

**FINAL MINUTES**  
**KLAMATH FISHERY MANAGEMENT COUNCIL MEETING**  
**April 2-6, 2006**  
**Doubletree Hotel, Sacramento, CA**  
**Meeting #84**

**Sunday, April 2**

**3:00 pm Convene Meeting and Introduce Members.**

**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
Hoopa Valley Tribe	Mike Orcutt
National Marine Fisheries Service (NMFS)	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
California Offshore Recreational Fishing Industry	Vacant

**Agendum 1. Review and Approve Agenda**

Curt Melcher, Chair, welcomed everyone to the meeting, and indicated that the California Off-Shore Recreational Fishing seat was vacant.

**Motion by Keith Wilkinson to adopt the agenda.**

**Seconded by Dave Bitts.**

**Motion carried.**

**Agendum 2. Review Handouts**

Jennifer Silveira reviewed the handouts.

**Agendum 3. Update on the Pacific Fishery Management Council's (PFMC) Salmon-fishing Options Public Review Process and Sharing of Other Relevant Information**

**a. Reports on Public meetings**

Curt Melcher asked for reports from members on the PFMC's public hearings on the proposed fishing options. He started by saying that about 150 people attended the meeting in Coos Bay, Oregon, and most expressed dissatisfaction with all the options, but would choose Option 1. Eric Chavez said about 500 attended the Santa Rosa, California, meeting, with similar feelings as expressed in Coos Bay. Some attendees proposed a more generous Option 4. Dave Bitts added that there was a large rally with a theatrical presentation before the meeting. Jim Harp said about 25 attended the Westport, Washington, meeting, and there was a lot of testimony on the Klamath.

**b. NMFS Comments on the Klamath River Fall-Run Chinook Salmon Fisheries Management Plan Escapement Floor**

Eric Chavez reviewed and explained this document sent by the Northwest and Southwest Regional Administrators of NMFS to the chairman of the Pacific Fishery Management Council. He said the authors at the Northwest Fisheries Science Center and the Southwest Fisheries Science Center had an extremely short time period to complete the document. He summarized that NMFS recommends keeping as close to Option 3 as possible, trying to get the most productivity out of the fishery with the lowest possible Klamath impacts.

Members posed and discussed questions they had regarding the document: the distinction between maximum sustained yield (MSY) and the natural spawner floor; the way the report calculates the probability of low recruitment and marine survival; the lack of recognition of changes that have been made to the models to reduce biases; the lack of involvement of Tribal co-managers; and ambiguity on freshwater habitat and disease conditions.

Eric Chavez said he would try to get more information to answer the questions, as he had not had much time to study the report. He reiterated that the authors did an admirable job considering the very short time frame in which this was completed. Dave Bitts expressed frustration that NMFS did not include a “magic number” of Klamath impacts that they would accept in order to allow an emergency rule. Curt Melcher added further discussion of this topic to Monday’s agenda.

**c. Fisheries Disaster Declaration**

Members posed questions to Eric Chavez regarding NMFS’ request for fisheries disaster aid. Eric Chavez said that NMFS has decided not to ask for a disaster declaration for both the 2005 and 2006 seasons, but rather to report on the 2005 fishing season and ask for a disaster declaration just for 2006. They feel that 2005 did not exhibit a full fisheries failure disaster. Curt Melcher said Oregon governor Kulongoski sent a letter requesting a disaster declaration for 2006.

**d. Update on U.S. Fish and Wildlife Activities**

Phil Detrich reported on the progress of the Klamath hydropower re-licensing process. The Departments of Interior and Commerce filed joint prescriptions under Section 18 of the Federal Power Act that would require fish passage over Iron Gate, Copco I & II, J.C. Boyle and Keno dams, opening up about 50 miles of habitat and setting the stage for reintroduction of salmon to the Upper Basin. Eric Chavez added that NMFS had also recommended decommissioning the dams. These recommendations must now survive an appeals process.

**e. Court Decision on the Biological Opinion (BO) for the Klamath Irrigation Project**

Dave Bitts summarized the recent decision in which Judge Armstrong ruled that the Klamath River flows mandated by the Klamath Irrigation Project BO to be started in 2010 should instead be implemented immediately. He asked Eric Chavez what NOAA intended to do now. Eric Chavez said the new flow schedule will be higher and last longer. He expects the Bureau of Reclamation will prepare a new Biological Assessment in summer 2007, and NOAA expects to issue a BO before the irrigation season of 2008.

**Agendum 4. Public Comment**

Jim Welter, Salmon Advisory Subpanel (SAS) member and Oregon sport fisherman, said the Federal agencies have created this problem by ignoring the flow issues and allowing the continued dumping of hatchery fish where there isn’t enough water. Once again the fishermen suffer the consequences.

Don Stevens, SAS Chair and Oregon troller, said the Scientific and Statistical Committee (SSC) will review the NMFS comment document on Monday morning. He asked the KFMC to make written comments and send someone to the SSC meeting.

Duncan McLean, SAS member and California troller, suggested that emergency measures be taken to save what little Klamath Chinook production there is, such as trapping and hauling juvenile salmon past the zones of the river infected with the parasite, or bringing back some small hatchery boxes.

