOR does not want to be the body that establishes priorities in the Basin. Cindy Williams said this is ultimately true, but until a governing CIP body is established, it is within Christine Karas' jurisdiction to consider and approve projects.

Richard Heap, Oregon South Coast Fisherman, said he has great concern about folding the KFMC process into the CIP. This is the KFMC and we are here to discuss fisheries issues. He is fearful that if we go into the CIP we'll get wrapped up on all the other issues. In respect to the PFMC, and the information provided by this group, the issue is getting public feedback. This effort localizes efforts to get feedback from the public and brings input back to the PFMC. Strictly working through the PFMC would be cumbersome. This should be included in the list of needs described as a service to the PFMC.

Jimmy Smith, Fisheries Coalition, stated that there is movement in Washington to look at extending reauthorization. Representative Thompson is currently working on the effort. More information should be available over the next few weeks. The Coalition will meet after this meeting on Thursday and they have directed me to come up with a draft asking for reauthorization or an extension. This will be discussed Thursday afternoon and a decision will be made on when this will get mailed out. The first letter will address the needs this group fills. Jim Harp asked if Jimmy Smith will attend the PFMC meeting in March in Seattle because the PFMC and KFMC will need to see this letter in March.

Jim Welter, Oregon South Coast Fisherman, stated that he doesn't see representation from ocean recreational fishery at this table and that needs to be addressed. He mainly comes to these meetings to advise the SAS and his community. It would be hard to do this without this group.

Wednesday, February 22nd

Desma Williams served as the Non-Hoopa Indians Residing in Klamath Conservation Area alternate. George Kautsky served as the Hoopa Valley Tribe alternate.

Agendum 14. Klamath River Basin Fisheries Task Force Update

Keith Wilkinson gave an update on the February Task Force meeting. The Task Force discussed what to do in the event the Act sunsets or in the event the program continues. There was also discussion about restructuring the Task Force if it moves forward. There was discussion of a dinner with the Task Force and the KFMC in June. The group also spent time discussing the Accomplishments Report, which staff is attempting to finish and get as much agreement on as possible.

George Kautsky referenced the funding the BOR representative mentioned at Tuesday's meeting and the list of items that will not occur without funding from the Task Force. The problem is that the biological year and fiscal year don't always match up. He asked how the Task Force handles a monitoring program that spans two years. Phil Detrich replied that 2006 money can be spent in

2007; the USFWS has been fairly flexible with contracting, but an additional issue is that contracts are managed by the USFWS Yreka office part of which is funded through this program. George Kautsky suggested adding a short column to the list of monitoring items describing the timeframe of each project in order to identify those that span two fiscal years.

Agendum 15. Pacific Fishery Management Council Update

Jim Harp referenced his handout, "Pacific Fishery Management Council Update". The PFMC met in November 2005 and discussed the issue of the request to begin looking at amending the Salmon Fishery Management Plan (FMP) to consider de minimis fisheries. The PFMC has considered some scoping to amend the FMP for salmon stocks in general, and Klamath River fall Chinook. This process includes a scoping session to identify pertinent issues, establish a schedule for completion, and identify a sponsor of advisory entities at staff (workgroup) to prepare an initial analysis. The workgroup will present an initial draft amendment package for public review at the second meeting and the PFMC decides on a range of reasonable alternatives. At the third meeting, the PFMC reviews a draft NEPA analysis of the amendment alternatives and adopts the final amendment for implementation by the Secretary of Commerce. Another issue related to the PFMC and KFMC is the review of 2005 ocean fisheries. The STT has completed their review of the 2005 season and the initial forecast for the 2006 season, which should both be in the mail next week.

The group discussed the document the KFMC provided to the PFMC regarding the amendment to the FMP (see agendum 5 handouts). Eric Chavez mentioned the use of emergency rule. The intention of rule is not for actions like this; it is for things that are unseen and unpredicted. George Kautsky asked for clarification on the rule and how the PFMC would handle the KFMC's recommendation for considering a de minimis fishery. Curt Melcher said the process has not started yet. The statement from the KFMC to the PFMC to consider an amendment is all we need at this point in time until the process moves forward.

George Kautsky was concerned about the ruling on the emergency rule because 2005 seemed like an unforeseen event. He would like to explore these items further in March. Curt Melcher stated that this is a legal issue, but NOAA council told the PFMC they would not preclude the emergency rule, although it would be hard to justify in this case and recommended we proceed with this amendment process. Eric Chavez read directly from the guidance from NOAA Counsel, and added that alternative measures to effect a permanent solution, such as an FMP amendment, would have to be considered if there is an emergency rule. Neil Manji asked how this year will work and if the emergency rule makes an FMP amendment foster through faster. Eric Chavez responded that the amendment wouldn't go through this year, but it might help bare weight on the call for the emergency rule. Dave Bitts said it seems we've been fortunate to have an escapement goal in the Klamath in the FMP because there have only been two years where we haven't reached it. This could have been an oversight in the 1989 amendment and this new amendment process could be looked at as a correction to the oversight.

