

MEETING OF THE  
KLAMATH FISHERY MANAGEMENT COUNCIL  
ARCATA, CALIFORNIA, JUNE 27-28, 1991.  
MINUTES FOR THE RECORD

Members present: Nat Bingham, Virginia Bostwick, Bob Hayden, Don McIsaac, Charlie Fullerton, Sue Masten, Mel Odemar, Lisle Reed, Frank Warrens, Keith Wilkinson, Mike Orcutt (for Lyle Marshall).

[Fullerton invited Mike Orcutt to sit at the table to represent the Hoopa Valley Tribal Council, as a non-voting member of the KFMC.]

Agenda: Approved. (Attachment #1)

Minutes of last meeting:

- o Minor changes to be made by Sue Masten, she will provide comments to Klamath River Fishery Resource Office (KRFRO) staff.
- o Frank Warrens requests a technical correction. Pages 6 and 7, subject CPUE test fishery, The SSC is supposed to be the "Scientific Statistical Committee."

(Bingham): I've suggested to the Task Force that we purchase sound equipment and a recorder to be used at our meetings. I hope this group will support this idea.

Motion to approve minutes, with recommended changes, carried.

Reports on the Commercial Troll and Ocean Sport Fisheries:

(Odemar): No data is provided below Fort Bragg because it is not complete, and wouldn't mean anything. The landings south of Point Arena are ahead of last year. The number of deliveries is down, but those boats that are fishing are very successful. Nat can give specifics. The sport fishery started very slowly, weather has been poor, but landings are picking up. Limits have been caught regularly. If, by July 10, the KMZ Chinook Sport Harvest is projected to reach 20,000 for the season, additional days of the week may be closed to fishing. Usually, by July 15, about half the sport harvest is caught. If conditions continue, we will reach the cap.

(Bingham): Most of the information I have is anecdotal. There's been a significant drop in effort. Many fishermen didn't fish. In the Fort Bragg fishery, about one quarter of the boats are active, Eureka and Crescent City are somewhat more active. Most areas are not crowded with boats. I've seen few boats when I've fished. The weather has been extremely poor and we've requested an extension of the commercial troll season because of this. When people do manage to get out, the fish are offshore in deep water, but we've had decent catches. Fish distribution is unusual this year. Fishing was good 10-20 miles off Point Arena, until wind picked up. The fishing has been better off Half Moon Bay and Monterey Bay. I was fishing off Farallon Islands yesterday, caught lots of 2 year olds. We were worried that these fish wouldn't be around, but they're there. Catches have been good farther down south, near Morro Bay. There's been steady fishing in Half Moon Bay. There's a fairly large distribution of fish, not schooled up yet, feeding conditions are excellent, water temperatures have been abnormally cold, 45 to 50 degrees through May, recently the temperatures have come up into the 50's, where the fish feed the best. It's still too soon to tell, but it appears that stocks are up. Also, an unusual abundance of coho out there, lots of 6-7 pounders and smaller.

(Wilkinson): The Oregon report: absolutely a financial and social disaster. It remains to be seen whether it will be a biological disaster. Chinook fishery has been slow, coho fishery has been nothing. A few small fish have been caught close in. Considering the price for coho, it appears to be the bottom of the fishery. Weather has been bad, but it's getting better lately. There's been a significant effort reduction. It doesn't look good.

Q: Mel, in 1991 the Crescent City catch is significantly different than the other ports. Is this abnormal?  
(Odemar): Yes.

Q: Was it a result of the lack of effort?  
(Waldvogel): Fishing effort was low, early in the season. The boats are just now getting out. In Crescent City they're catching a lot of cohos. I'm surprised to see all the chinook being caught in Eureka, and this data doesn't include last week's catch.

Q: This catch report is through last Sunday night?  
(Waldvogel): Through 6/23. It reflects the good catches.

(McIsaac): With the 1 chinook/1 coho bag limit, fishing success has been good. Just as a note, the 20,000 Klamath Management Zone (KMZ) fish harvest guideline, it looks as though they'll be harvested. In fact, we are currently on pace to achieve the 37,000 catch of 1990. The decision point to continue fishing is July 10, 1991. The Pacific Fishery Management Council Salmon Technical Advisory Team (STT) is to make a recommendation at the Seattle meeting.

(Odemar): Usually by 7/15 you hit the half way point in the fishery. We used to rely on the sigmoid curve to determine where we were in the harvest.

(Wilkinson): What Mel says is correct. We've had triggers to stop the fishery. In this process, where we're looking at a total reduction in the fishery. I suggest you look historically at how the fishery dies off after July 15, and consider this.

(Odemar): To add to what Nat said, catches are good below San Francisco, which is unusual. There is usually a noticeable drop off past May. It's still good fishing down there for coho, they're now showing up farther north.

(Bingham): Part of this could be a result of weather causing an effort shift to the south. There has been a lack of opportunity in the north. We may start finding fish now that weather has gotten better.

(Warrens): I think Keith raised a valid point about the KMZ sport fishery, relative to how we manage beyond July 15. I would like direction from people in this area to facilitate my recommendation to the PFMC on how we'll manage this KMZ fishery. Realizing that we have 20,000 fish in the KMZ for the ocean sport fishery, it looks like we'll push that number by July 15. I would like a recommendation from this body to take to PFMC.

(Masten): I'd like to caution us not to overestimate the numbers of fish. I think we need to take a close look, not allowing any fishery to exceed limits. I'm concerned about the spring fishery and how it may relate to the fall fishery later on.

(Bostwick): I agree that we must look at the whole picture, not make a closure on a political decision. The trend of the sport fishery catch is downward after July 15.

(Bingham): Something we may all agree on is that it's difficult to give policy advice when we don't have much data. California has bad budget problems, I'd

like to have this group say to the world that we can't do our job without information.

(Waldvogel): The survey I passed out is an effort to get opinions from sport fishermen on the importance of the fishery to them. It was distributed to 5 ports. It is a survey to see if clientele is going to stay there and fish, or not. It is an effort to provide information to the PPMC.

(Hayden): I'd urge that we take a look at it [the sport fishery closure]. We may be able to make a policy statement that doesn't scare all the sport fishermen. Let's be careful, because we have a data gap and an unusual season.

Q: Could you be more specific on the data gap?

(Hayden): We don't know what the contribution rate [of KMZ fish] is. I also hear that people are catching a lot of fish offshore. Does this mean there are too many?

(Odemar): Commercial dealers submit their purchase tickets every other week to CDFG staff. This year, the biostatistical unit has four vacancies right now. They're understaffed to handle this data input. The state legislature almost shut down the entire shop. The lack of data south of Fort Bragg isn't really affecting our ability to manage. They're catching fish is more a factor of weather and ocean conditions. Last year many fish were caught in Oregon, this year in California. We don't manage by port, but by stock. It would be good to have all harvest information but won't completely stop our capability. The sport harvest data is coming in regularly.

(Hayden): The sport data is for total harvest only. Remember in the "good" years, we underharvested Klamath River fish. We don't know the harvest contribution rate of each river system. This year, when we have greater than usual numbers of fish being taken, and irregular catches, we don't know what it all means. Does it mean there's lots of fish or are they bunched up in areas? We don't know.

(Fullerton): Doesn't the contribution rate stay consistent?

(Barnes): I recall that out of 79,000 fish harvested in the KMZ, 4,000 were from the Klamath River. I disagree with Bob Hayden that it's a wild guess. We shoot for the long term average.

(Hayden): The contribution rate ranges from 5% to 50%, this is a big difference in estimates. The sport fishery can be severely impacted with an erroneous estimate.

(Odemar): How can you adjust a fishery on a week to week basis on contribution?

(Hayden): I don't know, but there ought to be a way to do it. I'm convinced that it can be done. We ought to get a group of people together to solve this problem.

(Wilkinson): In the '86, '87, '88 seasons, there were differences in contribution rates from year to year.

(Odemar): Looking at extremes will show a great change. But we manage on the average, which doesn't change drastically. Consistently, the ocean sport fishery has been excessive in the past. We'll never be able to estimate contribution rates on a real-time basis with CWT return data.

(Barnes): We modeled this year at 5% Klamath River contribution for the KMZ ocean sport fishery.

**\*\* Motion \*\***

(Bingham): Responding to Don's question a few minutes ago, I hope that this group will support full funding of data gathering efforts. We need the same kind of information as we have on the Fort Bragg fishery. Data such as CPUE and numbers of fish landed, by port. This kind of information is needed for all of California so we can get a feel for what the KMZ fishery is doing. It doesn't seem to be that difficult to get fish ticket information put into a database. It'll give us a feel for how the fishery can proceed. I make a motion to support this data gathering effort. (Motion seconded.)

(Odemar): We have four vacancies in that office. It's a substantial portion of staffing.

Q: What can this group do to get those positions filled? It's important to us to have this information.

(Odemar): By July 1, all hiring freezes will be lifted, temporarily. This was a self imposed hiring freeze by CDFG.

(Bingham): I suggest our resolution be addressed to the director of CDFG, Pete Bontadelli.

**\*\* Action \*\***

Bingham to draft a letter to the Director, CDFG, requesting adding additional staff to the harvest data management office.

(Fullerton): Nat, I'd ask that you withdraw your motion. I'd like you to draft a letter, rather than a resolution.

(Bingham): I'll accept that change, and prepare a letter. I will have it ready for tomorrow.

(Reed): You're asking for favoritism. You'll have to be very persuasive for him to shift the funds.

(Bingham): If you'll recall, my original motion was directed to the legislature to allow more money.

(Fullerton): You'll not affect the budget this year. We should address the director of CDFG, indicating this work is critical.

(Reed): It would be most helpful if we could make recommendations where the money would come from.

Agenda item: Report from the Klamath River Technical Advisory Team:

(Barnes): I've put the Klamath River contribution rates on the board. This is what PFMC will use. [Attachment #2]

(Hayden): This information should be broken down by port. It would give a broader range.

(Fullerton): But we can't manage by Port.

(Hayden): I'm not saying we should try to manage by Port. But this information should be considered.

(Barnes): [Refers to Table 2, Attachment #2] This is only for the Yurok reservation. There should be another 100 fish shown, representing the Hoopa Tribe's harvest. Trinity fish are usually reported late in July.

(Barnes): It looks like a disaster for the Trinity River spring chinook run. They usually come in earlier. The run at Junction City, last year, was 300 fish. This year the count is 40 fish. The Trinity River Restoration Program is supporting a \$150,000 per year study on the Trinity River Basin. The CDFG has three fish counting weirs on the South Fork Trinity River. So far, on the lowest weir they've only caught 20 fish. So there are only 60 fish counted.

Q: Why?

(Barnes): My first response would be "ocean conditions." But, there were questions about chinook predictions from the KRTAT team, based on hatchery contribution. Ninety-five percent, or more, of spring chinook are from the Trinity River hatchery. It could be a hatchery problem as well as ocean conditions, but considering all catch reports for ocean fisheries, it doesn't appear to be the ocean conditions. This is a disaster as far as our predictions are concerned.

(Robinson): This year's prediction showed that about 5,000 more spring chinook salmon were supposed to come in, compared to last year. The predictor was no good. The fish are disappearing somewhere, most likely in the ocean.

(Bingham): The 1984 preseason estimate indicated a low return as well. Last year, we had El Nino like conditions. This is not the case this year. The spring run may have been impacted last year. The other possibility is that these fish are being intercepted by the high seas drift net fishery.

(Masten): Last time, I questioned the total ocean chinook landing data. Do you have total CWT data returns?

(Barnes): I'll have to look it up. In 1990, on the Trinity River, there were only 250 jacks, which was the lowest count since 1979. There are some indicators of low abundance. On table 2, there is a comparison of catches between spring and fall fish on the lower Trinity River. This is comparable to 1982. What was the condition like then?

(Masten): It was high water that year. We're not catching fish this year.

(Hayden): Harvest figures would be more meaningful if information on fishing effort was also provided. Total catch doesn't really mean much if we have no estimation of effort.

(Masten): Our effort stays the same.

(Odemar): I believe there was little production of yearlings in '86-87 because of the reconstruction of the Trinity River hatchery facilities. So, this would be reflected now in low abundance of adults.

(Barnes): In 1987, the Trinity River hatchery raised all fingerlings and no yearling chinook. Prior to that they raised more yearlings than fingerlings.

(Orcutt): The peak of the harvest on the Hoopa Reservation is in August, high flows affected the fishery. Also, the weir data from CDFG on the South Fork Trinity River may be wrong.

(Barnes): Even so, it is almost an historical low. To provide you an update on CPUE, we shifted that effort to the PFMC Technical Advisory Team. They won't start work until September, to report to the PFMC next spring. They won't have data they can use until we get this August harvest data. It's unlikely that the 1991 CPUE data will help.

(Bingham): I agree. I don't see how it can be done with the data we have. We don't have a fishery in Fort Bragg. There was a suggestion to use southern

catch data, but that data doesn't exist now, either. There appears to be a statistical relationship between the CPUE in the Fort Bragg fishery and KMZ abundance.

(Barnes): One year of data would not make a whole lot of difference in the PFMC TAT's ability to make a population estimate.

(Fullerton): The National Marine Fisheries Service (NMFS) isn't predicting an El Nino yet, but we're close to making this prediction.

(Barnes): To add to the report, the scale analysis project was approved for funding by the Klamath River Task Force, for \$5,500. The other half of the funding is to be provided by the Trinity River Task Force. We have tentative sites set up for sampling.

Agenda item: Update on 1991 harvest management plans.

Report on Commerce/Interior discussions of ocean salmon regulations:

(Reed): The Secretary of Interior sent a letter to the Secretary of Commerce, requesting that the Secretary of Commerce intervene with the Pacific Fishery Management Council's (PFMC) .12 commercial harvest recommendation for Klamath River 4 year old fall chinooks. The Secretary of Interior supported the Indian net harvest request of 12,000 fall chinooks. This request wasn't honored by Commerce. The Secretary of Interior was never able to discuss this with the Secretary of Commerce. Interior didn't get to pursue this issue, but by acquiescence, the decision was made and passed through Commerce. We're dissatisfied with the action of PFMC. They just picked a harvest level between .12 and .20. PFMC should've stated why they chose the harvest rate. This was naive and amateurish.