Jerry Reinholdt, SAS member and processor, said that in this comment document NMFS has not quantified what is too much or too little, or what will precipitate disaster relief. Disaster relief is a joke – it won't happen. You cannot force a zero fishing option based on such smoke and mirrors.

Bob Crouch, Klamath Management Zone Coalition, said we are going to face the same problem for the next two years. He suggested the PFMC start an overfishing review right away. Sea lion predation should be addressed. The parasite problem always occurs in low flow years, so we need to flush out the Klamath River to get rid of the parasites, and remove the dams. He shared a letter from Oregon Congressman Walden on the closure of the fishery

#### **Agendum 5. Report from the Technical Advisory Team**

##### **a. List of Monitoring**

George Kautsky said that much of the Klamath fisheries monitoring is funded by the Klamath Task Force, and most of their funds for Fiscal Year 2006 have been spent. This means that the monitoring projects usually funded by the Task Force are not funded for the fall 2006 spawning run. Some monitoring is funded by the Trinity restoration program. Curt Melcher said a list of these unfunded projects is incorporated into a draft letter to be discussed later on the agenda, and he asked the TAT to check that over. Phil Detrich said that the \$860,000 of funding that has annually come to the USFWS for the Klamath Act is in the President's proposed 2007 budget. If that item survives the budget process, that money would be available to fund monitoring, regardless of whether the Klamath Act is reauthorized. Dave Hillemeier pointed out that the mid-Klamath monitoring proposals to the Task Force had not been fully funded in the past. George Kautsky said that additional data will be needed to address stock-specific concerns, as recommended in the Salmon Technical Team's (STT) report on Klamath Chinook stock productivity. Curt Melcher said the most important thing is to ensure that at least the status quo is maintained.

#### **5:00 pm Recess**

#### **Monday, April 3**

#### **8:30 am Reconvene**

#### **Agendum 3b (continued). NMFS Comments on the Klamath River Fall-Run Chinook Salmon Fisheries Management Plan Escapement Floor**

Eric Chavez said that although he was not the best person to answer the members' questions on the NMFS comment document, he would try. Regarding questions on the risk assessment of recruitment failure, and defining some escapement number at which there would be "no risk" of failure: for early life stage survival under poor marine conditions, escapement would have to be substantially higher than 35,000 to have "no risk", and it may not even be possible to eliminate risk in those conditions. In years with very poor ocean conditions, the marine conditions are the driving factor affecting survival, rather than escapement. Dave Bitts pointed out that the stock recruitment data (Figure 10 in the NMFS comment document) shows a number of instances with high recruitment in years of low escapement, and

wondered how that could be reconciled with the results of the risk assessment (Table 4). Eric Chavez said that marine conditions were good in all of those years, as documented in the stock recruitment report.

Curt Melcher pointed out that the document says that “it would be difficult (if not impossible) to construct a quantitative model that would accurately determine ‘escapement levels below the 35,000 floor that would not jeopardize the capacity of KRFC to produce the maximum sustained yield on a continuing basis’”, but the letter accompanying the document comes to the conclusion that “the risk to KRFC associated with the fishing regime proposed in Option II is too great to justify an emergency rule”. Eric Chavez said that the risk assessment is just one of many pieces of information in the document, which taken together support the language in the letter.

Mike Orcutt asked whether the document would be reviewed by the SSC or STT during the week. From the audience, PFMC chairman Don Hanson said the SSC would.

The members further discussed weighing the risks to the fishery and the resource. Dave Bitts said that the document introduces two elements that are not currently used for Klamath fisheries management: marine survival conditions and managing for sub-stocks. This would deviate from the Framework Plan, and therefore would require a Framework Plan Amendment. Curt Melcher said that we are talking about NMFS justifying an emergency rule to deviate from the Framework Plan; by definition we operating outside the plan. From the audience, Peter Dygert, NOAA Fisheries, confirmed what Curt Melcher said, and added that to make an emergency rule, NMFS must show that the action would not threaten the long term maximum sustained yield of the stock. In that context, it is necessary to consider all relevant information.

Dave Hillemeier said that the Yurok Tribe is concerned about the impacts of further fishing on sub-stocks, as noted in Prager and Mohr 1999, especially on a repeated basis. This would concern next year as well as this year.

**Agendum 6. Develop Additional Recommendations for the 2006 Management Season, for Discussion with the Salmon Advisory Subpanel and/or Presentation to the Pacific Fishery Management Council**

Curt Melcher asked whether any members were ready to propose something that could reach consensus.

Neil Manji said he would like to see an analysis of what the adult fall Chinook mortality would be from in-river catch-and-release of fall Chinook, a fall Chinook jack fishery, a limited spring Chinook fishery, and the steelhead fishery. CDFG has estimated, based on last year’s season, that 205 natural spawners would be taken, but that estimate should be reviewed. Mike Orcutt said that spring Chinook will be looked at by different parties as an opportunity, but what will be the effects of that on the at-risk South Fork Trinity River and Salmon River spring Chinook? This raises another set of management issues that the KFMC has not addressed yet. Dave Hillemeier said the Yurok Tribe will be closing their fishery three days/week to protect spring Chinook. He has a lot of biological concern about catching and releasing adult Chinook – mortality of released fish will be high. Neil Manji said that the catch and release would be just what would occur in order to carry out the other fisheries in the river – otherwise there could be no fishing whatsoever in the river. This is not included in Option II. Dave Bitts said he supports modifying the option to include some in-river recreational fishing if there is non-tribal fishing allowed in the ocean. He also had a proposal for the troll fishery for Option II, which he asked Larry Miyamura to present.

