

**FINAL MINUTES**  
**Klamath Fishery Management Council Meeting**  
**March 8-12, 2004**  
**Sheraton Hotel**  
**Tacoma, Washington**  
**Meeting #75**

**Monday, March 8, 2004**

8:00 a.m. Convene Klamath Council Meeting and Introduce Members

**Representative Seat**

California Department of Fish and Game	Eric Larson
California In-River Sport Fishing Community	Virginia Bostwick
California Ocean Commercial Salmon Industry	Dave Bitts
California Offshore Recreational Fishing Industry	Paul Kirk
Hoopa Valley Tribe	Michael Orcutt
National Marine Fisheries Service	Dan Viele, Chair
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
Pacific Fishery Management Council	Jim Harp
U.S. Department of the Interior	Phil Detrich

**Agendum 1. Review and approve agenda**

Dan Viele reported that the KFMC is scheduled to give their recommendations to the PFMC Tuesday, March 9<sup>th</sup> at 10:00 a.m. The SAS will give their recommendations tomorrow morning as well. Dave Bitts hopes that the Council can look at the size of age information for age 3 Klamath fish because those fish are presumed to be quite scarce in 2004 and we need to understand the impact that will have on the fishery. An update on this issue from the TAT was inserted under agendum item 4.

Paul Kirk noted that the reauthorization subcommittee wouldn't be ready to give a progress update today, but that the subcommittee would establish future meetings and report back to the Council.

**Keith made a motion to adopt the agenda as amended.**

**Eric Larson seconded the motion.**

**The motions passed unanimously.**

**Agendum 2. Develop a range of options for the 2004 management season, for discussion with the Salmon Advisory Sub panel and presentation to the Pacific Fishery Management Council**

Dan Viele passed around the draft recommendations as prepared by staff and asked the Council for any proposed 2004 recommendations. Keith Wilkinson introduced for discussion, as a result of meeting with his constituents, three options for modeling the KMZ recreational fishery:

- Option 1: May 15 – September 12, 7 days/week, 2 fish/day.
- Option 2: May 15 – September 12, 7 days/week, 2 fish/day, including an opportunity for retention of marked coho between Humbug Mountain and the Oregon/California border.
- Option 3: May 15 – September 6, 7 days/week, 2 fish/day.

The Council discussed the recommendations put forth by Keith Wilkinson. Some members voiced concern about the ability to assess the September fishery and credit card debt. Dave Bitts stated that it might be best to first hear from the TAT how many fish have to be saved off of the projected catch numbers given last year's season and how many ocean impacts need to be saved to meet the floor. Keith Wilkinson stated that the Oregon trollers would like to start with a full season, examine where the credit card is, and adjust from there. Dave Bitts responded and said

that different modeling exercises would be needed to show what Klamath impacts would be at that time and location and then it would be harder to get back to the floor. Keith Wilkinson mentioned that Oregon faces Klamath constraints as well as other constraints and those things have to be put into the modeling mix before even beginning to know how to construct the season.

Dan Viele stated that he provided the Council with this year's ESA requirements in Klamath, CA March 1-3 and there is now a letter to describe the full suite of requirements. They are primarily unchanged from last year and focus on the Snake River. There is anticipation for higher impacts on Snake River fall Chinook due to the Canadian and Alaskan fishery and this will impact other fisheries as well. Dave Bitts added that he thinks running FRAM depends on completing the Klamath model first. The need for season structure is unknown, but we do know that we will have a Snake River factor to consider and this might be a good place to start. Keith Wilkinson agreed with Dave Bitts and added that he presented the three options as a starting point.