(Warrens): The PFMC didn't arbitrarily pick a harvest number between .12 and .20. The .16 was slightly below the proportional reduction contained within the language in the 5-year agreement. The PFMC, with a great deal of thought, and considerable amount of agony, drew a line at .16 considering inriver and ocean harvests. It was a tough decision, the cost between .12 and .16 would've caused a loss of approximately 30% of the ocean commercial fishery. I take exception that this action was irresponsible.

(Reed): I appreciate the comment.

Q: Could you lay out the process of NMFS signing the regulation?

(Fullerton): The Secretary of Commerce has a choice whether to sign the agreement or adopt a regulation on his own. We're trying to set up a process between the two Departments (Interior and Commerce) to work this out.

Q: Is there a default in the process where this can be taken care of year to year?

(Odemar): I was going to ask this question also, because we want to know if the fishery would continue.

(Orcutt): I'd like to see this written process.

(Warrens): It needs to be clearly understood by all parties, that weak stock management costs a mixed stock ocean fishery over 100,000 fish to save a few hundred fish of a particular stock. The difference between the .12 and .16 commercial ocean harvest rate would have cost the ocean fishery 10s of thousands of fish foregone to provide 2,000 fish for the inriver harvest.

(Fullerton): The issue is Indian subsistence fishing rights.

Q: Since the Secretary of Commerce has latitude in his decision, is there going to be a written reply from Commerce to Interior?

(Fullerton): I think this was sent. I believe that he indicated that he would go along with the recommendation until further information was provided.

(Reed): The letter was answered by the assistant secretary. There was discussion among aides of the secretaries. They could say they responded with verbal discussions.

(Fullerton): Anything further?

(Bingham): I'm concerned about this discussion. It appears that we're looking toward next year anticipating this same situation. I think we had a lose/lose situation last year. We've got a year's worth of meetings to work this problem out. I'm concerned that we're taking positions for next year.

(Fullerton): We don't know for sure what went on between the two secretaries.

Agenda item: Proposed Klamath River angling regulations for 1991

(Odemar): Each of the KFMC members should have received a copy of changes to the fishing regulations. Basically, the key area changed has to do with management of quotas in the Klamath River Basin. Last year, I acknowledged that the quota management regulations were no longer appropriate. The inriver sport fishery has changed. The plan is to manage the Klamath River sport fishery below Coon Creek. When 50% of the allocation of the quota is made, that area of the Klamath River is closed for the take of adult chinook salmon. The users wanted a trigger to slow down the fishery, 25% of the quota is taken by 8/26. The other change is that the regulations now allow daily take of five salmonids, no more than two adults, now changed to three fish total. A meeting was held between inriver fisheries (Indian net and sport) to establish fishing zones on the lower river to separate Indian and non-Indian fishers. We believe zones are needed. If we find that they are not needed, they'll be withdrawn from the regulation package.

Q: Any reference to the jack fishery in the Trinity River closure?

(Bostwick): The closure is to adults.

Q: What about sorting problems?

(Odemar): We've not considered whether or not there will be a hook and release impact. The only other option is to require everyone to stay off the river, but people are still fishing for steelhead, coho, or jacks.

Q: You indicated tribal regulations would be dropped by August 1, unless necessary. How will this be determined?

(Odemar): The Yuroks will make this determination. They don't agree that we need the regulation and we aren't arguing, but we must leave it in the package in order for us to use it, if necessary.

Q: If, during the season, the run size is larger than expected, would the proposed regulations stay the same?

(Odemar): Yes, they would stay the same. The inriver sport allocation won't change, regardless of run size. The quota is 2600 fish.

Q: Is the estuary sport fishery open 24 hours per day?

(Odemar): It's never been. It's a daylight fishery. It's the same as always.

(Orcutt): The restrictions to the Indian net fishery should be same as the inriver sport fishery.

(Odemar): The reason we changed the management zone out of the estuary is that they catch a small portion (13%) of the total inriver harvest. We've moved to Coon Creek for better management capability. The management zone was at the U.S. Highway 101 bridge. That sport fishery has changed significantly. Last year they caught less than 300 fish down there.

Agenda item: Update on BIA and Hoopa subsistence regulations for spring and fall chinook harvest

(Overberg): There really hasn't been a spring chinook net fishery. We didn't adopt the special regulations because we didn't have a good predictor. We're using 25CFR regulations for the subsistence fishery. There will be no commercial net fishery, because less than half of the subsistence fishery is being met. Regulations and requirements for the Indian net fishery is covered in 25CFR. We had a meeting with the inriver sport fishermen, and tried to come up with alternatives to reduce anticipated conflicts on the lower Klamath River. We discussed about twelve different options. We came up with the option of splitting the estuary into three zones. We'd alternate zones and days, allowing full time on river, limiting area only. This still has potential for implementation this year and for years in the future. I suggested to CDFG, that if we get a good fish run and start having problems, I have the authority to make adjustments in the inriver net fishery. It doesn't look like we're having much of a problem on the spring chinook fishery. Fishing effort is light. In the fall fishery there are many more nets. The difference from this year and past years is that we will not require Indian net fishermen to fish only at night. The reason for this is that there is no commercial net fishery. If there are problems down there, I'll get with our people to work something out. Again, we're using 25CFR regulations that have been in place for last 4 years.

Q: Do the regulations identify a minimum harvest number?

(Overberg): Yes. 12,000 fish.

Q: If the run size is larger than forecasted, will you change the regulations to allow increased harvest?

(Overberg): No. If we're able to take 12,000 fish, this is the figure that has been agreed to in the agreement. We'll shut it off if we get this number, because we can't estimate the total escapement right now. There's no way of predicting whether the run will be large or small.

Q: Would a 12,000 target catch and 2,600 inriver sport harvest still allow for 35,000 spawning escapement?

(Fullerton): With the current predictions, no.

(Bostwick): I'm concerned that this wait and see attitude will fuel more animosity down there between the two groups. Sue mentioned that she was concerned about over fishing, and would protect the resource. Yet, they intend to take their 12,000 fish.

Q: Does 25CFR include drift net fishing below the Highway 101 bridge?

(Overberg): No.

(Warrens): I'd like to express my concerns about the last point brought up by Don McIsaac. The normal regulatory process is that we do not pre-announce the intent of any group to fish beyond their allocation. The allocation for the inriver fishery was slightly over 10,000 fish, as a result of the change from the .12 to .16 ocean commercial fishery. I hear there is an intent to fish beyond this level. I'm not prepared to comment, other than to state that we're in a process now of going beyond our appropriated harvest levels. I think problems will occur.

(Odemar): The number of fish allocated for inriver harvest was 13,000. BIA announced they would harvest 12,000. CDFG made it clear from the beginning, that we would assume the previously agreed to 80/20 split of inriver fish. BIA says they'll harvest 12,000 fish. Whether we have a conflict here or not will be known after all harvest is done. We were all aware of what BIA was going to do. The levels called for are not surprising.

(Reed): The set aside of 12,000 for subsistence is not arbitrary either. If there's a reduction of the escapement below the recommended levels, it is the action of PFMC that is causing it to take place.

(Fullerton): You stated, Mr. Reed, that you wouldn't fish below the floor. This is not binding, but this should be worked out before next year. I don't think you'll harvest 12,000 fish.

(Reed): The PFMC must recognize what the floor is, and allocate accordingly.

(McIsaac): I'd like to echo what the chairman stated. We have a failure to do what all agreed to do...protect the 35,000 escapement. This is a failure. We'll have a serious problem if we get another 12,000 natural escapement like last year. The process has failed here because all those here have failed. The state of Oregon is disappointed.

(Warrens): I was trying to say that we had an established process for fish allocation. Now, for the first time this year, the process has been preempted by another management entity. If this is going to be the case in the future, we should all be put on notice that this will occur. It appears that the PFMC process of allocation is taking second place here. The PFMC's authority goes inland if another agencies rule making is in conflict with the PFMC's allocation.

(Fullerton): Subsistence level must be identified for next year's process.

#### Hoopa subsistence fishery report:

(Orcutt): From our tribes' perspective, the Hoopa fishery is determined by the Hoopa tribe. It looks like 2,400 fish is the target, under the agreement of 20% subsistence.

(Fullerton): The KFMC doesn't set your harvest levels, but you do report to us. This was spelled out in the congressional actions.

(Orcutt): We met with CDFG and got concurrence on this harvest level.

(Fullerton): Karole, Mel, and Mike have all spelled out where their fisheries are going. Do we have public comment?

#### Agenda item: Public comment

Doug McCollough: (Commercial fisherman, Trinidad.)

Where is the equity in fishing opportunity reduction? All other user groups living within the KMZ are allowed to fish. There is no equality in the allocation. Is there a consensus opinion that a commercial ocean fishery has the right to exist in the KMZ? The commercial fishery hasn't caused the decline of the fishery. I'd ask the KFMC to work towards mitigating the commercial fishermen for what they've lost. My only option is to fish away from this area. Everyone else fishes here.

Richard McCovey: (Yurok tribal member.)

Nat Bingham is still promoting the CPUE population estimate methodology. He should explain how this is high technology. It seems like astrology. Also, regarding restoration, I haven't seen effort to clean up the streams. The Yuroks used to be employed by harvesting ducks and clams also, but now they're not there.

(Bingham): To respond to the comment to me...it's not high technology. It's a statistical comparison of harvest in the CPUE in the Fort Bragg commercial fishery. This would give us another way to make population predictions. I'm committed to the concept that all fisheries be adjusted when stocks are low or abundant. The commercial fishermen don't want the resource depleted any more than the inriver users. The commercial fishermen are involved in stream restoration and fish production activities. The Salmon Stamp committee spends money in the Klamath River Basin every year.

Paula Yoon: (Del Norte fishermen's Marketing Association)  
(See attachment #3)

Mudgie McCovey:  
I haven't seen anything done on the river by the commercial fishermen.

Pat Higgins: (Fisheries consultant.)  
It's acknowledged in this comment on the KFMC plan, the Humboldt AFS doesn't object to the Indian's right to fish. But, timing of fishing effort could impact specific stocks, e.g. Shasta River stocks. There are habitat restoration efforts being made in the Shasta River system. It's imprudent to harvest more than 4 days per week to harvest stocks that are in trouble. Protecting stocks is the long term restoration goal. Even if spawning efficiency is low in poor habitat, these genetic stocks are necessary for restoration and should be protected.

(Masten): When harvest is reduced, there must be an effort to improve the habitat and water quality to protect those fish that escape. Our traditional fishery impacted most stocks similarly.

Q: Paula, does the commercial industry support your request to reduce the local whiting fishery to zero effort if the commercial salmon fishery in the KMZ is closed?

(Yoon): I'm talking about the whiting fishery that travels up and down the coast, not necessarily the local fishermen.

(Orcutt): Based on Pat's comments, I think it would be appropriate to get USFWS - Arcata's interpretation of contributions of stocks. All fisheries also should be addressed and managed. You can't manage one fishery and allow others to continue.

(Warrens): A comment on the whiting fishery and salmon bi-catch. The bi-catch throughout the range is .05 salmon per metric ton of whiting. That equates to about 5,000 salmon caught as bi-catch, for the entire whiting fishery.

(Fullerton): I've heard a lot about closing the KMZ to commercial fishing. The commercial industry decided to fish surrounding zones to access Sacramento River stocks.

Q: Are spring salmon being caught in the whiting fishery?

(Warrens): That includes all stocks of salmon, from various river systems. The contribution of Klamath River fish is relative to the abundance of Klamath River stocks for each year. The number of Klamath River fish would be very small, and they're usually small fish.

Q: Is anyone checking the hake fishery off the Klamath River fishery?

(Warrens): Yes. 100% of boats are monitored.

(Fullerton): Recommendations?

Q: Is the 6 day per week inriver fishery designed to protect the Shasta River stocks and/or other stocks?

(Masten): Our traditional impacts were spread out over a long period of time. The same impacts would be on all stocks.

Q: Would there be 6 day per week effort?

(Masten): Yes. By spreading the harvest out over time, rather than in just 2 weeks (as in the past commercial inriver season), we impact all stocks equally.

Q: When speaking of traditional, what years are you referring to?

(Masten): From all past seasons, since we've been back on the water. We did have a 2 day closure in the past, this was a way to reduce impacts on specific stocks.

Q: I believe the 6 day fishery only kicked in August/Sept. It's not year-'round is it?

(Overberg): We run the river year-'round, when fish are there.

(Masten): If we're catching at an excessive rate, then the fishery can be reduced to protect stocks. I'm expecting the catch to be so low this year, that there won't be a problem with reaching the allotment.

(Hayden): Didn't this council express our concern about the whiting fishery? (Yes.) It sounds, from this discussion earlier, that it isn't a problem. Is it or isn't it?

(Fullerton): If we want to bring this up, let's do it later.

**\*\* Action \*\***

Put discussion of whiting fishery on agenda, for later time.

(Hayden): At the time of this discussion, we should discuss our reviewing of the whiting harvest plans.

(Fullerton): This council is not privileged to do this under the law. If this council decides to review the harvest plans, we can request them.

Q: Is this the time to discuss ruling on the commercial industry's weather adjustment request?

(Fullerton): What do you want to do?

(Orcutt): If the recommendation comes to this council, are we to discuss this?

(Fullerton): No. Would you like to bring this up under new business?

(Orcutt): Ok.

(Masten): My understanding is that we make recommendation on management plans to regulatory agencies.

(Fullerton): We recommend to the PFMC, but not under this item being discussed here, which is a review of the management plans.

(Reed): This is something we should concern ourselves about, but should include in tomorrow's agenda of "other business"

(Fullerton): I want to announce that Mike Orcutt is officially representing the Hoopa Valley Tribal Council (HVTC) on the KFMC. Mr. Marshall has provided a letter requesting this recognition.

Q: What are the protocols for substitutions on the KFMC?

(Fullerton): The tribes are allowed to designate alternatives.

Agenda item: Report of the subcommittee to review comments on the draft long term harvest plan

(Barnes): Keith and I met with Tricia Whitehouse to review comments on the long term harvest plan. We took the comments, summarized and prioritized them to form this document (Attachment #4). This group has the option to go through the total package of comments, or go through this summary. There was another package that contains recommended editorial changes for policies in the plan.

(Wilkinson): We removed the comments that we felt would require legislative action, and provided you the rest.

Q: Who was on the committee?