George Kautsky summarized that the KFMC recommendations depend on where the PFMC is going with the FMP amendment. An amendment is not going to be in place in time for the 2006, so a plea to the emergency rule will most likely be made.

Agendum 16. Federal Energy Regulatory Commission (FERC) Update

Phil Detrich reported that there are two different processes going on concurrently with the PacifiCorp Klamath relicensing. USGS is conducting studies above Upper Klamath Lake, where there is 300 miles of habitat that could be available for salmon. Fish that would gain access to this habitat would be subject to seasonal water quality issues in Link River and Upper Klamath

Lake. The license expires in April and will most likely continue on an annual basis. The agencies have varying authorities to prescribe or recommend how the project is operated. USFWS and NOAA have prescribing authority. Other agencies have recommending rights. DOI has been trying to make sure all DOI agencies are speaking with one voice in terms of the prescriptions and recommendations. There has been an extension for the preliminary prescriptions and recommendations and they are now due March 29th. USFWS does not have the authority to prescribe that dams be removed. There is a new rule after the prescriptions are filed where any body can challenge the prescriptions for 90 days after they are submitted. An important side issue is the fact that the existing power rate contracts expires the same time the license does. FERC does not set the power rate; that becomes the jurisdiction of the Public Utilities Commission in Oregon and California. There is uncertainty pertaining to the influences of the power rate on water conservation in the Upper Basin. It could be that more expensive water could result in less use, but this is unclear. There is also a settlement process that is underway. Many parties are involved with the settlement, and it is subject to a confidentiality agreement. They are considering a broad range of ideas outside of the prescription process.

George Kautsky asked about the prescriptions being developed and how their cost impacts the power rate. Phil Detrich said the power rate is a separate issue. PacifiCorp and the PUC have said that there will be a return of the power rate to what other customers pay measured over a period of years. In terms of the prescriptions, cost and benefits of the various alternatives will be considered and weighed by FERC. State and tribal recommendations are exempt from the new appeals process, but those are only recommendations and it's up to FERC to weigh those.

Agendum 17. Public Comment

Aldo Bongio stated that he buys fishing licenses and he knows a lot of people who won't buy licenses anymore because of the CDFG regulations. He asked why people in power don't get rid of sea lions on the rock. Ethics of people have gone downhill. He lives in Shively where he used to kick steelhead out of Bear Creek as a boy. He doesn't have use for environmental people that are stopping companies from improving habitat.

Bob Crouch, Oregon South Coast Fisherman, asked Phil Detrich about the experimental work done by USGS in the Upper Basin. Phil Detrich said USGS put 120,000 juveniles in the mouth of the Williamson River near Upper Klamath Lake. A large percent of those fish survived, but it is unknown if they've began smoltification. USGS hopes to do this study again this spring. This is part of the background information needed to justify reintroduction and potential survival.

Dan Vernals said his understanding is that PacifiCorp will go to an annual license. He asked if the contract for power rates expires or go to an annual license. Phil Detrich responded that this issue being discussed by lawyers and is a large part of the settlement negotiation. The decision is ultimately made by the Public Utilities Commission.

Agendum 18. Performance of KOHM Update

Michael Mohr reviewed fall Chinook data from 2005. He referenced the age composition report (see agendum 6 handouts) and discussed the possibility of a lack of data compilation without the KMFC. This report may help identify the support this group provides in order to get these assessments done. In particular, Table 2 goes through all the entries we have in the age composition report in terms of escapement, method and who completes the study. In summary, there was a shortfall of about 9,000 fish in 2005. This was not due to the various harvests. The rest of the shortfall went into natural areas.

The age composition information is combined with the coded-wire tag information and then the stock projection report/ocean abundance forecast information is compiled (see agendum 6

handouts). Overall, these predictions were pretty good relative to the variation in the data. Age 3 abundance was underestimated by 10%. Age 4 was similar; it was over-predicted last year, which was relative to the historic data. Age 5 is also similar. It is important to understand the variation in the historical data. The spawning floor is being missed because the forecast is so low. It is also important to remember that there is still a low abundance situation relative to the past year based on last year's low return. This report has another forecast that is important, which is those fish that make it through the fisheries and then spawn. It is estimated how many will return to the hatcheries vs. the natural spawning areas. Age 3 last year was forecasted at 53% and it came in at 51%, which is good given variation. Age 5 was forecasted at 72% and it came in at 71%. Age 4 was forecasted 55% return to natural areas and it came in at 41%.

Dave Bitts asked about the percentage of age 2 spawners and how it's outside the database (90%). Michael Mohr said it's high but it has been that high before. He noted that the age abundance forecast for last year and the overall preseason estimate and postseason results are within 95% of the overall total.

Michael Mohr continued that the abundance forecast for last year was fairly accurate. Age 4 was in error. The river fisheries took what we forecasted and there are about 10,000 less fish coming into the river than we thought so this resulted to a shortfall in escapement.

The group reviewed the results for the ocean by geographic location, focusing on the commercial effort in landing fall Chinook. The group reviewed the effort measured in units of vessel days for the Port of Eureka, Fort Bragg, Crescent City, San Francisco, and Monterey. Effort was generally high in California. Dave Bitts said last year's restrictions did not limit effort, which is a problem with the model.