Eric Larson questioned the process for deciding upon recommendations for the PFMC and pointed out that if this is the process, the Council isn't doing anything useful as far as setting the seasons. He suggested that the process be shortened to include putting forth standard recommendations to the PFMC to model instead of wasting Council time going back and forth. Keith Wilkinson stated that he does not feel that he is being unreasonable with his proposed recommendations. Dave Bitts added that he'd like to see a modeling exercise that meets all of the constraints and shows effects of the constraints on the ocean fisheries. The California troll perspective would like to see credit card debts parceled out to the three fisheries in the proportions of which they were incurred. The simplest way to go about this is to constrain each fishery by the amount of debt from the previous year and then a sequence of constraints can be offered.

Members of the Council stated that the starting point seems to be credit card debt since no other offers were on the table. Charging the debt can provide a new set of numbers, and then modifications of fishing days in certain areas can be made. Curt Melcher stated that in the model, the fall fishery impacts are counted as sharing in the respective areas, so each fishery is paying their own debt. The real issue is defining the appropriate California/Oregon share discounting the zone recreational fishery. Since impacts are already counted, a fair share is there. He recommended that a way to move forward is to adjust the Oregon fishery up, to get to last year's share, then determine where everyone needs to tune back to maintain the balance. If the Snake River fall Chinook variable comes into play, proper adjustments will have to be made.

Eric Larson said he supports this option because it is a step forward in dealing with what we want to see from the Klamath fishery as well as a recommendation to the PFMC. Curt Melcher added that it is this Council's job to make these broad allocation decisions. Other Council members voiced their support for this option.

Curt restated the recommendation to the Council: as a starting point, model a 51:49 split between California and Oregon, which would require additional cuts in California to meet the floor. The model will be tweaked to reach Oregon's last year's pre-season agreed-to allocation and from there the SAS will trim their seasons maintaining their share.

Council members clarified that the 15 and 17% in-river and ocean recreational share are also included here. Eric Larson said the in-river 15% has been established. Curt Melcher added that the credit card debts and closures are incorporated into the model as well.

Motion by Curt Melcher, seconded by Keith Wilkinson, to recommend to the PFMC a 51:49 California/Oregon sharing of Klamath adult impacts for the commercial troll ocean fishery in addition to the 17% zone recreation and at least 15% in-river recreational fisheries, recognizing the tribal 50% overall share.

Dave Bitts voiced concerns about the recreational fishery remaining at full fishing while the troll fishery is constrained. This seems to hold the recreational fishery harmless until a point of severity is reached. Curt Melcher responded that the recreational fishery effort is much lower than it has been in previous decades. If the KMZ recreational fishery proposed something outside of historical bounds, this would be a problem, but that is not the

case. Any available impacts below the 17% allocation automatically go to other non-Indian fisheries, so by default, what is not being used is going into the other sectors. Dave Bitts said he needs to talk with the other troll representatives before voting for this motion. Mike Orcutt and Eric Larson requested some time to discuss the motion on the floor.

Dave Bitts proposed a friendly amendment to do what is directed in the motion with the addition that the KMZ sport fishery design a way to pay their debt out of this year's season, and should the total cuts needed to reach the floor be less than the number of credit card fish, the payment would be in proportion to the ratio of the debt. Dan Viele said he was having trouble understanding the conversation in terms of credit card and debt. The conversation should be in terms of annual impacts from September 1 and those impacts are unknown. He prefers for the conversation to proceed without the use of the word credit card and debt. Curt Melcher would like to reiterate that he believes that the TAT took into account the fall fishery impacts in all aspects of the model and that it is reflected in the summary table.

Dan Viele asked Dave Bitts to restate his friendly amendment. Dave Bitts explained that he is suspecting that the old model did not do what the new model does in terms of credit card debt. In past years, there have been higher impacts in some sectors than others. If it is not productive to talk in terms of debt, I don't know how to account for one fishery being allocated more than it can catch in one season. Dan Viele questioned the effect of this and if in actuality the recreational fishery doesn't reach their 17% allocation. The issue is California/Oregon sharing and the problem with the 51:49 sharing is related to the KMZ recreational fishery which doesn't come into play there. Eric Larson suggested a friendly amendment to withdraw the 17% from the troll fishery motion. The Council discussed removing the 17% from the troll fishery motions and agreed that the intent of the motion is to address California/Oregon sharing of impacts to the commercial fishery.