(Barnes): Lyle Marshall, Nat Bingham, Keith Wilkinson, and myself (Jerry Barnes). Those that attended the meeting were Keith, myself, and Tricia Whitehouse. I caution you that it is a considerable task to go back and look at the entire package of comments. That may be necessary if you want to see specific comments.

(Bingham): My concern is that the public has commented in detail, yet, these comments were digested by staff. I believe the summary may be incomplete. I've not had an opportunity to study the comments, nor this summary. The Task Force plan was substantially amended after consideration of public comment. I'm concerned that we won't be as thorough in this process.

Q: What do you suggest?

(Bingham): I think we should go back and have more complete summaries available, full copies of all comments, and a key to see who made the comments. We should develop a process to go through and consider all comments. I don't think a 2-person subcommittee is appropriate. This KFMC is supposed to discuss and make decisions on our plan with regards to public comment consideration.

Q: Does it make any difference who made the comment?

(Bingham): I think it'll help us understand the comments.

(Barnes): This summary of comments was put together by Tricia Whitehouse. It was a big task. The original comments are recorded, specific to person and item. Some comments were generalized to streamline the process.

(Wilkinson): I think this KFMC should consider this report before throwing it out. This was an extensive effort on our part.

(Masten): We need time to study the comments, review the summary.

(McIsaac): I suggest we ask Mr. Mackett his opinion on how to go about this. I suggest we all read this tonight.

(Warrens): I suggest we consider this under tomorrow's agenda.

(Mackett): I was planning to discuss the summary report. I plan to allow you all 5 to 10 minutes to look over these, writing your own ideas and suggestions, section by section. The KFMC is going to have to address the comments, and reject or accept them. I had a chance to look at the larger version that the committee boiled down, the essence is in this summary, and if we looked at all comments they would be too great a task. Some of the comments should've been addressed to the Task Force.

(Reed): This summary is useful and will save this group a lot of work. This group should be able to make cross checks. I hope to use this summary to carry on with our work.

(Fullerton): I agree, but I also think we're going to have to address all comments.

(Bingham): I'm not running down the efforts of the subcommittee. I just want us to have a process to consider all comments.

(Mackett): How many of you on the KFMC have read the document by the subcommittee? (Only one.) If you don't mind, please take 5-10 minutes to read it. I propose we come back and review the comments, chapter by chapter.

(Masten): There's a statement that said only pertinent statements were added, but the Yuroks added comments that are not in here and we believe they're pertinent.

[Everyone read the summarized public comment document put together by Tricia Whitehouse. (Attachment #4)]

(Mackett): I'd like to recap where we are in this process. We started a year ago January, looking at the planning system for the KFMC. You decided to adapt the NMFS planning system. We reviewed the congressional mandate, we discussed issues and looked at how they interacted, then came to agreement on fundamental issues. The next step was to look at issues, specify goals and objectives. We then asked ourselves, "if we achieve an objective would it help achieve other objectives?" We then looked at options on projects, and tasks needing to be done. We set those out in an options field. The purpose of the options field was to give everyone a chance to express their concerns. We did that and adopted a draft strategic plan, which was circulated to the public. A large number of comments were obtained, the subcommittee boiled them down to this 8 page document. The next step is to adopt the strategic plan, including suggestions by the public. It's up to the KFMC to decide whether or not to add options to the options field, based on public input. After identifying additional options, we'll decide whether to adopt the options. I recommend going through this, category by category. There were a couple of comments by the public that addressed the understanding of the plan, stating that this plan wasn't understandable in its present form. You're going to have to adopt an operational plan, also. Let's start out getting a comment from each of the members, what your reaction is to public input. Start with Nat.

(Bingham): I'm at a loss for words. I shared this plan with my constituency, I got a negative reaction to it. The primary comment was that they don't see anything in there for the commercial industry. In order for us to go forward, we need to revisit the options, possibly adding some.

(Bostwick): My constituents asked me to consider the options field again.

(Hayden): Some of my constituents' comments weren't included either, they should be included, but I don't know how to get them in. We should address this question of understandability. Some folks couldn't comment on it because they didn't understand it.

(Orcutt): I think it's imperative that we get the public involved. New ideas that people may have may not have been expressed.

(McIsaac): I have a concern for the process...do we have a plan as a result of public comment? And, do we utilize the comments? If we do, or do not, are we still left with a plan?

(Mackett): We can adopt, modify, etc.

(McIsaac): In absence of any change, we don't have a plan?

(Reed): I understand that this is draft, no plan.

(McIsaac): I would like the KFMC to take the time to discuss public input and incorporate.

(Fullerton): We've done a lot of work to develop the process. A lot of the comments were good and should be used to modify the plan.

(Masten): Public comments and council comments indicate that there is no clear understanding of Indian fishing rights. People need to understand what Indian fisheries are. I'm not sure how we can develop that understanding, but if we do not, we won't reach consensus on anything.

(Odemar): The KFMC has done a good job on identifying goals and objectives. We should incorporate public comments. People don't have a clue as to how this plan will be used to achieve the goals we've identified. We should spend more time putting this thing into a form that can be acted on.

(Reed): The plan is pretty good. The plan is what this KFMC is all about. It contains the "Whats", but not the "Hows." This approach applies best for an agency or organization where members are in accord with the common goals and objectives. This council has polarized interests, not in one accord. For us to apply the plan, we must settle the question of the diverse objectives, how we'll proceed together. I was pleased with the comments from the public. Many are comprehensive, diverse, and many bold statements are presented as fact. I don't know if they are fact or not. The KFMC must try to incorporate the facts in the plan, and weed out the rest.

(Warrens): This plan represents a lot of time and thought by the KFMC. I felt from the beginning this plan must address changing positions, socioeconomics, and recognize the needs of user groups. I'm concerned about the posturing and polarizing. We should not throw it out because the plan doesn't contain all the items each of us wants. I think we can adopt the concept, with clear understanding that it doesn't meet everyone's particular ideas. The plan is malleable and can be changed as things change.

(Wilkinson): I accept the plan as a product of our process. Public comments are valuable and meaningful. For the most part, their aspects were considered, but fell out because of failure of consensus. So, we must refine the process to consider these, if necessary. As I reviewed comments and attended public meetings, I've heard things that amazed me. People have a good grasp of what's going on. We should proceed stepwise, by opening up the plan periodically allowing public input.

(Fullerton): This plan will not be placed on a shelf and forgotten. Dave, how do we implement the actions?

(Mackett): That's why I suggested the KFMC rely on their TAT to provide guidance. The strategy is just that, it's the overall way to meet your goal, including small and large steps. It's going to take work, energy, time, and dollars to do. I also want to address the process. The challenge to this group was to see if there really was consensus that could be drawn out and identified. If it exists, we'll get it out, and address the fundamental issues. We can't guarantee success, but we will try. Let's go back to attachment 1 [to attachment #4], and review. KFMC members are free to suggest alternative options that should be considered. I want to do this in a systematic way. I'm tempted to skip the first three pages.

(Mackett): If there's anything in the first two or three pages, that suggest things we ought to consider under new needs, issues, options, jot them down and bring them to our attention. Don't ignore pages 2 and 3, but keep them in perspective, where they fit in. Let's go to chapter 1. Skip introductory material, it's written by staff, right?

(Barnes): Ron Iverson put it together.

(Mackett): There are suggestions that we consider public comments making "fact" statements, staff KRFRO should consider these statements.

(Bingham): Speaking to introduction, we offered several comments regarding our perspective. I want to create a process to consider those statements.

(Fullerton): KRFRO staff will include them.

\*\*\* Action \*\*\*

KRFRO staff will consider public comment for the introduction section of the long term plan.

(Mackett): With respect to first 3 pages, top of page 4; are there any comments from council members in the form of a suggestion?

(Masten): Currently option 1.1.6 states that we'll make recommendations to the Task Force and Yurok tribe. Recommendations should go to the Yurok tribe as a management agency, rather than through the Bureau of Indian Affairs (BIA). When the Yuroks are organized, they'll no longer be under the arm of the BIA. So, we should make recommendations to the Yurok interim council for a few years, then to the tribe, regarding regulations for harvesting in the area by members of the Yurok tribe.

(Bingham): Option 1.2, I think it should say "consistent with the standards of the Magnuson Act and within the guidelines of the PFMC salmon plan."

Q: Is that in addition to the present option?

(Bingham): This would be Option 1.2a.

Q: When do we debate these recommendations?

(Mackett): When we're done listing them.

(Hayden): There are 3 separate organizations responsible for this restoration program. I think we ought to consider becoming an umbrella organization over the entire allocation and restoration in the Klamath River Basin.

Q: What relation will that have to the Trinity River Task Force?

(Hayden): They'd report to us.

-- No further suggestions. --

Discussion of recommended options:

(Mackett): Let's take 1.1.6. Sue's recommendation. This would be an addition to the list of management agencies this council advises. Discussion?

(Wilkinson): I'm concerned that the Yurok tribal organization is not finalized. When they finally become organized, then we should amend the plan to advise them.

(Reed): We should put an addendum in the wording to include "when established".

(Masten): The nomination is to occur on 9/14/91, elections will occur by 11/14/91. This is mandated by the Act, it's going to happen.

Q: Is it possible that the representation would change?

(Masten): It could, for the KFMC.

Q: Can we approve it pending completion of publication and the upcoming elections?

(Fullerton): If we could put in parenthesis (When adopted), makes it clear that we'll not have to reprint it.

(Mackett): OK, The words "When established", how many want them in? (5) How many say no (3), one no-vote.

OK, it's in by majority vote (5-3).

Next one, Option 1.2a. Nat's suggestion.

(Bingham): If we're going to make recommendations, let's recognize the standards of the Magnuson Act.

Q: What about business councils and states that don't have to conform?

(Hayden): Our recommendations are only advisory, we don't need to have to put that restriction on ourselves.

(Bingham): No, I'm not suggesting that we comply with all their recommendations.

(Wilkinson): I'm speaking in opposition. If we're going to employ an amendment process, this could be done without an amendment. Your recommendation says "consistent with standards of the Magnuson Act."

(Fullerton): We are going to restrict ourselves under present authority if we adopt this.

[Not passed.]

Discussion of Bob Hayden's recommendation for option 1.1.6:

(Fullerton): We can't do it, we can't be the umbrella for restoration.

(Wilkinson): The Task Force would like the KFMC to stand away from the budget process.

(Orcutt): The Act defines the function of both programs. The intent is coordination.

(Hayden): It seems that we are not a management council. We are an allocation advisory committee. We're just fooling around and allocating a few fish. I suggest we grab the ball and run with it.

[Not passed.]

Q: Did we agree to change the language on Hoopa Valley Tribe?

(Calame): This was changed to "Hoopa Valley Tribal Council" in the Task Force plan.

Q: What's the language?

(Orcutt): Hoopa Valley Tribal Council, and in the definition it's the Hoopa Valley Tribe, not "Indian tribe".

Q: Aren't these just editorial changes, and not amendments?

(Mackett): Yes. Any other comments on any changes?

Q: Are we going to address the comments on Chapter 1, now?

(Mackett): If you want to adopt any changes, the council will discuss them.

(Orcutt): Is there a reason for the quotes around "Agencies" on page 15?

(Hayden): Probably there because of tribes.

(Orcutt): Tribes are agencies.

(Fullerton): You just want to take out the quotes?

(Orcutt): Yes.

**\*\* Action \*\***

Remove quotes around "Agencies" on page 15, paragraph 2.

(Mackett): The notekeeper is keeping a record of editorial changes. Let's go to Chapter 2. We looked at these issues, discussed them, the public has commented. Anything that suggests that you may want to change?

(Bingham): Regarding issue Number 32, there seems to be a strong consensus that it is difficult to estimate contribution rate. This should be a fundamental issue, not on the symptomatic issue side of the line.

(Mackett): Everything in these boxes are mutually exacerbating. When these exist, they get very confusing. If someone wants to place this issue into another position, go ahead.

(Bingham): I would place it on the other side of the line, into the fundamental issues rather than symptomatic issues. It's all about the problem that we want to make more Klamath River fish available for spawning and inriver harvest, if we can figure out how to do it. Those stocks are mixed in the ocean.

(Odemar): I'm nervous about moving things around in these boxes. Remember that all issues to the right of the line aggravate issues to the left. It is fundamental, that your problem exists in harvest management. We went through this in a logical process, if we mix now, it will disrupt the entire integrity of the table. This could destroy the value.

(Bingham): I disagree. It's not just a trollers problem, this whole group has this problem. I don't think the argument that you use, stating that this is a product of a particular process, is a good reason not to make changes.

(Reed): Nat has a point, the public has commented on what we did. But, considering what Mel said, we sat down there for days considering these issues. Are there questions you can ask this group, so we can consider what side of the line this should be placed?

(Mackett): One way to do it is to erase the bar, letting all issues speak for themselves. Or, we can accept Nat's recommendation. The computer system we used was to reduce the total number of questions we were forced to ask when considering all the issues. We had 59 issues at one time. The computer boiled it down, the price you pay is that sometimes mistakes will be made, placing issues in the wrong place.

(Warrens): I appreciate Nat's concern, but I think it's still a symptomatic issue. If we get bogged down with these details, we'll not finish what we are to do at this meeting.

(Bingham): It's not a minute detail in my perspective. It's not a management detail. It's controlling our lives, because of how the Klamath River contribution is being dealt with.

(Hayden): It should be someplace where it can get special consideration.

(Fullerton): Nat, if we were able to solve the problems on the fundamental side, would we even worry about this problem, it wouldn't be a symptom anymore, would it?

(Bingham): No, it won't be completely resolved. The Klamath River contribution is a question of stock separation in the fishery. This is a major issue affecting all of us.

(Mackett): These issues shouldn't be considered separately. They all aggravate each other.

(Wilkinson): Nat, I agree, however, item 32 was the most critical issue of the past harvest year, and will be next year. I make this point to try to avoid amendment right now.

(Bingham): I'm concerned that we consider this to be a done deal.

(Mackett): Let's vote. Shall we move it? (Yes=5). (No=4).

**\*\* Action \*\***

Issue No. 32 changed to a "Fundamental issue"

(Mackett): Not matter what position on the paper, it will have to be addressed. Any other issues? OK, next section, "Goals and objectives".