**Agendum 7. Public Comment**

Larry Miyamura presented a proposal to establish for the California commercial ocean fishery a platoon fishery, where the fleet would be divided into two groups ( platoons) each of which would be allowed to fish on separate schedules, three consecutive days per week (no fishing on Friday). This would reduce the fishing effort by about 57%. It would be used in conjunction with Option 2. Allen Grover devised this idea, and the STT will be able to model it.

Barbara Emley presented a proposal for Option III, which she said should be called “no impact” rather than “no fishing”. She proposed a Marin County coast fishery (Pt. Reyes to Pedro Pt.) in August-October targeting Sacramento fall Chinook spawners, limited to 20 fathoms and shallower. This is essentially a Sacramento River terminal fishery and will avoid Klamath impacts. Dave Hillemeier said sampling the fishery would be a very good idea. He asked whether there was ever commercial fishing in San Francisco Bay. Barbara Emley responded that the currents were so bad for trolling, that it was rare.

Jerry Reinholdt, SAS member and processor, read an excerpt from NOAA’s letter accompanying the document discussed in Agendum 3b: “ Also, as you many now be aware, NOAA has determined that the best available information did not support a declaration of a commercial fishery failure in 2005. The commercial fishery failure could not be justified, because the commercial fishers’ sales of salmon either met or exceeded the average value of recent years, because the price to fishermen was high and offset the effects of the more restrictive fishing seasons”. NOAA does not have the right to determine how much money a fisherman should make. If 2005 was not a commercial fishery failure, it certainly was a fishery failure. To make light of it because the price was driven up due to low supply is a real disservice to the resource. There is a real danger in assuming the public will continue to accept increases in the price of wild fish. We will drive ourselves out of the market, which will fall to the farmed fish mode, something we are all trying to prevent. I see extreme resistance to the higher prices – the party will soon be over. Eric Chavez responded by saying that when the 2005 season was over, due to both prices and very high effort, the numbers showed that income was low, but still in the average range. However, a lot of people took a hit in 2005, and that will be considered in 2006. Jerry Reinholdt said there will be high prices again in 2006, and he hopes that this argument will not be used again to say there is no disaster.

Jim Welter, SAS member and Oregon sport fisherman, said that the NOAA document discussed in Agendum 3b did not acknowledge a correlation between flow and fish. When you overload the carrying capacity of a river with hatchery fish when the habitat is not there, it collapses. It will happen over and over again. Regarding the KMZ recreational fishery in Option II, let’s look at opening April 15 – July 4, then shut down until August 31, and give us 6 days in September.

**10:15 am Recess****10:40 am Reconvene****Agendum 6 (continued). Develop Additional Recommendations for the 2006 Management Season, for Discussion with the Salmon Advisory Subpanel and/or Presentation to the Pacific Fishery Management Council**

Dave Bitts said he would like to see the KFMC forward the changes to Option II and Option III suggested in public comment, including non-retention mortality to allow an in-river sport fishery for other species.

Curt Melcher summarized the PFMC process:

- The PFMC sent out a range of management options and received public and agency comments.
- Tuesday they will assimilate the comments, tentatively adopt a packet of management measures, and send it to the STT for modeling of the impacts.

- Wednesday the STT will give the modeling results to the PFMC, the PFMC will shape the package further, and give it back to the STT for modeling again.
- Thursday the STT will present the impacts of the revised measures, and on Thursday afternoon the PFMC will either forward the package to Department of Commerce or modify it further.

Neil Manji wondered whether the STT could say where fishing could occur and still achieve an Option III. Dave Bitts said they had already presented that information to the SAS, and it was south of Point Sur and north of Cape Falcon. Curt Melcher said there was no shaping of Option III possible; what we can do here is shape a season in between Options II and III.

The members discussed terminal fisheries in State waters (at the mouths of rivers, targeting the spawning run of that particular river); the State of Oregon intends to have some terminal fisheries. Mike Orcutt asked that there be monitoring to verify that these fisheries actually have no Klamath impacts.