Dave Bitts said that he respects the intent of the amendment, but the problem is that the amendment is incomplete, in that hypothetically the percentages can be changed. He clarified that the only specific recommendations are the 50% tribal share, the 51:49 California/Oregon share, and the 15% in-river recreational share. Eric Larson said this is correct; the Council still needs to discuss the KMZ recreational fishery. Dave Bitts said he is comfortable moving forward with this.

Dan Viele clarified that the friendly amendment still stands to remove 17% zone recreation. Dave Hillemeier stated that the 50% tribal allocation does not need to be mentioned because that number is a matter of the law. The Council agreed.

The Council continued to discuss the motion, friendly amendment, and if the resource utilization recommendation covers any influencing constraints and uncertainties. Mike Orcutt stated that the actual utility has never been invoked and it is ambiguous on how and when it would kick in. The reality in implementing this is somewhat problematic.

**Motion by Curt Melcher to recommend to the PFMC a 51:49 California/Oregon sharing of Klamath adult impacts for the commercial troll ocean fishery.**

**Paul Kirk called for questions. (Original motion seconded by Keith)**

**One abstention.**

**Motioned carried.**

Keith Wilkinson asked the Council if there were objections to his zone recreation options 1, 2 and 3. The motion failed for lack of a second. The zone recreational fishery recommendation discussion was deferred to the afternoon session.

#### **Agendum 5. Public Comment**

Jim Welter stated that the KMZ fishery has never gotten credit in the Klamath model for the restrictions that have been placed on it over the years. We run a clean fishery to reduce impacts and now there is an entity that wants to take some of our allocation away from us and that is wrong. He suggested Dave Bitts look at the whole picture and

look back at the KMZ recreational fishery track record. We are just looking for opportunities to fish our allocated portion even with the restrictions placed on us. Dave Bitts responded and stated that he hears what Jim is saying; the KMZ recreational fishery has conducted itself in an exemplary manner. We have all taken cuts over the years. I'm not trying to take fish away from your fishery, I'm trying to prevent a reallocation from my fishery to yours. When we have to cut back, you should too. Jim agreed only if the recreational fishery exceeds their allocation, but if another fishery goes over their allocation, we shouldn't have to cut back. He stated that the zone recreational fishery has more restraints from this Council than any other entity.

**Agendum 2 (continued) ESA Effects on Tribal Harvest**

Mike Orcutt said that Dave Hillemeier mentioned that the tribal share is implicit in law, but the ESA effect on tribal harvest question remains. He asked if there are other stocks for tribal use. Dan Viele said in our list of potential recommendations, one of the placeholders is ESA effect on tribal harvest. The Council still needs to discuss this. Mike Orcutt asked if there are other stocks that may affect traditional runs. Dan Viele stated briefly that he doesn't think the coastal Chinook are going to meet the ESA standard this year. The effects of the Snake River are unknown and can be discussed further as more information comes in. In the past, the percent cap on age 4 Klamath Chinook is the constraining factor for the ocean fishery. Mike Orcutt added that if there are ESA factors, the tribal share would be decreased. This is an uncertainty for the tribes.

Dave Bitts added that if because of Snake River fall constraints the ocean share isn't able to be accessed, a similar situation will occur – harvestable fish will go into the river, which has the effect of reducing the allowable tribal catch because it reduces the total allowable harvest. Dan Viele referred to a copy of the March 11, 2003 recommendations and the statement regarding ESA effects on tribal harvest. He asked if the Council would like to make a recommendation with respect to ESA effects on tribal harvest. Mike Orcutt asked what the tribal allocation would be if there aren't Snake River constraints. Curt Melcher responded that is an unknown until there are fishery options to model. He explained the impacts of the Alaskan and Canadian fisheries and explained that they started to fish up to treaty level last year and this year. Jim Harp described some of the possible impacts on stocks due to the rise in the use of the Canadian fishery. There is angst in terms of the potential effects on ocean fisheries.