(Bingham): To add something to the definitions, there was a lot of discussion in La Jolla of what we meant by "viable". I would offer a tentative definition to the KFMC. It would be numerical goal of 150,000 fish harvested in the KMZ, and a relatively unrestricted season outside the KMZ. I would include them in the definition of the goals, to describe what we mean.

(Orcutt): I don't think we need to put a cap on this.

(Bingham): It's going to take us a long time to get to this number of production. We need a number to look at to make our goal definite.

Q: You're asking to change the definition of viable?

(Bingham): Yes, presented as an addendum.

(Masten): The definition depends on your perspective, inriver fishermen would want it to read "unrestricted fishery in the river."

(Warrens): I don't see anything wrong with the first part of the change, the 150,000 goal, but using "unrestricted" may never occur.

(Bingham): I'm willing to exclude this phrase, but I want the numbers indicated, which will provide something to strive for.

(Fullerton): We should be talking about how many will be produced in the river, not how many we will catch. We should strive for maximum production.

(Bingham): In talking to people, there's something exciting about having an identifiable goal. It's simple, easy to grab hold of. I agree that it would be supported by adequate escapement goals. The harvest rate management system is driven by escapement.

(Fullerton): Most of the public criticizes us by saying we have a goal of seeing how many we can kill, not produce.

(Odemar): Maybe we could put as a goal "a production of 450,000 fish" (harvest and escapement).

(Masten): This isn't defined in our goals and objectives. I think it is difficult to define.

(Mackett): Would anyone be happy if this goal were met?  
a: Yes.

(Wilkinson): Rather than put harvest numbers as a goal, we should put production of 450,000 fish.

(Mackett): Let's vote. How many want to adopt Nat's proposal of 150,000 fish as a definitive goal? (Yes=2). (No=3).

[Not passed.]

(Mackett): Let's go to production. How about production of 450,000, defined as harvest plus escapement?

(Reed): I thought we were selecting for Maximum Sustained Yield (MSY). It might be higher.

(Odemar): This number is to provide Nat's constituency some comfort, with an identifiable number.

(Orcutt): I perceive this as a cap in production. To draw an analogy, the Trinity River flow issue has identified caps.

(Warrens): Nat's proposal is to define viable, in his opinion it was a level of production to allow the current fishery to survive. We're trying to define the word viable.

(Orcutt): What's the current definition?  
a: There is none.

(Bingham): I offer this as a result of much discussion in the industry. This was to show that we are fully supportive of increasing runs, not shutting fisheries down to achieve escapement.

(Mackett): Let's vote. Whether, or not, to cite 450,000 as a minimum average annual fish production as definition of "viable fishery." (Yes=4). (No=5).

[Not passed.]

(Mackett): OK, we're still on the goals. Are there any other suggestions for changes to goal statements? a: No.

(Reed): We're not taking very much of what has been suggested in public comments.

(Mackett): Look at the options field in Chapter 4. Considering input from the public, and in the context of designing the strategy, are there additional options that should be considered in category 1? Category 1 is the decision making process, page A-1. We have all the options we've considered, and those that you selected and chose not to select.

(Calame): Appendix A is referred to in chapter 4, comments referencing Appendix A are in the Chapter 4 comments.

(Mackett): So, we'll be handling chapter 4 and 5 at the same time. Looking at public comments and options we've looked at, write down suggestions you have.

(Bingham): A comment. There was a suggestion from the public that we be involved in our budgeting process. The Task Force is involved with this, do we want to be involved?

a: No.

(Reed): I didn't understand context of the recommendation from public. Our budget consists of our travel.

(Bingham): It's quite a large sum, coming out of programmatic money, the USFWS isn't picking this up. We can make recommendations to the Task Force.

(Reed): I presume that the USFWS can show from their records, what our expenditures have been in the past years and at any point. I noticed one comment from public, but we've covered them.

Q: If something is in the Appendix, and we've previously decided not to consider it, can we discuss the issue at this meeting, or at a later meeting?

(Mackett): At this meeting. OK, Category 2. Is there anything suggested by public comments you want to add? (None). OK, Category 3, resource assessment and monitoring.

(Reed): The comments from public state that they can be improved, and one indicates that we may not meet our goals and objectives.

(Orcutt): It takes coordination between all management agencies and entities. I'd suggest this be added as 3.11. "Coordinated management by all of the affected agencies".

Q: Do you mean management?

(Orcutt): I mean management and restoration.

(Wilkinson): Look at 4.9.

(Hayden): I've been concerned that we're fragmented by agencies. If available funds were all put into one bucket, we may be more effective by being coordinated towards achieving a common goal.

(Orcutt): I think it's different than option 4.9. I'd say "Improve or establish communication in resource assessment and monitoring by all agencies involved." Coordination is necessary. We're talking about groups like USFWS, Hoopa tribe.

(Mackett): Any other additional options?

(Bingham): I'd like to explicitly address inriver harvest as additional policy 3.12 "Improve inriver harvest monitoring". I mean that there needs to be improvement.

(Odemar): The CDFG harvest monitoring needs to be improved.

(Orcutt): If we want a clean monitoring system, it should be identified and done.

(Masten): The inriver net fishery has the best monitoring of all.

(Reed): Even if the inriver monitoring is improved, so what? We're only talking about a few thousand fish.

(Bingham): The ocean fishery ends up with hard numbers because of fish tickets. We get real numbers. The ocean sport fishery is based on spot checks, mostly a projection. The commercial fishery below the Highway 101 bridge is known, but the inriver sport and subsistence fisheries are not as well known.

Q: Doesn't Option 3.10 cover this?  
(Bingham): In a sense it does.

(Mackett): How about additional options to be added?

(Odemar): I suggest a change for Option 3.11. The word "cooperate" would be better than "coordinate."

(Orcutt): I agree.

(Mackett): Let's take Category 4a. "Organizational Approach" first. Are there additional options that should be considered, in the context of designing your strategy?

(Orcutt): Can we amend the language? If so, I'd include Option 4.11 the cooperation would include the Trinity River Task Force also. I'd have both Trinity River and Klamath River Task Force.

(Mackett): OK, Option 4.11, the recommendation is to include "Trinity River Restoration Task Force." Any other options?

(Bostwick): I would like to offer Option 4.12 "Add a seat to the KFMC for up-river sports representation.

(Bingham): Responding to that, I offer Option 4.13 "Divide the California troll representation into KMZ and non-KMZ troll representation."

(Hayden): If we're going to do this, there should be Option 4.14 "Add seat for an Oregon ocean sport representative."

#### Discussion of recommended options:

(Mackett): Mike tell us what your recommended Option 4.11 means?

(Orcutt): It means that we should coordinate with the Trinity River Task Force because they're spending money in the basin. They're doing things that will be helpful to this program.

(Mackett): Virginia, explain recommended Option 4.12.

(Bostwick): To add another member to the KFMC for equal representation.

(Mackett): Nat, explain Option 4.14.

(Bingham): This is in response to public comment that folks in the KMZ need adequate representation.

Q: How do you define who fishes in and outside the KMZ?

(Bingham): Home port would be determining criteria.

Q: So, you'd be the non-KMZ representative, correct?

(Bingham): Yes.

Q: Would the non-KMZ representative be someone who's never fished in the KMZ?  
(Bingham): This would have to be defined.

(Mackett): Bob, explain Option 4.14.

(Hayden): This is for equal representation of the ocean sport fishery.

(Mackett): Any additional options for Category 4? (None). On to Category 5, escapement policies.

(Bingham): It's understood that we're only presenting additional options, these will be voted on later. Right?

(Mackett): Yes. No options for Category 5? (None). OK, on to Category 6.

(Reed): The public recommended that we address restoration issues. The Klamath River Task Force is addressing the restoration issue.

(Mackett): Are there any additional options for Category 6?

(Orcutt): I'd ask Frank Warrens, since he's the chairman of the habitat committee on the PFMC, if he has any specific suggestions. There are areas that may need to be included.

(Warrens): Option 6.2 is meant to be all inclusive.

(Odemar): Nat, the committee that you chaired and I sat on, isn't this the category that the Task Force considered for rewording?

(Bingham): They've been modified.

(Orcutt): Where it says "mandate by law", this may not be the most productive way to proceed.

(Mackett): On to Category 7, allocation strategies. Any options?

(Reed): I've got a lot of comment on that, from the public. We've discussed this extensively. Our alternative to 7.2 (Option 7.2a) was put forward by Lyle Marshall. We should spend a little time discussing what this may mean. When we discussed this in La Jolla, it was widely accepted by this group, although maybe not by unanimous vote, that minimum needs be included. So there's no difference between 7.2 and 7.2a. I would hope that this council would consider minimum needs.

(Fullerton): Is there any choice? The court will decide minimum needs.

(Mackett): OK, Mike, explain the alternative.

(Orcutt): I believe everyone was there when the HVTC attorney presented this alternative. He explained the Federal trust responsibility. He laid it out clearly that tribal fishing rights would be protected.

(McIsaac): The difference, Lisle, of what you're saying is the court-determined minimum needs and the minimum needs mentioned in 7.2a, are not the same. The definition is different.

(Reed): I concur with that statement.

(Warrens): If there is a document contained in an Act, quantifying entitlement, I haven't seen it. If it exists, this group would address it.

(Masten): I'm not a user group. A user group is different than a tribe, which is a sovereign body.

Q: Sue, going back to the 5-year agreement, how are the requirements different than 7.2a?

(Masten): Because this language wasn't in the 5-year agreement.

Q: Didn't the final paragraph indicate that no one had a prerequisite right?

(Masten): No, it said no one had an abrogated (abolished or annulled) right.

(Bingham): This issue must be resolved before we can have consensus. The 5-year agreement was developed before this group convened under the Klamath Act. Subsequent to the enactment of the agreement, Congress passed the Klamath Act. I suggest that 7.2 alternate goes against the spirit and letter of the Act. Nothing that I say abrogates existence of Indian rights. They exist, but haven't been quantified. That's something this body would determine.

(Orcutt): I believe that our tribe's position was that under the agreement, this was a compromise, clearly indicated that there was intent of minimum need.

(Warrens): There's nothing in this agreement that states or implies legal entitlement. Nothing that says you will allocate accordingly.

(Reed): Signing of this agreement with this clause doesn't establish a precedent.

(Mackett): Are there any questions on 7.2.a?

(Fullerton): A binding allocation can only be established three ways. One, by the courts, two, by the Secretaries of Interior and Commerce, and three, by Congressional Act.

(Reed): I concur. I suggest that the Klamath Act has language stating that we should negotiate to reach an allocation agreement. I don't think a lawyer would suggest that the wording of the Klamath Act overrides the trust responsibility of the Federal Government to the tribes.

(Fullerton): The Magnuson Act states the same thing.

(Odemar): The Magnuson Act preempts our authority on this issue, it will dictate what will happen on allocation.

(Masten): We can't deal with the allocation issue until we determine what the minimum requirement is. I'm not sure what the Secretary of Interior will recommend. I recommend a change in the language of Option 7.2a, to include "appropriate federal agencies and tribes", and strike "on the KFMC."

Q: Why not identify those agencies, so we don't misinterpret this later?

(Mackett): Sue means Departments of Interior (DOI), Commerce (DOC), Justice (DOJ), and tribes.

Q: Does this mean all tribes and agencies have to concur on the issue of trust responsibility?

(Reed): They would reach an opinion as to the percentage share in any year for the tribes.

Q: What tribes do you mean?

(Masten): Yurok and Hoopa tribes. The Karuks would be excluded.

(Mackett): Any additional options you want to consider?

Q: If Option 7.2a is chosen, does it conflict with Option 7.3?

(Reed): I consider Option 7.3 as giving equal credence and respect to those involved.

(Mackett): Any other options for category 7?

(Reed): I would offer an amendment for Option 7.2. I would insert "each user group and tribe" in item 1).

(Wilkinson): I'm opposed.

(Reed): I'll withdraw the amendment.

Q: Sue, regarding your objection to Option 7.2. You object to the tribes' being called user groups. What if we substitute harvest group for user group? Would this work?

(Masten): No. It doesn't meet my need for having the Indian fishery identified.

(Warrens): In context of definition of what Jim Marshall was trying to say, I believe he meant harvesters. I have a hard time dealing with setting one group over another harvester.

(Masten): This doesn't address the fundamental issue.

(Mackett): Could you propose alternate language?

(Reed): I'd like to explain why it should be differentiated. The first phrase says to "determine minimum needs for each user group". It's an economic determination to find minimum needs. In determining minimum needs for tribes, you'd use the trust responsibility of the Federal Government.

(Wilkinson): To comment on Dr. Reed's perception of minimum needs, it's better expressed in opportunity. Commercial and sport fishing depend on opportunity, and cannot be expressed as a minimum dollar figure. It's too variable.

(Bingham): It never has been identified. We always said the our (commercial trollers') minimum need was to have access to Klamath River stocks to access other river stocks.

(Masten): There was a legal entitlement negotiated between governments that identified and agreed on our needs. This "need" is different than minimum needs of user groups.

(Bingham): I argue that, because of our investment in the resource, the issue of determining minimum need should rest within this group. We've never questioned the Indian's right to exist. The question has been quantification of the minimum need. We saw what happened this year. We want to work with everybody on this council. If the magic solution is to keep cutting the commercial harvest we won't agree.

(Masten): Until we recognize that there is a different issue here, we won't resolve it. The solution may be in the Secretary of Interior's office.

(Mackett): What is the strategy for sorting this thing out?

(Reed): If the rights are determined and quantified, the tribes can be more flexible in negotiation. They are unable to deal with this concept when there is no adequate recognition of their right, and it is not established. There is a complete separation of the entities until this is determined.

(Mackett): Does anyone have suggested language?

(Warrens): Lisle, what I'm hearing you say is that the federal government's trust responsibility is superior to all other harvesters' right to the resources. Further, that level of right should be determined by the Federal Government. I don't think that any of those are that far reaching. Am I right or wrong that you believe they are superior over all other harvesters rights? If so, I don't agree with you.

(Fullerton): The point Lisle is making is that they can negotiate their share if their right is established.

(Wilkinson): We're forgetting that 7.2 was a product of consensus. All those folks participating at that meeting are here. It should be noted that this was agreed to by consensus as a draft.

(Orcutt): Tribes have pre-dated any government in this room. We're asking for reference to that fact that we be dealt with on a government to government basis. The Federal Government must recognize its trust responsibility.