The group reviewed results for the Oregon commercial effort for Astoria, Tillamook, Newport, Coos Bay, and Brookings. Consistently in areas where months were open, effort was fairly high. There are a significant number of fish being contacted in these open fisheries. It seems effort was transferred from California to Oregon because of reports of excellent fishing. Dave Bitts summarized that total effort was in line with the past four years, so things were in line with seasonal effort but not suppressed. Michael Mohr responded that this creates challenges for forecasting effort with restricted fisheries.

Looking at all fall Chinook landings overall for California, it seems effort was high, landings were high and the price for salmon was good. The total statewide landing number was over 300,000 fish. The total landing number for Oregon was 245,000 fish, which is in the ballpark with the past several years.

Michael Mohr reviewed the 2005 Preseason/Postseason Comparison Contact Rates versus effort for the commercial fishery. The purpose of this is to show last year's forecast for contact rates as a function of effort. The red dots represent age 4 results and the blue dots are the age 3 results. The line is the estimate between contact rate and effort. All of this information was put into the KOHM last year. The purpose of this analysis is to give a sense of how well the predictors did in response to the postseason results. This information gives a good idea of distribution of stock, and can give some indication of shift in distribution relative to the average over time. It is fairly easy to be off predictions due to variation in data. The group discussed how size limits affect the amount of contacts and total impact.

Michael Mohr reported that the recreational fishery generally had a small level of effort this year. There are places where there were over predictions and under predictions and as long as these

balance out in the whole, it is ok. This is occurring in the sport fishery and not in the commercial fishery.

The group looked at the commercial effort predictors. The graph looks at effort (days fished) vs. the number of days each month was open. Level of effort varied between Northern Oregon and California depending on the different level of effort predicted and if surrounding areas were open or not. Overall, the recreational fishery predictions are not doing badly.

Michael Mohr stated that effort vs. management is another prediction. Effort vs. contact and effort vs. management all fold into management and what we saw last year in terms of outcome compared to what was forecasted. The commercial age 4 ocean harvest rate comparison between preseason and postseason results for 2005 was 5.9% compared to 24%. Postseason numbers use a different methodology once all the data comes in. Overall, September in Oregon was under predicted and March and May in Coos Bay were severely under predicted, as was July in San Francisco.

George Kautsky asked if September and October numbers are modeled through the KOHM. The other months are preliminary numbers, but we cannot predict the fall credit card fishery. Michael Mohr said September and October could be forecasted, but the age 3 impacts couldn't be forecasted because there is not an age 2 predictor. There are two different methods used and we could use the same methods to determine the fall forecast. This could help folks determine how much debt will be incurred.

Michael Mohr stated that in summary, the preseason harvest of age 4 compared to the September 1 preseason abundance is the ratio that was predicted at 0.08. The postseason, in total, was equal to 2.5 times the preseason forecast and the ocean abundance was 70% of what was projected and those combined give the 0.24. The abundance was overestimated and we are trying to figure out how much of this had to do with harvest rates, but it basically comes down to contact rates. In general, there were high levels of effort and high levels of contact.

Dave Bitts said this information is consistent with last year and is not consistent with the past 10 years. He asked why this is happening. There seems to be a dramatic change in these past two years; can it be attributed to a distribution change, a more efficient fleet or vulnerability of fish. Neil Manji asked what predictors are going to be used this year. Michael Mohr said that is a good question; it is still unclear to him what predictors will be used this year.

Agendum 19. Public Comment

Scott Boley, Oregon Salmon, stated that a body of fish located near Ft. Bragg in 2003 relocated to Cape Blanco in 2004. Fishing was excellent in August and those fish were at the bottom end of the Coos Bay Cell. In the fall, they contributed to 2005. The body of fish had not moved in 2005; the best catch rates were West of Port Orford, which is where the bulk of the fish were taken from. The price of salmon went up and the fleet responded with greater efficiency and management. This didn't keep up with what was happening on the ground, but describes what the data is showing. Better information is needed on what the stock compositions are and what dampens fisheries.

According to Keith Wilkinson, the last time we exceeded contact rates was in the 1990's and there were constraints. It seems we're back in the position where constraints are needed. It would be helpful to have advance information on stock compositions in those areas. Scott Boley suggested imposing constraints on fleets in order to slow the fishery and harvest rates. He also

suggested using incentives to encourage fleets to fish away from the mouth of the Klamath. Dave Hillemeier thinks this should be applied coast-wide, not just in Oregon.

Ed Duggan, Trinity River Fisheries Group, stated that it seems like the sport fisherman have been getting the short end of the stick. It gets harder each year with constraints and restrictions. Now we have a quota for in-river fishing. He stated that he doesn't understand and asked why commercial fisheries aren't given a number like the sport fishing industry is. When the number is attained, the fishery should be shut down. He spoke to the equality of the issue and suggested placing a quota on the commercial industry. This should be seriously considered. Keith Wilkinson said that is exactly what happens in the KMZ; there are hard line quotas on the zone fishery to restrain the Klamath harvest. Outside of the zone, we've convinced managers that seasonal management is the way to go.