Dan Viele told Mike Orcutt that it is hard to compare this year to last year because the ESA constraints are expressed differently. George Kautsky, Hoopa Valley Tribe, added that the tribes would like to understand their expected share under no ESA constraints. When ESA constraints are added, numbers can be compared as well as the guidance of the Council to the KOHM. Dan Viele clarified that the tribes are asking that the sectors generate a separate season that ignores the issue at hand, which is the Snake River. Dave Bitts added that all of the sectors should give their numbers as a starting point that can be worked on based on the Snake River.

Mike Orcutt asked whether this tended to be the first step in the PFMC process and if so, isn't guidance needed for the SAS on season structure? Curt Melcher responded that when the SAS or PFMC accepts the 51:49 sharing, they will design a fishery recommendation. We will have that before we know what the Snake River number is. The ocean fishery that meets the floor and the 51:49 share will be the baseline and if adjustments need to be made from the Snake River, that is where it will come from. Mike Orcutt will get what he needs through our normal process here. Dan Viele said he is concerned about making it an assignment for the TAT because it is possible that it will end up as one of several possible numbers in terms of available impacts absent ESA. It is more realistic if it comes out of the SAS.

Mike Orcutt said his concerns will most likely not be a problem, but as a matter of principle he is skeptical that the non-ESA season will be included in the SAS analysis with our management objectives. If it isn't a problem, it is more a matter of principle and indicates how it should be dealt with in the future.

The Council recessed and reconvened for the afternoon session.

Dan Viele reconvened the meeting. He stated that he hopes to make progress on specifications for the sport fishery. Keith Wilkinson presented three previously stated options for modeling the sport fishery. The Council reviewed the three options. There were no further recommendations for the PFMC.

**Motion by Keith Wilkinson to recommend to the PFMC for modeling the KMZ recreation fishery:**

- **Option 1: May 15 – September 12, 7 days/week, 2 fish/day.**
- **Option 2: May 15 – September 12, 7 days/week, 2 fish/day, including an opportunity for retention of marked coho between Humbug Mountain and the California/Oregon border.**
- **Option 3: May 15 – September 6, 7 days/week, 2 fish/day.**

**Seconded by Paul Kirk.**

**Motion passed unanimously.**

**Agendum 2a, Monitoring of Sport Fishery**

Dan Viele referred back to the March 2003 recommendations and said that he would like to review the sport fishery monitoring as an informational item. Eric Larson stated that he cannot promise that monitoring will take place this year; CDFG might have to change the way the fishery is managed because of budget woes. Mike Orcutt stated that this Council has made motions to monitor the fishery in the past, and it needs to be managed. There may be some opportunity during the reauthorization process to handle this better. He asked about the success of monitoring the sport fishery in 2003. Eric Larson replied that CDFG conducted monitoring, but there were some cut backs and some expansion of data to provide some information. Information needed for in-season management was there. This year information will be expanded further. We believe the same in-season management can be obtained.

Paul Kirk asked if the same level of enforcement can be expected. Eric Larson reminded the group that he is referring to in-river management. Port monitoring will be maintained at its current level. Mike Orcutt asked how potential problems are supposed to be dealt with if CDFG won't deal with them. Eric Larson responded that CDFG will continue to keep track of things; methods are being changed to not be as field intensive. Curt Melcher added that it sounds like CDFG will be applying some models much like Oregon does with the ocean fishery. Eric Larson said this is correct; if we need to call an in-river quota during the season, that is possible, it just won't be based on day-by-day counts.