(Bingham): I suggest, for the purposes of this plan, that we come up with a way to set the finer points of this issue aside. We should continue working on the plan. Our plan should address how we will determine something we can all live with.

(Odemar): I would add the wording to 7.2a "and recognizing the need to insure continuation of viable non-Indian fisheries", after the word "requirements".

(Mackett): If you have additional options for category 7 and 8, be prepared tomorrow.

Meeting adjourned.

June 28, 1991

(Mackett): Yesterday we reviewed the comments from the public. We looked at each section and category of each options field. We added a couple of options in category 3 and 4. We didn't add anything to categories 5-6, we discussed category 7 at length. We concentrated our efforts on 7.2 and 7.2a. We have two proposals; one is to substitute "appropriate federal agencies", and "and recognizing the need to insure the continuation of viable fisheries". Today, we will continue the discussion of options 7.2 and 7.2a. Then we'll go through Category 8, then begin the final selection process of all categories, selecting options we wish to have in the strategy. Are there any questions on the process?

(Bingham): In looking at 7.2a, I suggest changing the wording to "Establish a two tiered allocation system: 1) pursuant to their trust responsibilities to Indian tribes, appropriate federal agencies in coordination with tribal governments, shall establish a harvest share allocable to tribal reserve subsistence fishing rights, based on an understanding of current and developing tribal requirements and recognizing the need to insure continuation of viable non-Indian fisheries". Paragraph two would remain the same.

Q: Nat, what do you mean by harvestable share for treaties subsistence? A percentage of something?

(Bingham): This addresses the basic minimum need concept. It speaks to the process where tribes and federal agencies get together to determine minimum needs.

Q: How would that work in low abundance years?

(Bingham): Lisle Reed, tribal representatives, and Charlie Fullerton, would get together to establish a minimum need. This represents a lot of movement from our position.

Q: By saying "harvestable share", you're talking about the fish remaining after spawning escapement has been taken care of, right?

(Bingham): Yes. In years of excess fish, tier two would kick in. A two stage process.

Q: The last part of the statement, "continuing non-Indian fisheries", would the number for subsistence be 12,000?  
(Bingham): There would not be a fixed 12,000 minimum need.

(McIsaac): To make this all work, a percentage share should be put in place, not a fixed number.

(Bingham): This is a concept plan, and does not include the fine details.

(Orcutt): It can't be a number based on a need, it must be a percentage. I also support comments that indicate the Indians will protect the resource first, before fishing.

(Bingham): I'd have a problem with a fixed number.

(Warrens): I have a problem with everyone's concept of viable non-Indian fishery. If at some future date, the definition of viable is taken away from us and made in Washington D.C., this may change the meaning of Option 7.2a.

(Bingham): I understand. This wording insures the continuation of the commercial fishery.

(Odemar): The meaning would stay the same if "viable" was taken out of the option. The key words are insure and continuation. We were faced with the possibility of losing the commercial fishery this year.

(Warrens): One other question about the wording of "appropriate federal agencies" in Option 7.2a. I want to be sure that this doesn't acquiesce the PFMC process. It can't exclude the present processes.

(Mackett): These agencies are defined DOI, DOJ, DOC, and Tribes.

(Fullerton): If the Secretaries of Interior and Commerce agree on something, the PFMC recommendation won't mean anything anyway. By setting the guidelines in this option, the tribal needs would be defined.

(Wilkinson): Exclusion of commercial trolling, ocean and river sport fisheries could occur in this option. This 7.2a takes the KFMC out of the process. We are charged with doing this.

(Orcutt): To respond to Frank's comment. In paragraph two, I don't think we're saying that this acquiesces the PFMC process. I don't think that by determining our needs we would exclude all other fisheries. I support the language as written.

(Fullerton): I want to respond to Keith's remark. Right now the PFMC sets our boundaries for escapement, this puts one more thing that we have to consider. The Indian minimum needs rights would be defined, the process would continue.

(Odemar): I suggest a wording change to alleviate Keith's concern. "Tribal governments, and KFMC" would take care of Keith's concern.

(Bingham): I could live with that.

(Fullerton): You put it right back where it is if you do that. You're trying to have somebody set the allocation for Indian rights. This body won't be able to do it.

(Warrens): My concern was that at some point down the road, we may not all be a part of this body. I want to make it clear in my mind as opposed to what came close to occurring this year with respect to process, where the PFMC process was usurped by the Department of Interior with what was an arbitrary

set aside of Klamath River stocks. I object to that process. I would change the process by recognizing Indian minimum subsistence need of the Klamath River tribes. This is the real issue, if resolved, this problem would go away.

(Hayden): We may never agree on this. It would be beneficial to specify what the appropriate federal agencies are.

(Masten): Those are already identified in my copy.

(Bingham): I don't object with their inclusion.

(Mackett): OK, we'll put them into Option 7.2a.

(Masten): It sounds like Frank isn't recognizing the agreements between the Secretaries of Interior and Commerce.

(McIsaac): We've inserted "subsistence" in the first paragraph. What does paragraph two mean with "remaining user groups"?

(Bingham): After the first cut for escapement, then subsistence, the rest of the fish would be divided up at this table.

(Mackett): Sue said PFMC would not recognize the agreement between the two Secretaries.

(Warrens): To respond to Sue's statement, I would feel uncomfortable, under the current allocation process, with the Secretaries picking arbitrary levels of minimum harvest.

(Reed): The numbers are not arbitrary.

(Masten): The legal entitlement of Indian subsistence would be determined by the Secretaries.

(Warrens): Then the PFMC would use that number. But, this year's process was not right.

(Masten): This council does not decide how many net harvested fish are for subsistence or commercial use.

(Bingham): We're talking about minimum need here. For me to be comfortable, I need to see that word there.

(Masten): Subsistence means "everything". Commercial, food, ceremonial, everything.

(Bingham): I have a hard time when minimum needs include selling fish. I think it's a balance that takes place in negotiation. If a commercial sale takes place, when no ocean commercial fishery took place in the KMZ, I would say the fisheries were incompatible, and should be included in tier two. I see it as the first cut that allows the second cut to take place.

(Masten): Nat sees the commercial right as superior to my right.

(Bingham): I don't think it's superior, I've never said that.

(Discussion of rights of Indians to utilize fish however they choose.)

(Orcutt): The tribes have as much right to decide how to use the fish as the state or federal governments.

(Bingham): I agree that you're a sovereign government and have a right to use the fish how you want. I'm offering this wording to insure the difference between the first and second cut. Government negotiations require a give and take process. This will have to occur to achieve an agreement.

(Mackett): The purpose of this body is to advise. We're trying to devise a strategy to help this council to provide advice. Nobody gave the council any right to abrogate Indian rights, it isn't life and death decided here, it's advice. One other point, one law of good planning is that groups must merge in order to be successful. We all know our positions. What's the strategy of how this group will act to give advice? We're talking about commercial and subsistence harvests. Some of this may need to be set aside for us to come together.

(Reed): We have a distinct polarization between various entities here, too much of a gulf between these groups. The only way to remove the gulf, is to become familiar with the background of the other groups represented.

(Odemar): I have some alternative wording for Option 7.2a. "based on an understanding" would be changed to "based on the minimum needs of the tribes and on an understanding." An insertion between on and an. I understand where Nat is coming from, he's trying to set aside a subsistence need. I view it as a minimum need. The tribes and BIA have said 12,000 was the agreed on minimum need. The tribes can choose to sell or use the fish for subsistence and ceremonial needs. No one is arguing how they determine to use their allocation. We must get back to the concept of establishing minimum needs and get rid of the word subsistence. The statement stays the same, except we take out "subsistence" and add "based on the minimum needs of the tribes and on an understanding".

(Mackett): So here's an alternative to the alternative.

(Bingham): My reaction is that I'm not too comfortable because I see the possibility of a liberal interpretation of the word "minimum". If we take out subsistence, then I need to see that "developing requirements" be struck out.

(Wilkinson): I have heartburn over "developing requirements" too.

(Reed): There is a tendency here by the troll fishermen to want to establish minimum needs for subsistence, then negotiate on all other excess. To some extent, the tribes want to do this, but I think we have to realize that this is the ultimate. The Secretary of Interior is charged with trust responsibility of tribes. The Secretary of Commerce is charged with allocation responsibility. Both Secretaries depend on the Department of Justice to define their most legally defensible positions. So, we can set here talking about all these things, but if we don't get into the same ballpark that the Secretaries are in, we're spinning our wheels. We must get our figures similar. Nat, your position on trimming them to bare subsistence fishing needs is too far from reality.

(Bingham): If that's the way it has to be, then so be it. We'll only yield if we have to.

(Fullerton): We're arguing over Option 7.2a, regardless of what we put in the plan, we must complete this to provide advice. If we don't complete this, the Secretaries of Interior and Commerce will make the decision, we'll sacrifice the whole plan over this issue. Let's not throw the whole plan away over this one allocation issue.

(Hayden): I see this as perhaps inappropriate to our plan. If this is a plan on how we're going to allocate fish, we're trying to decide how to allocate, but will depend on the Secretaries to decide for us.

(Reed): You're right. We won't face up to the positions that each of us have, so we're saying let's turn it over to the Secretaries to decide for us.

(Fullerton): We have failed to take care of this need, we've failed on our charge, the Secretaries have told us they'll take the decision away from us.

(Orcutt): I agree that we don't throw the entire plan out because we can't address the allocation issue. Just because we can't agree on this, let's not throw it out. The Trinity River program has a plan, and this hasn't been settled either.

(Bingham): The minute I bring a concession to the table, I'm being put on the defensive. There doesn't seem to be negotiation on the side of the Indian tribes. If we're going to reach an agreement, there has to be flexibility on both sides. We would all be better off if we have input in this process rather than allowing the Secretaries to decide for us. That's how we got our first agreement.

(Masten): I think the plan can go forward without this particular issue resolved.

(Mackett): You have an issue the KFMC will have to deal with. Right now your strategy is to go to the Supreme Court, so if that's your decision, let's put it into the plan.

(Masten): So, this strategy should read "we need clarification on allocation."

(Mackett): We need to know how this council will deal with this now, or it will come back time after time.

(Reed): I will point out that this issue is our major charge here. Nat, I don't want to leave the impression that you've given, and we've not moved off of our positions. Notice, wording on 7.2a, second paragraph which has the wording "insure viable non-Indian fisheries". What more could we offer than that?

(Bingham): I agree that this is a good offer, this is the reason we came back today with concessions. I'm wanting to work on word-smithing to insure that all interests are protected.

(Warrens): I would like to hear from Mike Orcutt or Sue Masten an acknowledgement that there are minimum needs of non-Indian fisheries that would allow them access to the resources in order for them to have established minimum levels of their minimum needs. I don't think I'm hearing this acknowledgement.

(Orcutt): I said that it's the problem of minimum needs. We won't tell you what your minimum needs are. The number of 12,000 was thrown out as minimum need last year. That was our bottom line.

(Warrens): I wanted to hear that it was not exclusionary and would preclude all other fisheries.

(Masten): I have always tried to address everyone's minimum needs and concerns. I don't think we've encouraged total closure of all other fisheries in the KMZ.

(Warrens): I wanted to hear that the intent of Option 7.2a is not to exclude all other fisheries.

(Bingham): Take this year's case of the 12,000 fish, which was estimated that it would remove 50,000 from the harvest to protect 2,000 fish. In this proposed 7.2a process, how would this problem of access be addressed?

(Reed): The Secretaries of Commerce and Interior would have mutually established the minimum need Indian fishery. The Secretaries would encourage this council to put more of a burden on the sports fishermen, taking it off the commercial fishermen. The other thing would have been for the Secretary of Interior to impose a trading arrangement for the last 2,000 fish. The troll and sport industries could have developed a mechanism to deliver the other fish lost to the inriver net fishery.

(Orcutt): Every year we've been slam-dunked at every level of the allocation process. That's where our concern was. Laying the economic benefit thing to rest, we continue to hear the benefits of our fish to the benefits of the commercial and sport fisheries. We only have one river to fish in, we can't move like other ocean fisheries.

(Hayden): The ocean sport fishery takes less than 5% of the fish. It would exclude the entire sport fishery in the KMZ to save 2,000 fish for the inriver run.

(McIsaac): I like the two tiered system, I prefer that we reach agreement on one of these two options.

(Mackett): Do you have an option to offer?

(McIsaac): I suggest "recommend allocation of Klamath River fish to the various fishery jurisdictions in a manner consistent with the current legal definition of tribal fishing rights". This is a neutered statement regarding the 2 tiered system. It allows for something to be in the plan, even without a definition of legal tribal fishing rights.

(Mackett): Are there any other points of the question Nat proposed?

(Reed): The ratio of 6/1 or 5/1 fish inriver to ocean fishery is a real life issue, even though Mike is opposed to considering these.

(Orcutt): If you're saying sit on the banks, let Nat provide the fish, I disagree with you because it is a cultural thing also.

(Reed): If you take that attitude, and don't provide a negotiation mechanism, the ocean trollers will also sit on their front porch. If this only happened to the last 20% of your legal entitlement, would this not allow both sides to fish?

(Masten): The Indian government has the right to make the decision, but don't want this council to decide for us. We want the right to negotiate on a case by case basis.

Q: So negotiation is in the realm of possibility?

(Masten): Yes.

(Orcutt): Trading the right to fish is an insult to a tribe.

(Mackett): Does anyone question what Don's suggestion means?

Q: Don, where would you insert this?

(McIsaac): As a fall back to Option 7.2 if we can't settle on language.

(Hayden): This is a package deal. It ties with the existing Option 7.2, "When the council is unable to accomplish 1) and 2) for a species, the council will elevate the issue to the Secretaries of Interior and Commerce for resolution."

(Fullerton): That doesn't work that way, because we make recommendations to the PFMC.

(Hayden): This is a longterm plan item, I see that this applies to all species. I think Option 7.2 is the most appropriate for all species, over the long term, beyond fall chinook. If you add number 3, this is a fall-back that we can utilize.

Q: Options 7.2 or 7.2a?

(Hayden): This would be Option 7.2a(4).

(Fullerton): The way I read the Act, the jurisdiction of all species is the state's and tribes'. We're not going to ask the Secretary of Interior to override the State of California on allocation of green sturgeon.