**Dave Bitts made a motion:**

**That the KFMC forward to the PFMC for consideration as part of this year's fishery package, modifications to Option II to allow for in-river recreational impacts and a platoon fishery for California troll, and a modification to Option III to allow a San Francisco terminal fishery, as presented in public comment.**

**Keith Wilkinson seconded for discussion.**

**Neil Manji offered a friendly amendment:**

**That the in-river recreational fishery impacts be no greater than 15% of the non-tribal allocation.**

**Dave Bitts accepted the friendly amendment. Keith Wilkinson did not accept it.**

Keith Wilkinson did not feel it was prudent to direct the California Fish and Game Commission (Commission) in their in-river fishery. Mike Orcutt disagreed; the Commission will not meet before this process is finished. Curt Melcher said that the KFMC can make a recommendation while acknowledging that the Commission is not bound by it. Virginia Bostwick said that the Commission had agreed on a range of 10-20%, so it would make things cleaner and clearer if the KFMC agreed on a percentage. Curt Melcher said he was reluctant to define a percentage given the gravity and unpredictability of the process. Neil Manji pointed out that his amendment does not set 15%; it just says not greater than 15%. Because there is not an in-river seat on the SAS, it is important for the KFMC to provide some input. Keith Wilkinson suggested withdrawing the motion. Mike Orcutt said that the KFMC's March motion called for the historic allocation in Options I and II. George Kautsky pointed out that if these allocation percentages were used, then the 6,136 fish taken in the ocean in the fall 2005 credit card fishery (representing 85% of the ~7200 non-tribal share) would have to be matched by about 1100 non-tribal in-river fish to bring the in-river recreational fishery up to their 15% allocation. Then all that combined would have to be matched by the tribal.

**Dave Bitts withdrew the motion.**

**Dave Bitts made a second motion:**

**That the KFMC forward to the PFMC the modification that was suggested in public comment to Option II ocean fisheries, the platoon fishery where no boat can fish in California for more than three days per week, and the modification that was suggested in public comment to Option III**

**ocean fisheries, that allows fishing in August, September and October in the near-shore area around the San Francisco Bay, which is essentially a terminal fishery.**

**Keith Wilkinson seconded for discussion.**

Keith Wilkinson asked whether the San Francisco terminal fishery wasn't in the purview of the Commission. Dave Bitts said the fishery isn't entirely in State waters, and the Commission might be reluctant to include it if the PFMC hadn't.

**Neil Manji offered a friendly amendment:**

**That for modeling purposes the PFMC consider within Option II an in-river allocation.**

**Dave Bitts did not accept the friendly amendment.**

Dave Bitts said he wished to address this in a separate motion.

**Neil Manji withdrew the friendly amendment.**

Mike Orcutt had questions about the details of the proposed modifications. Curt Melcher suggested the members discuss the motion during a lunch break.

**12:00 pm Recess**

**1:00 pm Reconvene**

Curt Melcher, Dave Hillemeier and Dave Bitts were not present; Jim Harp served as chairman, and Desma Williams sat in for Dave Hillemeier.

**Agendum 8. Election of Officers.**

Phil Detrich suggested postponing the election of officers until we know that the Klamath Act will be reauthorized and the KFMC continue to exist. Jim Harp said that his term on the PFMC will end in August, so his service as KFMC vice chair, which he has done for the past two years, will end then as well. Keith Wilkinson and Neil Manji agreed with Phil Detrich.

**Phil Detrich made a motion:**

**That the KFMC retain its current officers through the remainder of the 2006 Fiscal Year in the event of additional meetings, and that it postpone election of officers until it is reauthorized.**

**Keith Wilkinson seconded.**

**Motion passed unanimously**

**Agendum 9. Potential June KFMC meeting**

Keith Wilkinson asked that the KFMC chair send a letter to the Klamath Task Force chair asking that the KFMC join them at their final meeting June 21-22, making it a joint meeting. Phil Detrich said that a phone call would be sufficient.

**Agendum 6 (continued). Develop Additional Recommendations for the 2006 Management Season, for Discussion with the Salmon Advisory Subpanel and/or Presentation to the Pacific Fishery Management Council**

Dave Bitts joined the meeting.

**Dave Bitts asked to withdraw the motion on the table. Keith Wilkinson concurred.**

**Dave Bitts offered a third motion:**

**That the KFMC forward to the PFMC for analysis a modification to Option II consistent with what was presented in public testimony here at the KFMC today, which would institute a platoon fishery in all areas open in California, such that no vessel would be allowed to fish for more than three days in any week, with the details of the mechanics of the platooning to be determined.**

Dave Bitts said he believes that this would reduce effort and presumably Klamath impacts by 50% or more. We would like to see how much closer this gets us to zero impacts. This is for California fisheries only; we hope Oregon will come up with a comparable proposal.

**Keith Wilkinson seconded for discussion.**

Jim Harp clarified that the proposal includes a Friday closure. Neil Manji asked whether the fishery openings and closures currently in Option II would remain the same. Dave Bitts said yes.

**Motion passed unanimously.**

**Dave Bitts offered a fourth motion:**

**That the KFMC forward to the PFMC, pursuant to the language in the letter to the Chairman from the Regional Directors of the National Marine Fisheries Service, that in the event things go this way under Option III, that consistent with the public testimony offered here today, there be commercial salmon fishing allowed in the area from Pt. Reyes to Pt. San Pedro and out to 20 fathoms in August, September and October. And that there be sport fishing allowed in this same zone if there is no other sport fishing allowed under Option III. The basis for this is our belief that Klamath impacts in this time and area are as close to zero as is humanly possible to obtain.**

**Keith Wilkinson seconded.**

**Motion passed unanimously.**

**Dave Bitts offered a fifth motion:**

**That the KFMC recommend to the PFMC that an in-river sport fishery be re-inserted into Option II, where it is currently absent.**

**Virginia Bostwick seconded.**

Mike Orcutt said he was uncomfortable with the vagueness of this motion, and wondered how far we want to go with adding to the take. By Federal law all these impacts must be matched by a Tribal share. The members discussed the impacts of the various motions, and how they would combine to make a revised option. Keith Wilkinson said he would not vote for this motion, as he felt this was the Commission's business.