Dan Viele asked about code wired tags and monitoring in the lower and upper basin. Allen Grover, CDFG, said they don't get very many code wired tags in the upper basin. Expanding tags would be a problem because there is a mix of Trinity and Klamath stocks. Eric Larson reiterated that CDFG is not happy with this situation and would ask that this Council not make a recommendation to the PFMC. Phil Detrich asked how much the monitoring cost last year. Eric Larson responded that he would have to check on the exact amount, but money itself is not the issue; CDFG is in a hiring freeze. Phil Detrich said he wonders about potential applications and other funding sources. Perhaps the Council can propose something to the Task Force budget proposal for 2005.

The Council discussed creative solutions to the change in the level of monitoring. CDFG could look to other entities as partners. Dave Bitts asked if it is appropriate for this Council to recommend that the state seek all possible cooperators to pick up the monitoring of the fishery in the upper river area. Keith Wilkinson added that the Council's responsibility is to advise the PFMC and the state and therefore maybe we should recommend that the PFMC write a letter suggesting CDFG investigate alternative funding sources. Eric Larson stated that writing a letter wouldn't hurt, but options should be provided because CDFG already made the assessment of what we are capable of doing. Mike Orcutt added that the Hoopa Tribe has tried to assist in things like this in the past. It would be good to get an idea of how much money we are talking about and the manpower that is needed. Eric Larson said he would need to check on overhead costs.

The Council discussed drafting a letter of recommendation to CDFG expressing concern about the changes in monitoring. They agreed to suspend this discussion until Eric Larson provides more information on the program. Perhaps then the Council can bring a recommendation to the PFMC and CDFG. Phil Detrich stated that he is optimistic that agencies can cooperate together and make this work.

Mike Orcutt added that if the year is changed based on the monitoring recommendation, CDFG is still going to monitor the lower river fishery. The intent of this motion in the past was to determine if there is excess that can be transferred to the tribal fishery. He asked if this is the intent of this previous recommendation or if the resource utilization statement takes care of this. Eric Larson said he would not oppose the recommendation if the words "in

real time” were omitted. He added that the department is facing reductions over a two year period of over 50% without any possibility of rebounding from that quickly. There are areas within the resource management sector that we are going to have to cut back on. Phil Detrich said this suggests the need for an evaluation of an alternate long-term approach to monitoring rather than stocking up this year. Keith Wilkinson stated that this alludes to the fact that this Council could play an important role in managing these kinds of issues in the future.

George Kautsky, Hoopa Valley Tribe, said he would like to clarify that the in season prediction of river recreational harvest from the March 1-3 meetings in Klamath, CA didn't have to do with post-season accounting above Coon Creek. He stated that he thought it was about how a model could be used in 2004 to look at harvestable surplus and the fishery below Coon Creek. He asked if the mechanism is in place this year to make the transfer mentioned in the last bullet under the resource utilization recommendation. Dan Viele stated that last year there was a large excess of escapement. He asked if there was real-time monitoring last year and if the tribes utilized it. Mike Orcutt stated that the tribes want to make sure that the management tool exists whether or not we did or did not utilize it. Allen Grover, CDFG, stated that Sara Borok did use that model that was constructed a few years ago and it predicted that the river recreational fishery would catch up to the quota and there wouldn't be a surplus. The model does not predict escapement. This, compared to the quota, is what is left over in the recreational sector. The model predicted, according to schedule, that the recreational sector would harvest the quota and there would be no excess for tribal harvest. Eric Larson added that if there are constraining factors in the ocean fishery and a surplus is recognized then this is put into place.

Dan Viele stated that his understanding is that it was judged to be not advisable to set the river recreational fishery at an unrealistic rate. There are mechanisms to predict river recreation and the tribes would have the opportunity to take those additional fish. That changed and became a way to determine if the spit fishery would stay in place. Neither tribe exceeded their quota nor was there a large exceedence of escapement. Eric Larson added that last year's large in-river run was reflected upon by the lack of ocean sport effort due to bad weather. Dave Bitts stated that it is his understanding that the large in-river run occurred because age 3 and 4 projections were substantially under what was actually there. Dan Viele said the only issue before us is how to project escapement and if there are additional fish left over from the recreational fishery. This mechanism was put into place a few years ago. Mike Orcutt asked if the tribes were informed about this analysis because it is obvious that neither tribe was bumping up against quotas, therefore, the necessity wasn't there. He added that Dan had said something about exceeding the 50/50 share and that needs to be clarified that those are preseason numbers. There is a bias in that the tribes haven't been on the other side of the 50/50 share. If there is an error factor to move us in that direction, I guess that is a tool that we should utilize.