(Hayden): If we, as a council, agree on allocation of a particular species, this plan is how we will make recommendations. I'm saying that we are following Option 7.2, and adding Option 7.3 would provide for a fall-back if we can't do it.

(Fullerton): The states and tribes can ignore our recommendation, and the Secretary of Interior won't tell them what to do either.

(Warrens): Bob, I appreciate your effort, but I recognize two flaws. First, regarding Klamath River salmon, the process requires this council to recommend to PFMC, who recommends to the Secretary of Commerce. That is the established process. Second, any species for which there is not a management plan, the PFMC has no authority to recommend allocation of that species. That decision is up to the entities involved in harvest and the states.

(Masten): If we can't agree on what the legal harvest right is for the tribes, it should be stricken from the plan. I don't know what the answer is, but the purpose of Option 7.2a was to get the answer to the question.

Q: When, and how, would this question be addressed?

(Masten): I think it's something this entire council should look at, have public comment also. Nobody understands how the trust relationship developed, what it means, how it was arrived at. This would help everyone understand the issue more fully.

(Wilkinson): I would like for you to consider the ocean communities concerns also.

(Orcutt): The Klamath River Task Force is contributing to the Native American Fisheries meeting, this would be a time for education of all involved.

(Mackett): To continue on in category 8. Any suggestions?

(Orcutt): Yes, I would like to suggest Option 8.4, under hatchery production, to read: "Assess hatchery production at Iron Gate and Trinity River hatcheries, to determine if mitigation and production goals are being met."

(Mackett): Any questions of what he means?

Q: Mike, do you see this as a task that the KFMC would take on, or would the KFMC approach the Task Force and recommend that they perform this function.

(Orcutt): This would be taken care of by the Task Force.

Agenda item: Public comment

Doug McCollough (Commercial Fisherman, Trinidad.)  
I've voiced my concern on inequities of treatment and restrictions of commercial fishermen in the KMZ. I would ask Sue Masten to draft a resolution recognizing the severe impacts on the commercial and inriver fishermen, and propose a method to negate loss of jobs. My opinion is that the KMZ fishermen shouldn't have to bear the burden of restoration.

Paula Yoon:  
(See attachment #3)

Bill Levett (Commercial Fisherman, Moss Landing.)  
I've sat in these meetings and listened. This plan is stalemated. I don't see this group resolving this. This plan isn't structured and doesn't have good definitions. I don't see how it's a possibility to think that this plan can be accepted without knowing what the definitions are. I see little future in what you've done here. I have a lot of questions on trust rights, in reality I don't know that they're important to me. I suggest the individual groups involved here, go get them quantified, it would make things much more clear. I would not recommend this council ask the Secretaries to quantify these. This council should continue with the process, or get out of the business.

Richard McCovey:  
Our association would take severe exception that other men would set our minimum needs at the bare minimum. If we were dealing with equitable allocation we wouldn't be here now. If we are not objective about this process we'll not get anything done.

(Fullerton): There were a couple of recommendations made, does the council want to respond?

(Bingham): I think we should keep the comments requesting restitution in mind. This council should address this issue. I hope we will move forward towards understanding where our positions are. If we find that there is not going to be a commercial fishery, then there should be restitution.

Agenda item: Council discussion and decisions on content of the final long term plan

(Mackett): OK, let's go back through the categories and make decisions on those options that will stay.  
Look at page A-1, you've got the 6 options under Category 1, the decision making process. Is everybody satisfied? Are there any other motions? (There were no additional options.)

(McIsaac): I would request reconsideration of Option 1.3. This came up again in the public comment.

**\*\* Motion \*\***

(Wilkinson): I make the motion to accept category 1 as a product of consensus.

[Motion carried, with one abstention.]

(McIsaac): I'm interested in supporting Options 1.2 or 1.4, because the public comments have been dominated with the suggestion that we not go by consensus.

(Wilkinson): This was discussed in La Jolla, decided on by consensus.

(Bingham): Another point made by Lyle Marshall, was that we deal with tribes as governments, and shouldn't be overruled by majority.

(Hayden): Any party overruled will seek correction outside of this body anyway. If they're overruled they'll try to get it solved outside.

(Mackett): How many of you want to adopt 1.2? (None.) OK, Category 2.

**\*\* Motion \*\***

(Wilkinson): I make the motion to accept category 3 as a product of consensus.

(Mackett): Anyone want to consider any other alternatives? Want to adopt them?

[Motion carried.]

(Mackett): On to Category 3. Resource assessment and monitoring. Here, we have two additional options proposed. Option 3.11, "Improve or establish cooperative resource assessment and monitoring by all the agencies involved.", and Option 3.12 "Improve inriver harvest monitoring."

**\*\* Motion \*\***

(Wilkinson): I make the motion to accept category 2, without adding changes, as a product of consensus. I make the same motion that I made earlier. The draft was a product of consensus.

(Reed): Amendment 1 is plain common sense, it really doesn't get to the heart of the matter.

(Orcutt): The reason to add it is because it's not happening. It's a statement so that people will take note and do it.

(Wilkinson): I agree, but don't think this will get it done.

(Orcutt): I'm involved with many restoration programs and agencies don't seem to know what others are doing.

(Odemar): I agree with Mike, if you'll recall that this was discussed by the Task Force, and we agreed that this needs to be done.

(Wilkinson): Options 4.9 and 4.10 are addressing this issue.

(Orcutt): But not in this category.

(Mackett): All the other options in Category 3 don't do it?

(Fullerton): I think 3.10 does cover it.

(Mackett): How many believe that Option 3.11 should be included? (Yes=6). (No=2).

Alright, it's in as Option 3.11.

(Bingham): I'll withdraw item 3.12.

**\*\* Motion \*\***

(Reed): I move that we accept Options 3.1 to 3.11. (adding Option 3.11)

[Motion carried.]

(Mackett): Now we come to Category 4. We've a couple of additional options.

Option 4.11 has been added. it is either a new option or a rewording of Option 4.10. It includes the wording "with Trinity River Restoration Task Force."

(Bingham): I think it should be added to Option 4.10.

(Masten): I agree.

[Majority voted to include proposed wording into Option 4.10.]

(Mackett): Option 4.12, "add a seat to KFMC of upriver sport representative".

(Bostwick): It's such a big basin, they want additional representation.

(Reed): I suggest that this is statutorily set, it would be a lot of work to add this seat. We have trouble reaching consensus already. It would complicate matters.

(Odemar): I'm not in favor of adding any seat, except for the upriver sport representative, because the upriver sport fishery is entirely steelhead fishing.

(Wilkinson): Ocean fisheries are different too, and need different representation.

(Bingham): Right.

(Wilkinson): My vote is towards the draft proposal resulting from consensus, for reasons Dr. Reed mentioned. It's not doable, and if opened up, many other seats would be required.

[Proposed Option 4.12 does not pass.]

Mackett: OK, Option 4.13.

(Bingham): I'm trying to encompass both points of view of KMZ inside and outside fishermen.

Q: How would that work, would you add a seat?

(Bingham): Yes, we would add a seat.

[Proposed Option 4.13 does not pass.]

**\*\* Motion \*\***

(Fullerton): I move that we remove that recommendation of the previously agreed upon positions of the Karuk seat.

(Mackett): We'll move on to Option 4.14

(Wilkinson): There is a strong feeling that Oregon troll fishermen are not represented. They want representation. I still feel strongly that it's not doable.

(Reed): I'm sympathetic that other groups want to be represented on the KFMC, but I believe this group is sufficient to deal with the problems, and utilize input from these other groups.

(Warrens): If there's a case for an additional representative, I'd add the Oregon sport representative. If we add additional bodies, it would make consensus very difficult.

(Mackett): How many want Option 4.14? (Yes=5). (No=6).

[Proposed Option 4.14 does not pass.]

**\*\* Motion \*\***

(Reed): I move we adopt all of Category 4 Options.

**\*\* Motion \*\***

(Fullerton): I move that we remove Option 4.4, because they will be represented by Interior.

(Reed): I agree, and move that we drop item 4.4.

(Masten): I must speak up because when we first discussed this, the Task Force had a representative for the Karuk tribe. There has been a request from this body for the Karuks to monitor their fishery. Management entities should be on this council, including the Karuks.

(Fullerton): Just because the Task Force has it that way, we don't have to have it that way on the KFMC. For the same reasons we didn't want to add the other seats, I don't want to add this one.

(Wilkinson): There were other comments from agribusiness, landusers, etc., in the public comment. If the Karuk representative is added, then these other seats should be added, particularly the ocean sport representative for Oregon. Since it's not feasible to add all of these seats, I support removal of this seat.

(Orcutt): This was already decided by consensus, I support what Sue said. They are up on the river and have fishing rights. They should be on this KFMC. I'm uncomfortable assuming that the BIA will protect their rights.

(Bingham): I support inclusion of the seat.

(Bostwick): I don't agree with adding them, I think the representation from the Department of Interior, BIA, is sufficient.

(Hayden): I go for consistency throughout, if we add, we should add them all. But, I believe they should be included, along with other seats. I vote for their inclusion.

(Orcutt): Yes, they should be included, their input is important.

(McIsaac): No comment.

(Fullerton): No comment.

(Masten): I'm uncomfortable with State and Interior representation for the Karuks.

(Odemar): I'm uncomfortable pulling this out if agreed on by consensus earlier. The Karuks are not given an allocation at this point, that's why they weren't included in this body from the start. I'll abstain.

(Reed): I objected to this in La Jolla. I support removal. They can present information when they choose.

(Warrens): I agree with Lisle Reed. We're excluding groups that have a much more significant harvest interest here. I support removal of Option 4.4.

(Wilkinson): I again support draft consensus, to keep Option 4.4 in if other seats are added.

(Mackett): The vote to remove Option 4.4: (Yes=5). (No=4).

(Motion to remove Option 4.4 carried.)

Q: As a point of order, if something was approved by consensus, can this be dropped without consensus?

(Fullerton): The consensus was on the draft. The adoption of the plan will occur later.

(Calame): Will this option remain in the list, but be removed from bold type?  
a: Yes.

**\*\* Motion \*\***

(Reed): I move that all bold faced options in Category 4 be approved, except for 4.4, and 4.10 as amended by the group.

(Mackett): Any additional changes? The vote is to adopt Category 4, excluding Option 4.4, and including the amended Option 4.10. (Yes=6). (No=2).

(Mackett): Why not Sue?

(Masten): I don't support the motion because I don't agree exclusion of 4.4.

(Mackett): So you don't want to adopt the others because 4.4 is not in there?

(Masten): The motion was to exclude option 4.4 and I object to the exclusion. that's the only one I object to.

(Mackett): We've amended 4.10, eliminated 4.4 by majority. Adopted.

(Motion carried.)

(Mackett): OK, Category 5, escapement policies, no additions.

(Bingham): I'd like to re-offer Option 5.6. I believe if you're going to have a floor, you need a ceiling for escapement also. More escapement doesn't necessarily mean more production. Public comments have supported this. The floor is necessary to protect the resource. Let's look at the return from the large spawning escapement years, it has been low.

(Mackett): Anyone to speak to Nat's suggestion?

(Reed): It has some merit, but not appropriate at this time.

(Orcutt): I oppose, and reference the TAT report. I don't see the rationale for putting a cap on escapement, when we don't know all the answers yet.

(Odemar): I'd point out that actually, the topic to include a ceiling, does not jive with the text. In text, we're talking about an inseason adjustment to harvest additional fish. Nat, do you want an inseason adjustment?

(Bingham): I want a longterm commitment that this group will incorporate the concept of a ceiling into the harvest rate management plan. I agree, we're not managing for data points. We forget that. We seem to be managing for harvest rate management data.

(Mackett): How many want to include this option? (No = majority).

(Masten): We discussed this at length, I think it's been taken care of.

(Warrens): I suggest we amend 5.6 to read (reads from his writing). It makes management less flexible the way you have it written.

(Mackett): I suggest that the strategic plan be amended at a future date after discussion. But for now, let's continue.

(Bingham): When harvest rate management was discussed by the KFMC, the MSY issue may never be resolved.

(Mackett): How many want to adopt the category as is? (Yes = majority).

(Bingham): I voted no.

(Mackett): Category 6, habitat...no amendments.

**\*\* Motion \*\***

Motion to approve as is. (Motion carried.)

(Mackett): Let's go on to Category 8, we'll come back to Category 7 later. Stock assessment, we have an additional Option (8.4). "Assess hatchery production at Trinity River and Iron Gate Hatchery to determine if mitigation production goals are being met."

(Orcutt): We're too dependent on hatchery stocks, I'd like to see a group of agencies assess the mitigation and production goals.

(Fullerton): That's not what the goal states.

(Orcutt): I'll rewrite it then. We need to know the stock composition. I will change the wording to read "to determine if mitigation production and stock composition goals are being met".

Q: Does this imply that we'll limit hatchery production?

(Orcutt): No, it will be to assess quality and composition. But if this were recommended, it would be encouraged.

(Odemar): I speak against it because it's in the Task Force plan.

(Wilkinson): I support the consensus effort.

(McIsaac): I hope that we'll get stock composition estimates, as directed elsewhere in the plan.

(Mackett): Vote yes to include Option 8.4 in the plan. (No=majority).

(Option 8.4 not included.)

**\*\* Motion \*\***

(Fullerton): I move we adopt the options as approved.

(Yes=majority to adopt. Motion carried.)

(Mackett): It's been proposed that we go back to Option 3.7 on page A-5. It's suggested that this should say "improve harvestability by..." What does this mean?

(Calame): Should we remove the comma between altering stocks and release location? (No answer.)

(Bingham): We're talking about the idea that we wanted to move toward natal stocks in bioenhancement programs.

Discussion of Category 7, Allocation strategies.

(Mackett): How many want Option 7.1? (Nobody). How many want Option 7.2 as it stands with no modifications? (Yes=6). (No=5).

(Mackett): OK, 7.2a (alternate) as it stands in the original draft. How many want it as it stands? (Yes=2). (No=8). It's not in.

OK, Option 7.3. How many want it included? (Yes is the majority.)

7.4, how many want it included? (No is the majority.)

7.5, how many want it included? (Yes is the majority.)

7.6, how many want it included? (No is the majority.)

7.7, how many want it included? (No is the majority.)

7.8, how many want it included? (No is the majority.)