Bob Crouch, Oregon South Coast Fisherman, stated that the KFMC keeps trying to manage and set numbers for populations that continue to decline each year. A lot of this has to do with the rivers and what is going on in the system. Unless we fix this, less and less fish will occur every year. It shouldn't be attributed to over fishing; water quality is an issue as well. Jim Welter agreed that over fishing is not the problem.

Aaron Longton, Port Commercial Fishers, feels that you can't blame people for acting on the fish this past season given the body of fish and their value. This is a water management issue. As long as the Klamath is not producing fish at its historical rates, then we'll divvy up a smaller and smaller pot every year. He grew up on the Umpqua River and it's been improved through community organizations, compromises, and negotiations. It seems like the commercial fishing industry contributes enormously to sacrifices and inland entities who are contributing to the conditions are not.

Agendum 20 and 21. Endangered Species Act Issues Update and Endangered Species Act Requirements for 2006

Eric Chavez stated that the most obvious issue regarding ESA is California coastal Chinook. NOAA missed the preseason harvest rate two years in a row, which causes consultation. Model runs were conducted and they were off, so we looked at the model and weighed more recent years more heavily to make it more accurate. This is not an easy fix and NOAA will continue to look at it and see if we can tweak the model to gain comfort.

It is hard to make a determination when fishing for this season is unknown. If there is any fishing, it will be through emergency action. In the language of the biological opinion, it's conceivable that fishing will occur under the emergency rule, but NOAA has to consider what we'll end up doing with the model, and impacts that have already occurred in the fall fishery.

George Kautsky asked about the action for NOAA to consult on. The PFMC takes final action in April and in March they assemble three alternatives. Eric Chavez said NOAA can take the options and make as much progress as possible but NOAA can't consult until there is action, which won't come out until April.

Neil Manji asked about the difference between ESA and the FMP floor and if they are going to hold the same weight in NOAA's mind. Eric Chavez responded that the two are related but they are two separate issues; the emergency rule is under the Magnuson-Stevens Act, but that doesn't mean we can disregard ESA and that is why NOAA has to wait for the alternative. Neil Manji asked if it will be a NOAA workgroup looking at that model or the STT. If the PFMC looks at a fishery below the floor, those impacts will get wrapped into a PFMC panel. Eric Chavez

responded that they are separate issues but they will run concurrently. Jim Harp said he anticipates NOAA will give the PFMC a letter with guidance to ESA listed stocks. This year is more complicated because we are anticipating litigation for the biological opinion with the Puget Sound listed stock. 2006 is going to be very complicated to get through between now and April.

Eric Chavez said the language from the biological opinion last year recognized there is so little data available on coastal Chinook and recommended studies be conducted on genetic stock indexing. There is work to be done on this and he doesn't see it happening this year. Neil Manji asked if troll fisheries will occur in March or April. Curt Melcher said the KFMC will look at those fisheries at the March meeting. They open mid-March. The bigger question is that NOAA will say fisheries can't occur outside of an emergency rule put in place. Eric Chavez clarified that he did not mean to indicate there would not be fishing this year.

Agendum 22. Public Comment

Scott Boley, Oregon Salmon, asked how the genetic stock identification sampling results for California coastal Chinook would be incorporated in management. Eric Chavez replied that it would be part of the feasibility study.

Aaron Longton, Port Commercial Fishers asked if any sampling program had begun. Eric Chavez stated that there is a pretty solid baseline already. Aaron Longton said the question is how it applies to fisheries, especially terminal fisheries.

Agendum 23. Disaster Relief Declaration Update

Eric Chavez reported that there was a request for disaster relief before the season, and NOAA felt it was preliminary to make that determination before the season started. The landings and the price received for those landings were pretty good, so NOAA is determining the overall coastal economic impact of that, which will be an ongoing effort. NOAA will continue to evaluate whatever information becomes available. Dave Bitts asked if NOAA is looking at affects of stationary businesses dependant on the fishing industry. While the ban may not be bad for the fishing industry, others could be impacted. Eric Chavez responded that NOAA has recently hired an economist to look at all of these impacts.

Agendum 24. Follow-up on Past Assignments

a. Letter to FERC regarding Constant Fractional Marking

Neil Manji stated that he didn't write the letter regarding constant fractional marking, but he can draft it and have a draft for the KFMC at the March meeting. There are several letters on record with FERC regarding constant fractional marking from CDFG. His understanding is that constant fractional marking will occur at Iron Gate Hatchery if a license is granted. Phil Detrich thinks a letter on the subject should be included again in the recommendations to the PFMC.

Assignment: Neil Manji will draft a letter to the PFMC regarding the importance of constant fractional marking at Iron Gate Hatchery.

b. Letter to Secretary of Interior regarding KFMC Accomplishments

Curt Melcher and Phil Detrich will draft a letter to the PFMC and the Secretary of the Interior regarding the accomplishments of the KFMC for the March meeting. Phil Detrich suggested combining the letter to the PFMC with the letter to the Secretary of Interior, both of which the KFMC discussed last year. The letters could describe expected difficulties of the PFMC without the KFMC and items the KFMC has accomplished. It could be addressed to the PFMC, copying the Secretary of the Interior. Jim Harp supported this idea, adding that they could explain the entire spectrum of KFMC.