Eric Larson stated that CDFG is open about monitoring data and the data is provided to the tribes. He added that Sara Borok has worked with the tribes in the past to share information. George Kautsky added that in 2004, the tribes look forward to an informed system of co-management. If this recommendation is advanced to the PFMC, we should all understand our roles here as co-managers. Eric Larson reiterated that CDFG is open to working with the tribes and suggested that a lack of communication not be looked upon as deceitful in any way. Dan Viele added that the concept of providing an estimate is very important.

**Assignment: Eric Larson will research CDFG's availability to monitor the sport fishery below Coon Creek Falls and the overhead costs of real time monitoring.**

### **Agendum 12. Spring Chinook Management**

Dan Viele stated that there was a request from the Yurok Tribe that the Hoopa Tribe share the Trinity River spring Chinook hatchery impact rates in the ocean. George Kautsky reported that he provided that information to the Yurok Tribe. He stated that Dave Hillemeier was concerned about the troll fishery opportunity off of Fort Bragg last season and the potential impacts on spring Chinook.

### **Agendum 5a. Correspondence**

Eric Larson recommended that the Council draft a letter of appreciation to the Yurok Tribe for hosting the KFMC meetings last week. Dan Viele stated that he will make sure this letter is sent.

**Assignment: Staff will draft a letter of appreciation to the Yurok Tribe for hosting the March 1-3 KFMC meetings in Klamath, CA.**

**Agendum 14. Set meeting times for the remainder of the week**

Dan Viele said that he is extremely pleased with the recommendations the Council has put together. The Council agreed to meet the following evening, March 9<sup>th</sup>.

**Tuesday, March 9<sup>th</sup>**

**Agendum 4. Presentation on size of age information on age 3 Klamath River fish**

Dan Viele stated that the age 3 fish abundance was second-to-lowest in history and this has detrimental potential for the 2005 season. Michael Mohr has done some work to show where the age class is distributed. This information can help us determine if the Council should do something to preserve this age class. Michael Mohr presented the information. The Council agreed that this is a critical issue South of Falcon.

Dan Viele stated that Eric Larson brought the issue to the attention of the SAS. He added that the TAT provided some analysis to the SAS as well. Eric Larson stated that modeling is being conducted, and once that is finished he encouraged the troll and recreational fishery to take a stance on reducing impacts on age 3 fish. If there is concern, we need to share measures to address this. Paul Kirk stated that the coalition has discussed this and is prepared to structure the season in a way that will reduce impacts on the fish. We first want to see what the model shows. Eric Larson stated that more information will be available once the age 3 impacts are assessed. Dan Viele asked if the idea is to make modifications. Eric Larson responded that we've talked with the SAS about not codifying size limits in the troll fishery, but once requirements are met, methods to reduce impacts on age 3 fish can be considered. Dave Bitts stated that the Council can do some fine tuning of the options in April. Our goal is to save real fish instead of protecting them on paper.

Mike Orcutt stated some of his concerns about impacts to age 3 fish. He said the age 3 predictor has consistently under-predicted in recent years. If attempts are made to reduce impacts on age 3 fish by size limits, this would increase the shaker impacts on age 3 fish, and by moving to increase age 4 impacts it negates the tribal fishery advantage with the fish for fish counting methodology, because it will reduce the tribal ability to realize their quota.