**Neil Manji made a friendly amendment:**

**That under Option II, the in-river allocation be reduced proportionally to what would be considered for the ocean fishery, and under Option III, the in-river allocation would be limited to jack and catch-and-release fisheries only, with an understanding that there would be delayed mortality from those fisheries.**

Jim Harp said we need to preface the KFMC report to the PFMC by saying that for 2006, our motions do not reflect the allocation framework that has typically been in place. He called a short recess in which Neil Manji worked with staff to clarify the friendly amendment. Phil Detrich read the revised friendly amendment:

**Part A refers to the first motion passed today in which there will be a reduction of ocean commercial impacts by X percent. Part A would establish a 2006 in-river recreational allocation by reducing the 2005 allocation by that same X percent.**

**Part B refers to the second motion that passed today which would allow a Sacramento River terminal fishery. The Klamath River in-river recreational fishery would require release of all fall Chinook over 22" and allow retention of fall Chinook 22" or less. The objective is to allow incidental impacts on fall Chinook from other in-river recreational fisheries.**

**Dave Bitts accepted the friendly amendment.**

Desma Williams said she didn't see the connection between the terminal fishery and the in-river fishery, and she objected to the catch-and-release fishery. Dave Bitts said there wasn't a connection except that both would be part of Option III. He suggested adding the words "**under Option III. If Option III is adopted...**" to the end of the first sentence of Part B.

Mike Orcutt asked what the additional as-yet-unknown impacts from Oregon fisheries might be. Members speculated upon that. Mike Orcutt asked whether the incidental impacts in Part B would be part of 50/50 sharing? Neil Manji said they have been counted as part of the in-river allocation in the past. Mike Orcutt asked for an all-inclusive statement that any additional impacts would be included in 50/50 sharing. Neil Manji and Jim Harp suggested that it be included in the KFMC report to the PFMC. Jim Harp suggested that George Kautsky help write that report in order to ensure that the issue is correctly addressed. Mike Orcutt said that would cover his concern. Desma Williams repeated that she could not accept Part B. Neil Manji said that it would be extremely difficult to craft regulatory language that would allow angling for species besides fall Chinook on the Klamath and Trinity, yet completely eliminate contact with fall Chinook. It would require closing the river. Jim Harp said that eliminating Part B from the motion would not preclude the Commission from implementing something like it. Virginia Bostwick said that in that case the fish wouldn't be accounted for in this process.

Jim Harp asked to table the motion and recess, because he had to go to the PFMC meeting.

**Motion tabled.**

**4:00 pm Recess**

**5:30 pm Reconvene**

Jim Harp continued to serve as chair. Dave Hillemeier returned to the meeting.

**Agendum 6. (continued) Develop Additional Recommendations for the 2006 Management Season, for Discussion with the Salmon Advisory Subpanel and/or Presentation to the Pacific Fishery Management Council**

Neil Manji reviewed the friendly amendment to the motion, clarifying that in Part A, some adult fall Chinook caught in the in-river recreational fishery would be retained and consumed, whereas in Part B, no adult fall Chinook would be retained. In Part B, the adult fall Chinook mortality would be about 300 fish, of which 205 would have spawned naturally. Dave Hillemeier said his concern is that it is not a safe assumption that catch-and-release mortality will be only 10% in water over 70 degrees. The literature shows it is higher than that, and it is wasting a lot of fish. Also, the jacks should not be written off as contributing to reproduction in a very small return year. Limiting the steelhead fishery to fly fishing, or timing fishing to when the water is below 70 degrees could be an alternative to closing the river.

**Hearing opposition, Dave Bitts regretfully withdrew the motion, with the approval of Virginia Bostwick.**

**Keith Wilkinson made a motion:**

**In our March report to the PFMC, the consideration of an in-river Klamath recreational fishery was regretfully omitted. We are asking that this fishing opportunity be included in any season consideration.**

**Phil Detrich seconded.**

Members discussed whether the PFMC could add an in-river allocation to Option II, which currently gives 0% to in-river. Jim Harp said they could, up to 15%, which is in Option I, but could not go above that, the most liberal option. They could do that regardless of whether this motion passed, if the California delegate to the PFMC promoted it. Curt Melcher joined the meeting.

**Curt Melcher offered a friendly amendment.**

**Strike “In our March report to the PFMC, the consideration of an in-river Klamath recreational fishery was regretfully omitted” and substitute with “In our March report to the PFMC, the KFMC requested consideration of an in-river Klamath recreational fishery under all options that included fishing”.**

**Keith Wilkinson and Phil Detrich accepted the amendment.**

**Motion passed, with Mike Orcutt and Dave Hillemeier abstaining.**

Curt Melcher assumed the chair. He said he would work after the meeting tonight with Phil Detrich and George Kautsky to complete a written statement to the PFMC for presentation tomorrow with the motions.