7.9, how many want it included? (No is the majority.)

7.10, how many want it included? (No is the majority.)

7.11, how many want it included? (No is the majority.)

(Mackett): OK, back to the amendment recommendations. The first recommendation was to take Option 7.2a and add the wording "appropriate federal agencies" [Option 7.2a(1)]. We'll adopt or reject these changes, then we'll vote on the options. Do we want to modify 7.2a to include "appropriate federal agencies", which includes DOI, DOJ, DOC, and Tribes (Yes=4, No=4). OK, the wording is not added to the first paragraph of 7.2a.

(Mackett): OK, Option 7.2a(2), the recommendation is to add new language. How many wish to include the language "and recognizing the need to insure continuation of viable non-Indian fisheries." into paragraph 1, in Option 7.2a? (Yes=5, No=1).

(Mackett): We've another proposed alternative to Option 7.2a. [Option 7.2a(3)] "Establish a two-tiered allocation system: 1) pursuant to their trust responsibilities to Indian Tribes, appropriate Federal agencies (DOI, DOJ, DOC), in coordination with tribal governments, shall establish the harvest share allocable to tribal reserved subsistence rights, based on an understanding of current and developing tribal requirements and recognizing the need to insure continuation of viable non-Indian fisheries." How many want to include this as an option? (Yes=1, no is the majority). It's out. How about Option 7.2a without an amendment? (No is the majority.) How about 7.2a(2)? (No is the majority). How about Option 7.2a(3)? (No is the majority.) How about Option 7.2a(5), "When the council is unable to accomplish 1) and 2) for a species, the council will elevate the issue to appropriate authorities." (No is the majority).

(Mackett): OK, Option 7.2 is the only one included. How about Option 7.12, shall it be included? (No is the majority.)

(Mackett): OK, we've made our decisions, Options 7.2, 7.3, and 7.5 are the only ones included in Category 7. Now I'll turn the chair over to Charlie for the council to discuss adoption of the plan.

(Hayden): We've not dealt with public comment, the only thing we dealt with was issues we've dealt with in the past and haven't resolved. It's important to include public comment.

(Bingham): I agree, but would like to offer that we did address comments yesterday, and they were reflected in the development of the new options.

(Mackett): So, we'll turn it over to Charlie Fullerton.

(Pierce): I would like to reopen public comment on the issue of adding a Karuk representative to the KFMC.

(Fullerton): Public comment will be accepted now.

(Pierce): In discussing the Karuk membership, it was mentioned that there would be a possibility of opening the seats up to other interest groups. They

are a management agency, not an interest group. They would feel that they should have a seat.

Q: Do they control land on the river?

(Pierce): They don't control land, but they do have a fishery, and are a government.

(Fullerton): They don't own land on the river, they have a fishery right set aside by the state, so they're not the same as the Yuroks and the Hoopas because they're not managers.

(Pierce): They're different than the other two tribes, they are also different from other interest groups in the basin because they are a government agency, who's members fish in the Klamath River. They do have management authority over their members.

(Odemar): Do they publish regulations over their fishing membership?

(Pierce): No.

(Warrens): Their harvest is not allocated, they are not the same as the other management harvesters. Until they become so, I wouldn't support their inclusion on the council.

(Orcutt): If they are found to be impacting Klamath River stocks, this council will want to address them. I think they would take exception to your assuming the state gave them the right to fish.

(Masten): They do have a management responsibility of their fishery.

(Fullerton): Other comments?

Bill Levett: I'm disappointed in the way in which the public comment was handled through the digested summary. I think things were ignored and overlooked.

Paula Yoon: This plan is amendable. It should be written into the document when this would be done.

(Fullerton): This amendment can be done when we want to. Any other comment on the plan by the council members?

(Warrens): I believe that parliamentary procedure would be to move to reconsider the Karuk seat.

(Fullerton): If Bob Hayden wants to reconsider this issue, the KFMC can ask Dave Mackett to come back and we can reopen this issue. We're now ready to consider adopting the plan. I'm talking about approving categories, options, and not the preamble, which the staff will take care of.

**\*\* Motion \*\***

(Wilkinson): I move that KFMC adopt the plan adopted as a product of consensus, not including amendments. (Seconded.)

Discussion:

(Masten): I'll vote no. Two areas the council should look at is to reconsider Option 4.4 and the excluded 7.2 options.

(Wilkinson): I would ask for a poll vote.

(Orcutt): I'll vote no.

(Wilkinson): I'm moving on the product of consensus, every thing from La Jolla being included, then we would begin the amendment process. None of the amendments would be included.

(Fullerton): Is everyone clear on the motion?

(McIsaac): Was the product from La Jolla by consensus on the draft plan?  
a: Yes.

(McIsaac): I felt good about what we produced in La Jolla, but feel better with what we have now, and will not support the motion.

(Reed): This was produced as a draft. It was not agreed that this would be our final product.

(Bingham): We worked hard down there to reach consensus. 7.2 was the key issue, I support Option 4.4, and there isn't very much left in the plan for the ocean troll fishery if we go bare bones with the La Jolla draft. If it's changed and modified, there isn't much left for us to support.

(Masten): I did abstain in La Jolla, I would have voted no, except it was to go out for public input. I won't support 7.2 as written now.

(Odemar): This is a living document, it's amendable.

(Fullerton): Roll call.

(Bingham): Yes. (Bostwick): Yes. (Orcutt): No. (Wilkinson): Yes.  
(Warrens): Yes. (Reed): No. (Odemar): No. (Masten): No. (McIsaac): No.

[Motion does not carry.]

**\*\* Motion \*\***

(Reed): I move that we adopt an amended plan, leaving Option 4.4 out, and including the original Option 7.2.

Discussion:

(Warrens): I move to amend the motion, move that we substitute the language contained in Don McIsaac's option listed as 7.12, and substitute for the current 7.2 language.

[Note keeper's note: McIsaac's recommended Option 7.12 reads "Recommend allocation of Klamath River fish to the various fishery jurisdictions in a manner consistent with the current legal definition of tribal fishing rights."]

(Wilkinson): Second the amended motion.

(Fullerton): Roll call:

(Wilkinson): Yes. (Reed): No. (Warrens): Yes. (Odemar): Yes. (McIsaac): Yes. (Orcutt): No. (Hayden): No. (Bostwick): Yes.

(Fullerton): Call for the question on the original motion.

(Original motion does not carry.)

**\*\* Motion \*\***

(Warrens): I move that we consider the draft plan with Option 7.2 set aside for future consideration. My intention is to remove the contentious issue from the plan.

(Reed): Second.

(Fullerton): Does everybody understand the motion? That would include the original amendments to the draft plan, and exclude Option 4.4.

**\*\* Motion \*\***

(Masten): I'd like for us to reconsider option 4.4. I'll move to amend the motion to add option 4.4 to the original motion.  
(Motion seconded.)

(Motion to amend the original motion does not carry.)

(Fullerton): Back to the original motion.

Discussion:

(Bingham): I don't feel comfortable having the key issue excluded from the plan. I can't support the plan absent the resolution of Option 7.2.

Q: If we don't approve the plan, what becomes of the status of the plan?  
(Fullerton): We have only a draft plan, the KFMC continues to work on it.

(Reed): I speak in favor of the motion. It's become apparent that we're not ready to decide the issue of Option 7.2. When we vote on 7.2, all of us have different ideas of what minimum needs are.

(Bingham): The reason I support 7.2, is that it leaves the determination of that issue within this council.

(Motion does not carry.)

Q: How can we make a long term allocation plan excluding the allocation issue?  
(Warrens): The caveat was to discuss this item of allocation separately.

(McIsaac): I would ask that the tribes consider the language of my recommended amendment.

(Masten): I understand that you propose that this KFMC recognize the legal right of the indian fishery.

(McIsaac): The legal definition, whatever it is, would be addressed by this amendment.

(Reed): If you're talking about quantification of legal right, I understand, but the wording is too vague in your amendment.

(Fullerton): We've not enough time to fully discuss this here. We should decide how we can address the Secretary on this issue. This shouldn't stop us from proceeding with the remainder of the plan. We're supposed to be making decisions on this plan, but we have no plan. If we don't decide, the Secretaries will decide for us.

(Bingham): I'm not comfortable at all with the motion. I think that we should hold a workshop to discuss allocation, and make recommendation to the Secretaries. I would feel more comfortable if we could put this on hold until our next meeting.

(Bingham): Without option 7.2, there is nothing in the plan for the troll fishery. In a sense, it's kind of all or nothing. I can't see sending this thing out if the fundamental issues are not resolved.

(Warrens): It's my intention to move forward with the bulk of the plan on those areas where we agree. I don't feel that we should hold the entire plan hostage until we settle on the allocation issue.

(Bingham): Frank, what does this mean we do? Print the plan with a blank section, or print it and put it on file, do we set a date in the future to address this. I don't agree to printing with this blank page.

(Warrens): Clearly, allocation is the key issue. The plan would go ahead without this issue. We would go ahead with implementation procedures on the other parts.

(Bingham): So what you mean is that we'd continue on with other sections such as action planning?

(Warrens): We'd not be shelving it, but work on action planning.

Q: Would we be allowed a re-evaluation of these issues.

(Warrens): This is amendable. We've not taken care of the amendment process.

(Fullerton): There is no motion on the floor, what does the KFMC wish to do.

**\*\* Motion \*\***

(Warrens): I move to reconsider the last motion. (Motion second.)

Q: Frank, under this methodology you propose, would we have to pass a motion by consensus to reconsider any issue already steadied?

(Fullerton): No, this is done in the amendment process. This vote is to reconsider. (Motion to reconsider the original motion passed.)

(Fullerton): The motion is on the floor.

(Orcutt): I abstained because option 4.4 is excluded.

(Original motion failed.)

**\*\* Motion \*\***

(Odemar): Motion to table the plan, that we explicitly address category 7 to resolve the allocation issue at next meeting.

(Reed): Second.

(Hayden): We need to address item 4.4 and other issues.

(Odemar): I'll amend the motion to include discussion of Option 4.4.

(Fullerton): The motion is to table the plan, calling for discussion on Options 4.4 and 7.2, to be in our next meeting.

Discussion:

(Bingham): I'm willing to go along with the motion, but we've got to make progress at this next meeting. Mel's saying we've got all the other issues locked in. I'm willing to support it, but recognize that a decision on 7.2 will affect other options.

(Motion carried.)

Agenda item: Other business

(Fullerton): New issues.

(Masten): The PFMC will be addressing the request for additional days to the commercial troll fishery. We should discuss this.

(Orcutt): It's appropriate that we make a recommendation.

(Fullerton): What do you want to do?

(Odemar): We don't have enough information to comment on this right now. All the harvest data isn't in yet, the decision was deferred until the July meeting of PFMC.

(Orcutt): Will it be available by the PFMC meeting?

(Odemar): I don't know what information will be available. Hopefully we will have it.

(Bingham): There seems to be a lot of confusion of this request. The commercial troll industry is asking for more time, not for more fish in the allocation.

(Orcutt): I'd like to see if the ocean industry has met the preseason estimate harvest level. For us in the river, it's a big concern that stocks were overestimated again.

(Masten): My concern is still the same as earlier. In low abundance years this should be approached cautiously. This additional fishery could really impact the inriver fisheries.

(Reed): I understand the concerns of all involved. I don't think we have enough information available to provide a good recommendation.

(Fullerton): So the council doesn't want to do anything more on this?  
a: Right.

(Fullerton): The PFMC will present their recommendations to me, they will also have a hearing on how they will go through this process of allocation.

(Masten): I would like to know what the spring impacts were for 1990 season.

**\*\* Motion \*\***

(Hayden): This council should be making additional recommendations on the offshore fisheries. I'll make this a motion.

**\*\* Motion \*\***

(Orcutt): We have to have the right information before offering recommendations. I'll make a motion to request information from NMFS.

**\*\* Action \*\***

Put on the agenda of the November KFMC meeting to make a recommendation on the ocean trawl fishery to PFMC.

(Bingham): The letter I drafted to the director of CDFG requesting additional staffing on the ocean fishery monitoring shop. (reads letter). I will give this to KRFR staff to finalize and mail.

(Fullerton): Does the council move to approve?  
So moved, motion carried.

No meeting date set for October, Fullerton to finalize.

DRAFT AGENDA

KLAMATH FISHERY MANAGEMENT COUNCIL  
27-28 June 1991  
ARCATA, CALIFORNIA

June 27 -- North Coast Inn, 4975 Valley West Blvd, Arcata, CA.

- 8:30 am Convene. Review of agenda, and of minutes of the last prior meeting.
- 8:45 Report of the Technical Advisory Team (Barnes).
- o Update on 1991 harvests.
  - o Update on CPUE
- 9:15 Update on 1991 harvest management plans.
- o Report on Commerce/Interior discussions of ocean salmon regulations (Fullerton, Reed).
  - o Proposed Klamath River angling regulations for 1991 (Odemar).
  - o Update on BIA and Hoopa subsistence regulations for spring and fall chinook harvest (Marshall, Overberg).
  - o Other new or revised harvest plans.
- 10:30 Public comment.
- 10:45 Council discussion and recommendations on harvest management plans.
- 11:15 Report of the subcommittee to review comments on the draft long term harvest plan (Barnes).
- 12:00 Lunch
- 1:15 Development of the final long term harvest plan (Mackett, facilitator)
- 5:30 Adjourn.

June 28 -- North Coast Inn, 4975 Valley West Blvd, Arcata, CA.

- 8:00 am Reconvene. Development of final long term harvest plan (Mackett).
- 9:00 Public comment on the long term plan.
- 9:45 Council discussion and decisions on content of the final long term plan.
- 11:00 Plan-related issues (Alcorn, Mackett, others).
- o NEPA compliance.
  - o Options for printing, distribution, publicity.
  - o Procedures for submittal to DOI secretary.
  - o Amendment procedures.
  - o Operational/action planning.
  - o Negotiation of a new harvest allocation agreement.
- 11:30 Council discussion and action on plan-related issues.
- 12:30 Other business.
- 1:00 Discussion of next meeting; assignments for future work.
- 1:15 Adjourn.

NOTE: THE CONFERENCE ROOM MUST BE VACATED BY 1:30.

TABLE 1. CUMULATIVE SEASONAL ESTIMATED HARVEST TOTAL OF SPRING CHINOOK BY THE GILL NET FISHERY ON THE YUOK INDIAN RESERVATION.