Assignment: Curt Melcher and Phil Detrich will draft a letter to the PFMC, and cc the Secretary of Interior, describing the potential issues expected in absence of the KFMC and items the KFMC has accomplished over the years.

c. Contact with the Shasta Valley Resource Conservation District

Curt Melcher said he sent the letter to the Shasta Valley RCD in June and has not been contacted by them. Phil Detrich has discussed the possibility of meeting with their staff and board members, who are currently very busy. There remains an educational need to meet in terms of harvest management.

Agendum 25. Spring Chinook Management

a. TAT Update

Jerry Barnes, Klamath River Technical Advisory Team, reported that the KFMC has a long-term objective to manage spring Chinook and this is the annual report on the decline of that resource. Jerry Barnes referenced the megatable for spring Chinook (see agendum 25 handouts). Much of the same thing is going on in the Trinity River for the spring and fall Chinook in that the natural run is mainly supported by the hatchery. Constant fractional marking on both fall and spring Chinook this year showed that 80% of the run was first generation hatchery fish. The true natural run in the Salmon and South Fork Trinity Rivers are very low populations. There have been severe declines since 2003. Dave Hillemeier is interested in a table of impacts on spring Chinook. George Kautsky said the Hoopa have been looking at this and have preliminary type information, but he would like to have the team review this primary information.

Agendum 26. Public Comment

Bob Crouch, Oregon South Coast Fisherman, mentioned the letters to the PFMC regarding the sunseting of this body and suggested including the comment that it has taken 20 years to build up the trust the TAT has with the entire Klamath Basin. A new body would have to begin all over to gain that trust.

Richard Heap, Oregon South Coast Fisherman, stated that he doesn't want to leave this meeting without discussing constant fractional marking. He stated that the more that can be done to improve the data set and accuracy of the model, the better. He emphasized the need to work hard to get all fish marked. If PacifiCorp will not fund the marking, CDFG should.

Ed Duggan, Trinity River Fisheries Group, addressed Keith Wilkinson's comment on adding new members to the Task Force. The Trinity Management Council started with 19 members who were very diverse. He truly believed they would be unable to come to a consensus, but now it is more likely they will be able to reach consensus if everyone comes to the table. He reiterated how important an equal quantity of fish to in-river fisheries are on the Klamath and Trinity. There was a major loss this year to the upper Trinity. With the same quota as last year, we would suffer a loss of approximately \$500,000-800,000. We could suffer through this if we can guarantee that we'll have a good run next year. It is economically imperative for our small communities to get our 1,200 fish. He thanked the KFMC for their hard work, stating his appreciation for them listening to the 'river folk'.

George Kautsky reported that the Hoopa Valley Tribe is conducting a study on constant fractional marking. It is patterned after what was done at the Trinity Hatchery. The next phase of the study is to convene a series of work sessions with co-managers to determine appropriate marking rates. The goal is to implement some sort of brood marking by 2007.

Thursday, February 23

Desma Williams served as the Non-Hoopa Indians Residing in Klamath Conservation Area alternate. George Kautsky served as the Hoopa Valley Tribe alternate.

Agendum 27. Approval of minutes

KFMC members provided minor edits to the October 2005 KFMC meeting minutes. Staff will incorporate those changes.

Motion by Keith Wilkinson to approve the April, March and October 2005 minutes as amended.

Seconded by Jim Harp.

Motion passed unanimously.

Agendum 28. Assignments to Technical Advisory Team

Curt Melcher asked the TAT to go through Table 2 of the age composition report and highlight the things that will not be done or done at a lower level without funding from the Task Force. He also asked them to add the principal investigator and contract information, and if the projects span two fiscal years. This information can be included in the letter to the PFMC and Secretary of Interior.

Assignment: The TAT will go through Table 2 in the age composition report and highlight items that will not be completed or completed at a lower level without funding from the Task Force. The TAT will add the principal investigator, contact information, and if the project spans two years.

Neil Manji asked if there is a way for the KFMC to get a head start on the modeling without going into details on the options. Curt Melcher said everyone needs to think what a de minimis fishery means to them and how that would be structured. Keith Wilkinson added that modeling ahead of time will be difficult due to results not being available.

Dave Bitts asked the TAT, for comparison purposes only, to do a model run that shows the kind of season that we can have in the ocean under current rules when the Klamath produces the way it has in the recent past. The model would be calibrated to this year's abundances to show what this season would look like. It would basically compare what is available with what's possible. Curt Melcher suggested taking the 2004 season and applying that to keep it easier and then apply it to this year's calibration. George Kautsky suggested a model of more robust 2006 Klamath projection when reaching full fishing relative to the CBI stock. Dave Bitts would pick a year when coastal fall Chinook were the constraint rather than Klamath stocks so as to manage for 16%, and that occurred in 2004. In summary, the TAT would take the 2006 KOHM, insert the 2004 season structure, and have the results of that model available to compare and contrast to zero fishing or de minimis fishing.