He expressed thanks on behalf of the KFMC to Darla and her staff for all her hard work to support the KFMC.

**Agendum 10. Approve a letter to the PFMC regarding the accomplishments of the KFMC and fisheries monitoring not funded in 2006**

Curt Melcher asked the members for comments. Mike Orcutt said he had some minor edits that he submitted in writing. He said that there should be top priority given to the disease issue in the Klamath, and flow issues in the Trinity. Keith Wilkinson said he supported the letter. Phil Detrich proposed to make a small language change in on the last page. Neil Manji referred the members to Table 1 of the letter, and said that the top five projects are the ones that contribute to the megatable and age composition report. Phil Detrich suggested a footnote be added to indicate that. Jim Harp suggested bolding the text involving critical monitoring activities.

Curt Melcher asked Phil Detrich to make the edits to the letter, and sign it.

**Agendum 11. Discuss actions during the remainder of KFMC's charter (expires September 30, 2006)**

Keith Wilkinson asked that the KFMC ask John Engbring, the chair of the Klamath Task Force, if the KFMC may join them at their final meeting June 21-22, making it a joint meeting. Phil Detrich said he would arrange that. Mike Orcutt suggested that at that joint meeting or at a separate meeting later in the summer, higher level people in state, Federal and Tribal agencies be invited to advise us on how habitat restoration and fishery management will proceed in the future, similar to the "principal's conference" that was held for the Trinity. Phil Detrich said he would raise that with Steve Thompson and asked other members to do so as well.

**Agendum 12. Arrange times for follow-up meetings during the remainder of the week**

Curt Melcher said that Tuesday would be a very busy day for the PFMC, and there will certainly be over a hundred public comments. He suggested meeting again on Wednesday evening.

In response to a member's question, Jim Harp and Curt Melcher explained how the fishery management and allocation process works north of Cape Falcon. Keith Wilkinson introduced a former KFMC member representing the Hoopa Valley Tribe, Danny Jordan, and asked him to reminisce on how the KFMC functioned as a forum to resolve conflicts. Danny Jordan said the KFMC did provide a valuable forum, and was fortunate that it came with its own restoration funding. However, he never expected to see things fail the way they did in 2002. He thinks we have to deal with reauthorization of the Task Force, because he would hate to see the habitat component go away. He said that he also never thought he would have to fight to keep the Trinity River Restoration Program funding, but that is what is happening this year.

**7:40 pm Recess**

**Wednesday, April 4, 2006**

**6:15 pm Reconvene**

Curt Melcher reconvened the meeting; Virginia Bostwick, Keith Wilkinson, Dave Bitts, and Neil Manji were not present, but there was a quorum.

**Agendum 13. Approve Minutes from the February and March Meetings**

Jim Harp and Eric Chavez earlier provided edits to staff. Some members had not reviewed both sets of the minutes. Approval of the minutes was deferred to the June meeting.

**Agendum 14. Comments on the First Package of Options from the Pacific Fishery Management Council**

Members tried to figure out what was in the package for the in-river recreational fishery. George Kautsky said that it was a sidebar calculation, not in the KOHM output, and was 300 fish mortality. Dave Bitts spoke in support of the platoon fishery concept and said he would ask for additional modeling of that. It would give boats three days/week and access to markets over different weather conditions. Curt Melcher explained the rationale for closing the Coos Bay cell. Mike Orcutt asked why a quota could not be used in Oregon. Curt Melcher said that the KOHM just can't predict for quota management.

**Agendum 15. Public Comment**

Ben Doan, offshore sport fisherman, Klamath Management Zone Fisheries (KMZ) Coalition, asked the KFMC to lobby for holding onto the opportunity to fish that we have seen today as the minimum in the future.

Tim Michano (?), KMZ sport fisherman, addressed the option in its current form. Those six days proposed in September are not feasible. He would prefer to see a longer period of fishing earlier in the season. Those September days won't be counted toward 2006, but they will come back to haunt us in 2007.

Bob Crouch, KMZ Coalition, Oregon representative, said that in 2005 there was a salmon fishing derby going on in the Oregon KMZ in August that brought in people, and that led to the high catch in September. He doesn't think there would be as many impacts as the model shows for the Oregon recreational fisheries early in the season. Curt Melcher said that the California side of the KMZ does have higher catches early in the season, and asked whether the KMZ Coalition still wants the Oregon and California sides of the KMZ to have the same regulations. Bob Crouch said yes, since it has always been done that way.

Curt Melcher summarized the next day's PFMC actions. The PFMC will give direction for further analysis to the STT, and then a final package will come out late Thursday. There will be more opportunity for public comment and KFMC comments on Friday.

Dave Bitts thanked the members for the high degree of civility and professional manner in which they conducted themselves.

Jim Harp said that the letter to the PFMC was delivered.

Curt Melcher asked whether the KFMC members wanted to adjourn. The members decided to recess rather than adjourn, in case they wanted to reconvene later in the week, assuming they had a quorum. (They did not reconvene later).