Dave Bitts stated that shaker mortality has a rate assigned, and when modeled on increases in size the reductions on impacts are substantially smaller than the difference in percentages. I believe that we will save more age 3 fish than the model predicts. He doesn't see how more age 4 fish would be targeted because fewer fish will be retained based on effort. Curt Melcher stated that what Dave Bitts is describing is correct, assuming size limits are changed and seasons are not readjusted accordingly to get back down to the floor. If size limits are raised, some number fish above the floor will get back into the river, but assumptions have to be made that there are no other factors affecting the ocean fishery. Dave Bitts stated that he is assuming that age 4 fish will be targeted. Curt Melcher stated that it will ultimately target the tribal catch and that is a conundrum. Mike Orcutt asked if Curt Melcher is saying that this will be fine-tuned until the floor is reached by saying that age 3 fish will be bypassed and replaced with age 4 fish. Dan Viele stated that constraints will be met and modifications will be made for age 3 fish. If age 3 fish impacts are reduced in the ocean under fish-for-fish sharing, the total available harvest will be reduced. Curt Melcher added that managing for the floor complicates things because there aren't constraints from the 16% and the age 4 fish aren't being managed.

Dave Hillemeier added that it was stated today in the SAS meeting that they need to make sure whatever fish are saved go to the spawning escapement. They want the modeling to occur at the 26" limit and then add in the 27" after the fact. Dan Viele said it seems there would be no estimate then. Curt Melcher clarified that the modeling would occur at 26" and then another size would be implemented. He asked if this is contrary to the resource utilization statement. Eric Larson stated that it may be contrary within the KMZ, but for the other troll fishery outside the zone, it is not. Dan Viele stated that it is contrary to the resource utilization statement because it is ocean-wide. He asked what this does to tribal sharing. Dave Hillemeier stated that the tribes get 50% of the harvestable surplus. Dave Bitts clarified that we are choosing to forego some percentage of our harvestable surplus

in a manner that leaves some of ours untouched with the understanding that it goes to escapement. He added that this surplus will not be on paper. Dan Viele said that only 1/3 of the saved fish will actually go to escapement. Dave Bitts stated that this warrants good monitoring of the in-river run. Eric Larson stated that the SAS is going to run the first run of the model at 26" to see if the floor is met and then we can model it at 27". Minimum size limits have to be part of the options. Dave Hillemeier added that this option is better than what he had originally envisioned. Eric Larson stated that this decision was made for conservation purposes and was a novel concept. Please remember that this is just the first run.

Mike Orcutt asked about the non-ESA issue relating back to this. Dan Viele stated that Michael Mohr informed him that it's fortunate that the KOHM model is run first because then it is unlikely for the other modelers to re-run everything to determine the effects of the ESA constraints. Because it is first, that first run will reflect the non-ESA effects. The next step is to look at the FRAM runs and then start cutting back and re-running the KOHM.

#### **Agendum 9. Review of procedures for nomination and election of new Chair**

Phil Detrich stated that it appears in several places in the regulations that the election of a new chair is by consensus and must be of a Council member. If there is not consensus, the designated federal official assumes the chair. The Council decided to elect officers at the April meeting in Sacramento.

#### **Agendum 10. Report from reauthorization subcommittee**

Dave Hillemeier reported that the reauthorization subcommittee will meet March 10<sup>th</sup> at 10:00 a.m. and will focus on an assessing and defining the future roles of the Council. If, based on the assessment, a need for a future body is determined; the subcommittee will focus on a mechanism to attain reauthorization.

Dan Viele reported that he will report verbally to the PFMC that the Klamath Act will put an end to the KFMC in September 2006, and that the KFMC has formed a subgroup to explore reauthorization possibilities. In the future, the PFMC can expect a letter from the KFMC that outlines our views and requests for the PFMC to take action. Dave Hillemeier asked if there is time to talk about the potential for the Council to recommend federal legislation that some members might not be able to be a part of. Dan Viele stated that he has concerns about sitting in on the reauthorization subcommittee meetings at this point. Phil Detrich added that he has stated that it is most appropriate for him to cooperate as a responding agency. Dan Viele asked the Council if they are requesting feedback from anyone other than the PFMC and the Fish and Game Commission. Phil Detrich stated that he thinks the subcommittee should look into this question of whether the reauthorization is consistent with the long-term plan policy because that gives the Council the entree to comment to these agencies.