Michael Mohr said the contact rate predictors have not been settled for this year yet, so he is not sure what data should be used. We have standard methods used up until last year, but those aren't going to be the predictors used this year. Even though we projected the 2004 season to meet the age 4 of 16%, he's sure it won't reach it this year. He assumes Dave Bitts is interested in the total catch predictions from Cape Falcon south and those rely on forecasts from KOHM and other prediction models. Those methods, forecasts and databases would have to be used to get an outcome. Also, in addition to forecasting this year's fisheries, we use the KOHM last fall's harvest, so he assumes Dave Bitts wants 2005 harvest coupled with the 2004 March-August season structure. Dave Bitts said yes, but maybe it is unreasonable to ask for this to be done

before certain processes are gone through. Michael Mohr said it would flow easier if the contact rate predictors are settled on and models are primed and ready after the March meeting. The group decided to wait on this assignment.

Neil Manji said going below the floor will have a lot of risk analysis associated with that, which will rely upon the Prager-Mohr paper. In the KFMC resolution, we agreed to Prager-Mohr and the KFMC should get an overview of the paper and how it will influence decisions made this year. Staff will email the paper and post it on the Yreka USFWS website.

Assignment: Staff will email the Prager-Mohr paper to the KFMC members and post it on the website.

Phil Detrich would like the TAT to do a general analysis of the PFMC conservation objectives and other thoughts on the years in which the floor was not met and subsequent number of spawners because the KFMC is going to have to explain this in more basic ways to the public. Neil Manji referenced the 1992 analysis and the over-fishing report and said it might be useful to have some insight into these items. The TAT will conduct a review of the findings of the PFMC on the objective and any other work that's been done on the floor. Staff will post the over-fishing report on the Yreka USFWS website and email it to KFMC members.

Assignment: Staff will email the 1992 over-fishing report to the KFMC members and post it on the website.

Dave Bitts said he has concerns with the change in the model performance over the past two years. He asked if something has changed in the fish or ocean conditions or in the river. He asked the TAT to look at these things and consider the following question more broadly; what changes in the real world conditions could cause the model to malfunction. It is possible that disease conditions in the river might not be accounted for. It is also possible that there were issues with expanding the coded-wire tags. Curt Melcher asked how difficult it would be to look at different harvest rates between the two hatcheries and the two different release strategies. George Kautsky asked Michael if he could parse out release type in the cohort model to see if catch rates are different on fingerlings or yearlings. Dave Bitts asked if survival rates that are substantially different from the norm adversely affect the performance of the KOHM in predicting ocean harvest rates. Michael Mohr said the TAT will contemplate this.

Assignment: The TAT will contemplate if survival rates that are substantially different from the norm adversely affect performance of the KOHM in predicting ocean harvest rates.

George Kautsky said the fall credit card fishery causes concern. Another concern is the spring fisheries occurring at the pleasure of the previous year's management cycle in March and April. Then, there are the summer fisheries. He believes there is no tool to manage the fall fishery or project what the impact could be and he would like to move toward managing these issues. Ed Duggan had mentioned that the ocean is not subject to quotas and the river is. With that in mind, we've talked about our fishery going toward a time and area management system as well. We should evaluate the method of allocation. He would like to see a tabulation of spring, summer and fall fishery impacts in the marine fisheries and what the objective was and what was realized in the management. He wants a report card on allocation from 1993-2005 and wants the sum of tribal and non-tribal harvest numbers and what the objective was. Michael Mohr summarized that George Kautsky wants the preseason and postseason catch of Klamath fish for fall, spring and summer for the tribal and non-tribal catch. The TAT should be able to do this.

Assignment: The TAT will tabulate the preseason and postseason catch of Klamath fish for the spring, summer and fall seasons for the tribal and non-tribal catch from 1993-2005.

Agendum 29. Agenda Items for March 5-10 Meeting in Seattle

The KFMC discussed possible agenda items for the March meeting. Items include:

- Discussion of contingency plan in the event that the Klamath Act is not reauthorized
- Discussion of letter to the PFMC and Secretary of Interior
- Discussion of 1992 over fishing report
- Update on guidance letter from NOAA Fisheries
- Update on coastal Chinook issue
- Update on possible model modification to address ESA issues
- Update on NOAA Fisheries disaster declaration
- Update on Fish and Game Commission process
- Presentation on how the Prager-Mohr paper will influence the decision to fish below the floor
- Discussion of FMP amendment on de minimis fisheries (not on Sunday)
- Explore the feasibility of making recommendations on management tools for fall and spring fisheries

Agendum 30: Public Comment

Jim Welter, Oregon South Coast Fisherman, referenced the in-river fishery that is under examination by the Fish and Game Commission. If there is an increase, it should not come from Oregon. He was a part of the over-fishing report and he tried to show the importance of flows and abundance of fish. He would like to be involved in discussions regarding over-fishing in this situation. He urged the KFMC not to lose site of the parasite problem and its impact on the abundance of fish. The biggest problem is in the river and not out in the ocean, which indicates that this is not an issue of over-fishing.

George Kautsky said he is interested in hearing an updated presentation on the disease situation from Scott Foote. This will be considered for the April meeting.