**7:10 pm Adjourn**

Attachment 1

**FINAL AGENDA**  
**KLAMATH FISHERY MANAGEMENT COUNCIL MEETING**  
**April 2-6, 2006**  
**Doubletree Hotel, Sacramento, CA**  
**Meeting #84**

**Sunday, April 2**

**3:00 pm Convene Meeting**

1. Review and Approve Agenda
2. Review Handouts
3. Update on the Pacific Fishery Management Council's (PFMC) Salmon-fishing Options Public Review Process and Sharing of Other Relevant Information
  - a. Reports on Public meetings
  - b. NMFS Comments on the Klamath River Fall-Run Chinook Salmon Fisheries Management Plan Escapement Floor
  - c. Fisheries Disaster Declaration
  - d. Update on U.S. Fish and Wildlife Activities
  - e. Court Decision on the Biological Opinion (BO) for the Klamath Irrigation Project
4. Public Comment
5. Report from the Technical Advisory Team
  - a. List of Monitoring

**5:00 pm Recess**

**Monday, April 3**

**8:30 am Reconvene**

- 3b. (continued) NMFS Comments on the Klamath River Fall-Run Chinook Salmon Fisheries Management Plan Escapement Floor
6. Develop Additional Recommendations for the 2006 Management Season, for Discussion with the Salmon Advisory Subpanel and/or Presentation to the Pacific Fishery Management Council
7. Public Comment

**10:15 am Recess**

**10:40 am Reconvene**

6. (continued) Develop Additional Recommendations for the 2006 Management Season, for Discussion with the Salmon Advisory Subpanel and/or Presentation to the Pacific Fishery Management Council

**12:00 pm Recess**

**1:00 pm Reconvene**

8. Election of Officers.

9. Potential June KFMC meeting

6. (continued) Develop Additional Recommendations for the 2006 Management Season, for Discussion with the Salmon Advisory Subpanel and/or Presentation to the Pacific Fishery Management Council

**4:00 pm Recess**

**5:30 pm Reconvene**

6. (continued) Develop Additional Recommendations for the 2006 Management Season, for Discussion with the Salmon Advisory Subpanel and/or Presentation to the Pacific Fishery Management Council

10. Approve the letter to the PFMC regarding the accomplishments of the KFMC and fisheries monitoring not funded in 2006

11. Discuss actions during the remainder of KFMC's charter (expires September 30, 2006)

12. Arrange times for follow-up meetings during the remainder of the week

**7:40 pm Recess**

**Wednesday, April 4, 2006**

**6:15 pm Reconvene**

13. Approve Minutes from the February and March Meetings

14. Comments on the First Package of Options from the Pacific Fishery Management Council

15. Public Comment

**7:10 pm Adjourn**

***MOTIONS AND ASSIGNMENTS  
KLAMATH FISHERY MANAGEMENT COUNCIL MEETING  
April 2-6, 2006  
Doubletree Hotel, Sacramento, CA  
Meeting #84***

**Motions:**

**(Motions that passed are shown in bold text.)**

**Agendum 1.**

Keith Wilkinson made a motion:

**To adopt the agenda.**

Seconded by Dave Bitts.  
Motion carried.

**Agendum 6.**

Dave Bitts made a motion:

That the KFMC forward to the PFMC for consideration as part of this year's fishery package, modifications to Option II to allow for in-river recreational impacts and a platoon fishery for California troll, and a modification to Option III to allow a San Francisco terminal fishery, as presented in public comment.

Keith Wilkinson seconded for discussion.  
Neil Manji offered a friendly amendment:

That the in-river recreational fishery impacts be no greater than 15% of the non-tribal allocation.

Dave Bitts accepted the friendly amendment. Keith Wilkinson did not accept it.  
Dave Bitts withdrew the motion.

Dave Bitts made a second motion:

That the KFMC forward to the PFMC the modification that was suggested in public comment to Option II ocean fisheries, the platoon fishery where no boat can fish in California for more than three days per week, and the modification that was suggested in public comment to Option III ocean fisheries, that allows fishing in August, September and October in the near-shore area around the San Francisco Bay, which is essentially a terminal fishery.

Keith Wilkinson seconded for discussion.  
Neil Manji offered a friendly amendment:

That for modeling purposes the PFMC consider within Option II an in-river allocation.

Dave Bitts did not accept the friendly amendment.

Neil Manji withdrew the friendly amendment.

Dave Bitts withdrew the motion. Keith Wilkinson concurred.

Dave Bitts offered a third motion:

**That the KFMC forward to the PFMC for analysis a modification to Option II consistent with what was presented in public testimony here at the KFMC today, which would institute a platoon fishery in all areas open in California, such that no vessel would be allowed to fish for more than three days in any week, with the details of the mechanics of the platooning to be determined.**

Keith Wilkinson seconded for discussion.

Motion passed unanimously.