**Assignment: Staff will prepare a detailed report of KFMC administrative expenses for use in the reauthorization process.**

#### **Agendum 13. Assignments to the Technical Advisory Team, staff, and members**

Dan Viele reviewed the assignments to the TAT with the Council.

#### **Agendum 15. Discuss agenda items for the April 4-9, 2004 meeting in Sacramento, CA**

The Council reviewed the agenda items for the April meeting in Sacramento.

#### **Agendum 16. Public Comment**

No public comment.

The meeting was adjourned.

***MOTIONS AND ASSIGNMENTS***

***Klamath River Basin Fisheries Management Council  
March 8-12, 2004  
Sheraton Hotel  
Tacoma, Washington  
Meeting #75***

**Motions:**

**Agendum 1**

Motion by Keith Wilkinson to adopt the agenda as amended.  
Seconded by Eric Larson.  
Motion passed unanimously.

**Agendum 2**

Motion by Curt Melcher to recommend to the PFMC a 51:49 California/Oregon sharing of Klamath adult impacts for the commercial troll ocean fishery.  
Paul Kirk called for questions. (Original motion seconded by Keith)  
One abstention.  
Motioned carried.

Motion by Keith Wilkinson to recommend to the PFMC for modeling the KMZ recreation fishery:

- Option 1: May 15 – September 12, 7 days/week, 2 fish/day.
- Option 2: May 15 – September 12, 7 days/week, 2 fish/day, including an opportunity for retention of marked coho between Humbug Mountain and the California/Oregon border.
- Option 3: May 15 – September 6, 7 days/week, 2 fish/day.

Seconded by Paul Kirk.

Motion passed unanimously.

**Assignments:**

**Agendum 2a**

Eric Larson will research CDFG's availability to monitor the sport fishery below Coon Creek Falls and the overhead costs of real time monitoring.

**Agendum 5a**

Staff will draft a letter of appreciation to the Yurok Tribe for hosting the March 1-3 KFMC meetings in Klamath, CA.

**Agendum 10**

Staff will prepare a detailed report of KFMC administrative expenses for use in the reauthorization process.

**FINAL AGENDA**  
***Klamath Fishery Management Council Meeting***  
***March 8-12, 2004***  
***Sheraton Hotel***  
***Tacoma, Washington***  
***Meeting #75***

**Monday, March 8**

8:00 am Convene Klamath Council meeting and introduce members

**Administration**

1. Review and approve agenda

**2004 Management Season**

2. **Action:** Develop a range of options for the 2004 management season, for discussion with the Salmon Advisory Subpanel and presentation to the Pacific Fishery Management Council
- 2a. Monitoring of Sport Fishery
3. Assignments to the Technical Advisory Team (TAT), staff, and members
4. Presentation on size of age 3 Klamath River fish
5. Public comment
- 5a. Correspondence

Recess

**Meeting times to be arranged March 9-12:**

Reconvene

6. Revise and approve agenda
7. Items relevant to progress of PFMC meeting

**2004 MANAGEMENT SEASON (continued)**

2. (continued) **Action:** Develop additional recommendations for presentation to the Pacific Fishery Management Council
8. Public Comment

**GENERAL**

9. Review of procedures for nomination and election of new Chair

10. Report form the reauthorization subcommittee
11. Public comment
12. Report on 2003 ocean impacts on Trinity River Hatchery spring Chinook (Yurok and Hoopa Valley Tribes)
13. Assignments to the Technical Advisory Team, staff, and members
14. Set meeting times for the remainder of the week
15. Discuss agenda items for the April 4-9, 2004, meeting in Sacramento, CA.
16. Public Comment

Adjourn