Aaron Longton, Port Commercial Fishers, thanked the KFMC for the opportunity to have a voice in this forum. As a resident of Port Orford, he is dependent on commercial fisheries. He suggested adopting a policy where there are harvest caps on a weekly basis. This would have positive effects because it would maintain good value in the market, limit the locust effect of boats, and shift effort toward tuna and other fish. It is important to remember that fisheries are available on a limited basis. He asked Curt Melcher to consider amending the existing terminal fisheries and new terminal fisheries in Oregon, and to punch through the GIS studies for an analytical account of what is being harvested. He continued that commercial fisherman have a lot at stake, as they provide healthy food to America. The KFMC should reach out to other successes in other areas like the Umpqua River and find out what has worked for other people. The project economic impact model requested by Dave Bitts should be evaluated by the people at NOAA who are considering the disaster relief issue.

Scott Boley, Oregon Salmon, made comments as a salmon fisherman and processor. He stated that George Kautsky's request for tribal, non-tribal sharing only makes sense in the long-term because it works on a long-term average. By dividing the season, the spring fishery is accounted for but should be done over a long-term dataset. Much more is known now about how the system

functions than was known five years ago or 40 years ago. There is a need to look at mitigation requirements from the time Iron Gate Dam was put into place to see if it still makes sense given what we know now. It would be smart to find the middle ground in terms of production of salmon for different users. He spoke of a need for forums in this next year to discuss what is currently known. Hopefully, with this crisis, we'll be able to sit down and look at the situation.

The meeting was adjourned.

ATTACHMENT 1

***FINAL AGENDA
KLAMATH FISHERY MANAGEMENT COUNCIL MEETING
February 21-23, 2006
Red Lion Inn, Eureka, California
Meeting # 82***

Tuesday February 21, 2006

12:00 pm Convene meeting and introduce members

- 1) Review and approve agenda
- 2) Review materials and correspondence (Staff)
- 3) Charter and Member update (Staff)
- 4) Trinity Management Council update
- 5) Fishery Management Plan (FMP) amendment on de minimis fisheries
- 6) Report on 2006 fall Chinook stock size projections
- 7) Public comment
- 8) Report on 2005 salmon returns to the Klamath River
- 9) Reports on 2005 harvests
- 10) California Fish and Game Commission update
- 11) Public comment
- 12) Moving forward post-Klamath Act – how will the KFMC’s role be filled?
- 13) Public comment

Wednesday, February 22, 2006

- 14) Klamath River Basin Fisheries Task Force update
- 15) Pacific Fishery Management Council Update
- 16) Federal Energy Regulatory Commission update
- 17) Public comment
- 18) Performance of KOHM update
- 19) Public comment
- 20) 21) Endangered Species Act (ESA) requirements for 2006 and Endangered Species Act issues update
- 22) Public comment
- 23) Disaster relief declaration update
- 24) Follow-up on past assignments
 - a) Letter to FERC regarding constant fractional marking
 - b) Letter to Secretary of Interior regarding KFMC accomplishments
 - c) Contact with the Shasta Valley RCD
- 25) Spring Chinook Management
 - a) Technical Advisory Team update
- 26) Public comment

Thursday, February 23, 2006

- 27) Adopt minutes from March, April, and October 2005 meetings
- 28) Assignments to the Technical Advisory Team
- 29) Agenda items for the March 5-10, 2006 meeting in Seattle
- 30) Public comment

12:00 pm Adjourn

ATTACHMENT 2

***MOTIONS AND ASSIGNMENTS
KLAMATH RIVER FISHERY MANAGEMENT COUNCIL MEETING
February 21-23, 2006
Red Lion Inn
Eureka, California***

Motions:

Agendum 1

Motion by Keith Wilkinson to adopt the agenda as amended.
Seconded by Dave Bitts.
Motion passed unanimously.

Agendum 27

Motion by Keith Wilkinson to approve the April, March and October 2005 minutes as amended.
Seconded by Jim Harp.
Motion passed unanimously.

Assignments:

Agendum 14

Staff will revise the list (February 8-9 Task Force agendum 14 handout) of KFMC tasks that will not continue without funding from the Task Force to include principal investigator, contact information and whether or not the project spans two funding years.

Agendum 24a

Neil Manji will draft a letter to the PFMC regarding the importance of constant fractional marking at Iron Gate Hatchery.

Agendum 24b

Curt Melcher and Phil Detrich will draft a letter to the PFMC, and cc the Secretary of Interior, describing the potential issues expected in absence of the KFMC and items the KFMC has accomplished over the years.

Agendum 28

The TAT will go through Table 2 in the age composition report and highlight items that will not be completed or completed at a lower level without funding from the Task Force. The TAT will add the principal investigator, contact information, and if the project spans two years.

Staff will email the Prager-Mohr paper to the KFMC members and post it on the website.

Staff will email the 1992 over fishing report to the KFMC members and post it on the website.

The TAT will contemplate if survival rates that are substantially different from the norm adversely affect performance of the KOHM in predicting ocean harvest rates.