Dave Bitts offered a fourth motion:

**That the KFMC forward to the PFMC, pursuant to the language in the letter to the Chairman from the Regional Directors of the National Marine Fisheries Service, that in the event things go this way under Option III, that consistent with the public testimony offered here today, there be commercial salmon fishing allowed in the area from Pt. Reyes to Pt. San Pedro and out to 20 fathoms in August, September and October. And that there be sport fishing allowed in this same zone if there is no other sport fishing allowed under Option III. The basis for this is our belief that Klamath impacts in this time and area are as close to zero as is humanly possible to obtain.**

Keith Wilkinson seconded.

Motion passed unanimously.

Dave Bitts offered a fifth motion:

That the KFMC recommend to the PFMC that an in-river sport fishery be re-inserted into Option II, where it is currently absent.

Virginia Bostwick seconded.

Neil Manji made a friendly amendment:

That under Option II, the in-river allocation be reduced proportionally to what would be considered for the ocean fishery, and under Option III, the in-river allocation would be limited to jack and catch-and-release fisheries only, with an understanding that there would be delayed mortality from those fisheries.

Neil Manji revised the friendly amendment:

Part A refers to the first motion passed today in which there will be a reduction of ocean commercial impacts by X percent. Part A would establish a 2006 in-river recreational allocation by reducing the 2005 allocation by that same X percent.

Part B refers to the second motion that passed today which would allow a Sacramento River terminal fishery under Option III. If Option III is adopted, the Klamath River in-river recreational fishery would require release of all fall Chinook over 22" and allow retention of fall Chinook 22" or less. The objective is to allow incidental impacts on fall Chinook from other in-river recreational fisheries.

Dave Bitts accepted the friendly amendment.

Motion tabled.

Motion brought back to the table.

Dave Bitts withdrew the motion, with the approval of Virginia Bostwick.

Keith Wilkinson made a motion:

**In our March report to the PFMC, the consideration of an in-river Klamath recreational fishery was regrettably omitted. We are asking that this fishing opportunity be included in any season consideration.**

Phil Detrich seconded.

Curt Melcher offered a friendly amendment.

**Strike "In our March report to the PFMC, the consideration of an in-river Klamath recreational fishery was regrettably omitted" and substitute with "In our March report to the PFMC, the KFMC requested consideration of an in-river Klamath recreational fishery under all options that included fishing".**

Keith Wilkinson and Phil Detrich accepted the amendment.

Motion passed, with Mike Orcutt and Dave Hillemeier abstaining.

### **Agendum 8.**

Phil Detrich made a motion:

**That the KFMC retain its current officers through the remainder of the 2006 Fiscal Year in the event of additional meetings, and that it postpone election of officers until it is reauthorized.**

Keith Wilkinson seconded.

Motion passed unanimously

### **Assignments:**

Phil Detrich will ask Klamath Task Force chair John Engbring if the KFMC may join them at their June 21-22 meeting, making it a joint meeting.

Phil Detrich will speak to FWS California Nevada Operations Director Steve Thompson about Mike Orcutt's idea of having a meeting of upper level managers from State, Federal and Tribal agencies to advise the KFMC on how habitat restoration and fisheries management will proceed in the future.

***LIST OF HANDOUTS***  
***Klamath Fishery Management Council***  
***April 2-6, 2006***  
***Doubletree Hotel, Sacramento, CA***  
***Meeting #84***

- Agendum 3 Pacific Fishery Management Council Salmon Management Action, March 2006.
- Agendum 3 Comments on the Klamath River Fall-Run Chinook Salmon Fisheries Management Plan Escapement Floor from National Marine Fisheries Service, dated March 31, 2006.
- Agendum 6 Letter from Greg Walden, Congress of the United States House of Representatives regarding Closure of Sport and Commercial Salmon Fishing, dated March 31, 2006.
- Agendum 10 Letter to Don Hansen, Chairman, Pacific Fishery Management Council from the Klamath Fishery Management Council regarding Contribution of the Klamath Act to Fisheries Management.
- Agendum 13 Draft Minutes for the February 21-23, 2006 Klamath Fishery Management Council Meeting.
- Agendum 13 Draft Minutes for the March 5-10, 2006 Klamath Fishery Management Council Meeting.

***LIST OF ATTENDEES***  
***KLAMATH FISHERY MANAGEMENT COUNCIL MEETING***  
***April 2-6, 2006***  
***Doubletree Hotel, Sacramento, CA***  
***Meeting #84***

The following individuals attended the Klamath Fishery Management Council meetings in Sacramento, CA.

<b><u>Name</u></b>	<b><u>Representing</u></b>
Bob Crouch	Klamath Management Zone Fisheries Coalition
Jim Welter	Salmon Advisory Sub-panel, Oregon Sport Fisher
Desma Williams	TAT, Yurok Tribal Fisheries Program
Don Stevens	Salmon Advisory Sub-panel, Oregon Troller
Gerald Reinholdt	Salmon Advisory Sub-panel, Processor
George Kautsky	TAT, Hoopa Valley Tribe
Duncan MacLean	Salmon Advisory Sub-panel, California Troller
Larry Miyamura	California Troller
Barbara Emley	California Troller
Ben Doan	KMZ Coalition
Tim Michano	KMZ Sport Fisherman
Don Hanson	PFMC Chairman
Peter Dygert	NOAA Fisheries