The TAT will tabulate the preseason and postseason catch of Klamath fish for the spring,

summer and fall seasons for the tribal and non-tribal catch from 1993-2005.

Agendum 29

Staff will add the following items to the March KFMC agenda:

- Discussion of contingency plan in the event that the Klamath Act is not reauthorized
- Discussion of letter to the PFMC and Secretary of Interior
- Discussion of 1992 over fishing report
- Update on guidance letter from NOAA Fisheries
- Update on coastal Chinook issue
- Update on possible model modification to address ESA issues
- Update on NOAA Fisheries disaster declaration
- Update on Fish and Game Commission process
- Presentation on how the Prager-Mohr paper will influence the decision to fish below the floor
- Discussion of FMP amendment on de minimis fisheries (not on Sunday)

ATTACHMENT 3

LIST OF HANDOUTS
KLAMATH FISHERY MANAGEMENT COUNCIL MEETING
February 21-23, 2006
Red Lion Inn, Eureka, CA
Meeting #82

- | | |
|------------|---|
| Agendum 3 | United States Department of the Interior Klamath Fishery Management Council Charter |
| Agendum 5 | Pacific Fishery Management Council Meeting, November, 2005, Agenda Item: G.3.d, Supplemental KFMC Report to the Pacific Fishery Management Council regarding the Klamath River Fall Chinook Conservation Goal |
| Agendum 5 | PFMC Decision at the November, 2005, Meeting Regarding the Klamath River Fall Chinook Conservation Objective |
| Agendum 6 | Klamath River Fall Chinook Age-Specific Escapement, River Harvest, and Run Size Estimates, 2005 Run |
| Agendum 6 | Ocean Abundance Projections and Prospective Harvest Levels for Klamath River Fall Chinook, 2006 Season |
| Agendum 8 | Klamath River Basin Fall Chinook Salmon Spawner Escapement, In-river Harvest and Run-size Estimates, 2005 |
| Agendum 12 | Accomplishments of the Klamath River Basin Conservation Area Restoration Program 1986-2006 |
| Agendum 24 | Klamath Fishery Management Council Past Assignments |
| Agendum 24 | Draft Letter to Director Hight regarding constant fractional marking at Iron Gate Hatchery |
| Agendum 25 | Klamath Basin Spring Chinook Run Components |
| Agendum 25 | Klamath River Basin Spring Chinook Salmon Spawner Escapement, River Harvest and Run-size Estimates, 1980-2005 |
| Agendum 27 | Draft Minutes, Klamath Fishery Management Council Meeting, March 6-11, 2005 |
| Agendum 27 | Draft Minutes, Klamath Fishery Management Council Meeting, April 3-8, 2005 |
| Agendum 27 | Draft Minutes, Klamath Fishery Management Council Meeting, October 19-20, 2005 |

Informational Handouts

Letter from Wally Herger dated September 15, 2005, of Correspondence Received from Ed Michelitti Concerning the Effect of Gill Nets as Opposed to Tooth Nets on Salmon in the Klamath River

Letter to Wally Herger dated October 28, 2005, Thank You Letter on Behalf of Constituent, Mr. Ed Micheletti, Regarding the Effect of Gill Nets as Opposed to Tooth Nets on Salmon in the Klamath River

ATTACHMENT 4

LIST OF ATTENDEES
KLAMATH FISHERY MANAGEMENT COUNCIL MEETING
February 21-23, 2006
Red Lion Inn, Eureka, California
Meeting #82

The following individuals attended the Klamath Fishery Management Council meeting in Eureka, California on the dates indicated:

February 21, 2006

<u>Name</u>	<u>Organization</u>
Marge Salo	Commercial Salmon Vessel
E.B. Duggan	Trinity River Fisheries Group
Desma Williams	Yurok Tribe
George Kautsky	Hoopa Valley Tribe
Bob Crouch	Klamath Management Zone Fisheries Coalition
Jim Welter	Salmon Advisory Sub-panel, Oregon Sport Fisher
Richard Heap	Oregon South Coast Fisherman
Glenn Council	Commercial Fisherman
Jim Simondet	NOAA Fisheries
Tom Shaw	U.S. Fish & Wildlife Service
Doug Schleusmer	Trinity River Restoration Program
Jerry Barnes	Klamath River Technical Advisory Team
Cindy Williams	U.S. Bureau of Reclamation
Rich Piaskowski	U.S. Bureau of Reclamation

February 22, 2006

<u>Name</u>	<u>Organization</u>
Richard Heap	Oregon South Coast Fisherman
Bob Crouch	Klamath Management Zone Fisheries Coalition
Jim Welter	Salmon Advisory Sub-panel, Oregon Sport Fisher
E.B. Duggan	Trinity River Adaptive Management Working Group
Jim Waldvogel	Klamath River Technical Advisory Team
Tom Shaw	U.S. Fish & Wildlife Service
Aaron Longton	Port Commercial Fishers
Scott Boley	Oregon Salmon
Desma Williams	Yurok Tribe
George Kautsky	Hoopa Valley Tribe
Tom Shaw	U.S. Fish & Wildlife Service
Jerry Barnes	Klamath River Technical Advisory Team