YEAR	APRIL	MAY	JUNE	JULY	AUGUST
1983	35	100	435	515	515
1984	25	143	189	259	259
1985	105	307	450	1119	1119
1986	157	276	531	706	706
1987	79	325	754	1694	1694
1988	40	763	1727	2926	2926
1989	759	3667	4685	4775	4775
1990	32	168	1054	1202	1413
1991	18	87	110 **		

\*\* THROUGH JUNE 16, 1991.

TABLE 2. Estimates of spring and fall chinook salmon harvested by the gill net fisheries on the Yurok Indian Reservation from 1977 through 1990.

Year	SPRING CHINOOK			FALL CHINOOK		
	Jacks	Adults	Total	Jacks	Adults	Total
1977	--	--	--	2,700	27,300	30,000
1978	--	--	--	1,800	18,200	20,000
1979	--	--	--	1,350	13,650	15,000
1980	20	980	1,000	987	12,013	13,000
1981	35	1,722	1,757	2,328	31,190	33,518
1982	35	2,440	2,475	1,597	12,859	14,456
1983	5	510	515	133	6,500	6,633
1984	12	247	259	315	17,500	17,815
1985	45	1,074	1,119	608	9,625	10,233
1986	14	692	706	568	20,319	20,887
1987	48	1,646	1,694	153	48,114	48,267
1988	8	2,918	2,926	311	46,581	46,892
1989	-	4,775	4,775	120	42,091	42,211
1990	-	1,413	1,413	151	6,983	7,134

CHINOOK (Thousands)

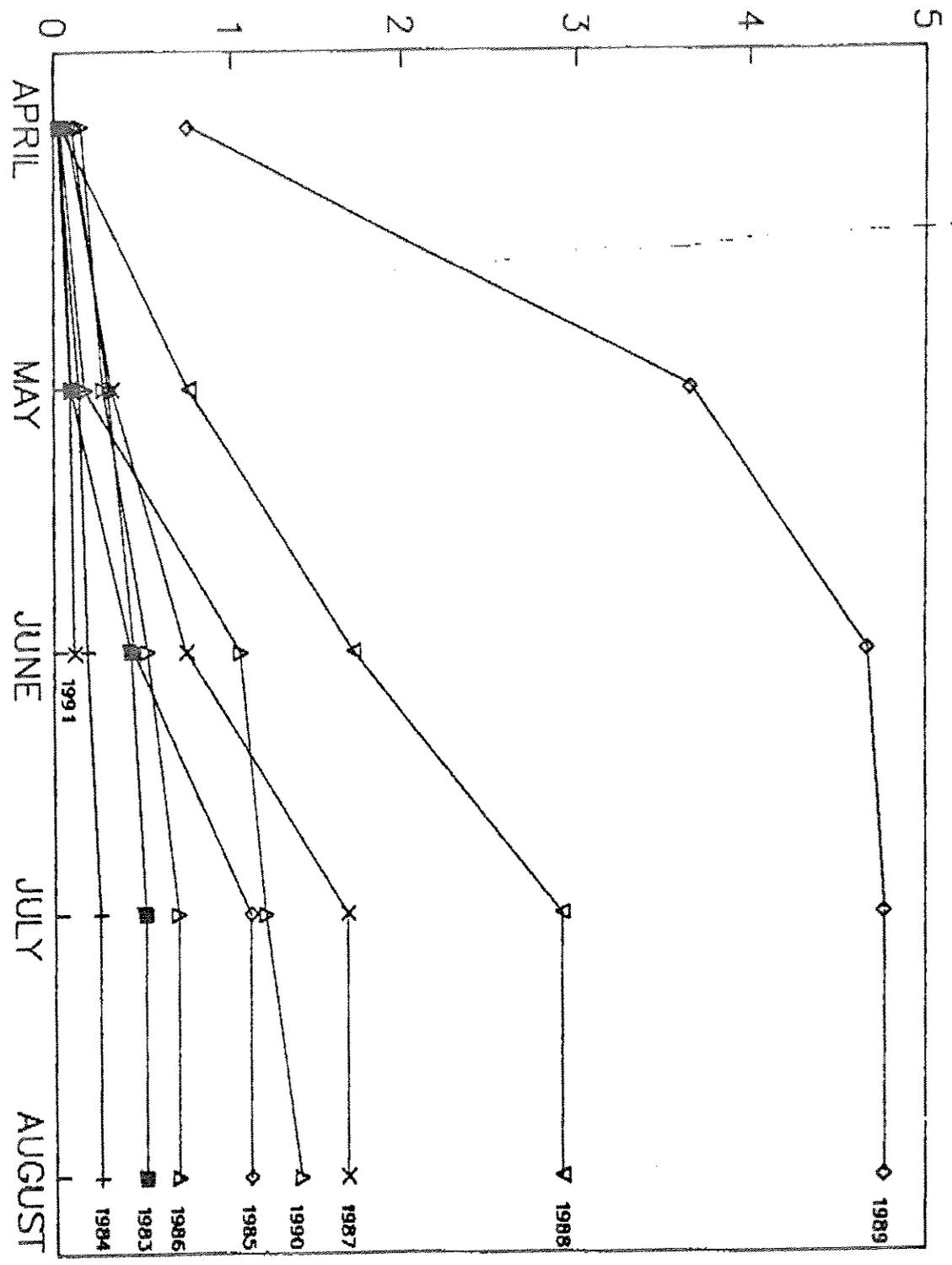


FIGURE 1. Cumulative seasonal harvest estimated total of spring chinook taken by the gill net fishery on the Yurok Indian Reservation.

DT: 6/28/91  
TO: KFMC  
FM: Del Norte Fishermen's Marketing Association  
RE: Draft Harvest Management Plan

DT: 1/10/91  
TO: KFMC  
FM: Del Norte Fishermen's Marketing Association  
Paula F. Yoon, Mgr.  
RE: Public Input on Draft Harvest Management Plan

1. In present form, there is not much for us as an Industry; so much has been negotiated away.

In the introduction, <sup>of this document</sup> the existence of historical ocean salmon communities which are now closed to protect the Klamath Fall Chinook Natural Spawner - ~~that part of the~~ <sup>that part of the</sup> ~~is not mentioned~~ <sup>is not mentioned</sup> ~~adequately~~ <sup>adequately</sup> ~~packaged~~ <sup>packaged</sup>. ~~The true story is not being told.~~ <sup>The true story is not being told.</sup>

Interms of an equitable allocation, Mel Odemar brought up a very good idea for moving in the right direction, to include ~~some~~ protection for the existence of a viable ocean commercial fishing industry within the alternate option 7.2.A - a policy which supports the concept of superior rights.

We as a society have not yet been able to figure out what equal rights means - how is it that we are asked to support superior rights? It is clearly heading in the wrong direction.

The trollers are bearing the burden for social injustice of the past - while the federal government which perpetuated the original injustice sits by and allows the burden to be borne with no compensation.

This group was formed to develop the principle of fair and equitable allocation.

If the NA's are to go forward with their move for superior fishing rights, it would be ethically appropriate that included in their move is acknowledgement of the loss of salmon culture and economies which they propose to replace, and a request from them ~~for~~ the interior department of the federal government which is supporting their move, to compensate at market value the losses accrued by the trolling industry. For the losses which are being sustained to protect the Klamath Fall Chinook Natural Spawner are 10, 20, 30 and 40 years of investment by families who once believed that restoration and conservation were the key to sustainable salmon fishing.

*Sue's suggestion for an open educational meeting is right on. Perhaps we can all come with an <sup>open</sup> attitude <sup>to reach</sup> of understanding ~~to~~ from each other's direction. I think it's important for <sup>us</sup> ~~to~~ <sup>fishermen</sup> ~~to~~ <sup>will not</sup>*

*appearance is it would be <sup>the value for</sup> ~~the value for~~ <sup>one amount</sup> ~~one amount~~ <sup>and</sup> ~~and~~ <sup>for</sup> ~~for~~ <sup>not to</sup> ~~not to <sup>fish</sup> ~~fish~~ <sup>to</sup> ~~to <sup>see</sup> ~~see~~ <sup>Mr. McLeans</sup> ~~Mr. McLeans~~ <sup>or</sup> ~~or <sup>see</sup> ~~see~~ <sup>on</sup> ~~on~~ <sup>with</sup> ~~with <sup>one amount</sup> ~~one amount~~~~~~~~~~*

*Handwritten notes in top left corner, including "look for" and "check for" with arrows pointing to specific areas of the document.*

Public comment 6/27

DAFMA

Paula Goren

- 1- 2<sup>nd</sup> Doug McCullough's request for fed. mitigation for <sup>salmon</sup> KME fishermen in recognition of the impact on local ocean commercial salmon fishermen & their communities,
- 2- Request that KFMC ask for a report from NMFS on Maine mammal population management in relation to salmon population management
- 3- Request that KFMC forward a request to PFMC to not permit offshore migratory-whiting fleet to fish in the KME in years when the <sup>local</sup> KME ocean commercial salmon fishermen are not permitted to fish for salmon.  
Topic Due to impacts on Klamath Fall Chinook

Local Salmon



**United States Department of the Interior**  
**FISH AND WILDLIFE SERVICE**

Klamath River Fishery Resource Office  
P.O. Box 1006  
Yreka, CA 96097  
(916) 842-5763

June 21, 1991

Memorandum

TO: Management Council members  
FROM: Ron Iverson *Ron Iverson*  
SUBJECT: Ad hoc subcommittee review of comments received on plan.

On May 22, 1991, the ad hoc subcommittee met to review the comments received on the long-term harvest management plan. The two products from that meeting are:

- 1) a list of comments that the subcommittee feels the full council should look at,
- 2) the marked up pages from the plan with the suggested revisions added (on the margins).

Attachments.

ATTACHMENT 1 (to attachment 4)

The subcommittee forwards the following comments to the full council for review.

General

- o The KFMC has produced very little to justify the time, money, frustration, and stress that have gone into it. Technical staff have been unsuccessful at predicting ocean abundances and a pattern of Klamath stock contribution rates in the ocean catch for a specific upcoming year. The under- and over-predictions have had major adverse effects on Klamath fisheries. (02).
- o The plan needs a cohesive statement of philosophy to aid the public in understanding how the eight categories of the proposed plan go together. (03)
- o Protections against the incidental harvest of steelhead should be addressed more directly. (03)
- o There is a need to address issues concerning wild stocks. The council needs to recognize and include in the plan that native adaptive strengths of wild fish are fundamental to the successful restoration of the Klamath fishery. Without this essential acknowledgement of the need for wild fish, the plan is incomplete, and unconvincing that it will accomplish its goals. (03)
- o The KFMC planning process has been seriously flawed because of lack of public scoping prior to drafting of the Plan. (04)
- o The Plan is not understandable nor highly useful in its current form. The selected options broadly address critical topics but do not provide substantive solutions to the problems. In many cases, the options are contradictory and there is no indication as to how the conflicting objectives will be resolved. (04)
- o The Council should defer from setting goals for artificial production to the Task Force. The Task Force should be assessing habitat capabilities of the river and its tributaries and prescribing appropriate levels of supplementation. (04)
- o Although there are several options which address the need to protect "natural" anadromous fish populations in the Klamath (2.6, 5.1, 5.3), no specific actions are described in the Plan which would achieve this goal. (04)
- o Several options call for selectively harvesting hatchery fish, but no actions have been taken to date to insure that this will occur. If the KFMC does not move decisively to demonstrate that it can adequately protect Klamath River salmon populations that are at risk, listing some of the populations as endangered may be the only avenue of preventing their extinction. We strongly suggest that the final Plan language clearly define what specific actions will be taken to protect severely depressed anadromous fish stocks from harvest to insure that populations are not lost. We suggest that the only apparent method to protect salmon stocks at risk is by implementing selective harvest of hatchery fish in commercial troll harvest and ocean and in-river sport fisheries. (04)

- o The KFMC should also specifically state management strategies to minimize impacts of the Indian net harvest on depressed salmon stocks. (04)
- o The KFMC should focus some of its energy on gathering information on green sturgeon and formulating a management plan. If overfishing is occurring on this species, the population loss would not occur until 15 years from now. (04)
- o Some attention should also be given to the possible decline of eulachon and coastal cutthroat trout. (04)
- o The Klamath harvest plan should accomodate the needs of both the Trinity and Klamath River Restoration Programs. (F3)
- o I feel that this plan is more or less an experiment, and in any experiment you need a base or control to establish guidelines. This plan is based on natural stocks. If so, where is your base or control? Salmon are known to stray, and since there has been hatchery involvement on the Klamath for 50 years, I feel that a genetic wild salmon is going to be hard to come by to establish your base or control. Since there are no self-sustaining runs of pinks or chums, they must be strays. Low water years increase the chances of intermixing stocks. (I1)

Yreka Public Meeting:

- o Category 4.a, the term "organizational approach" is used. I suggest "Council size" I would like to see the council expanded to include habitat managers from the private and public sectors. (BR)
- o My immediate concern is the spring chinook. What does this plan do for them? In the South Fk. Trinity River, this stock is extinct. The New River stock is just hanging on and the Salmon River stock is threatened. How does this plan address this issue? Many organization, along with local fishing groups, will look to the council in the short run to take action to protect these stocks at eminent risk. (FP)
- o Some coho stocks are of concern also. Emergency management measures of these stocks are needed, we'll be looking for them. Information exists to list these stocks right now, but that would take away a lot of management options. That is why it is not being exercised right now. We'll be watching what the Council does on this issue before trying to exercise this option. (FP) [Has the council given enough emphasis to the obvious threats to spring chinook? coho?]

Introduction

- o p.4: Failure to discuss or establish goals for mitigating fish losses of the Upper Basin (01).
- o p.4: The discussion of interaction of hatchery and natural stocks does not adequately explain the current situation under which inland production of natural salmon, particularly in the Trinity River Basin, is very low and that the high level of hatchery production combined with existing harvest management contributes to the difficulty in restoring natural stocks to historic levels. The hatchery fish also compete with natural fish for

holding, spawning, and rearing habitat. These factors are equally as important as the lack of inland habitat in suppressing natural production. Maintaining hatchery production at high levels in years like 1990-91 when natural production is low also serves to dampen recovery of natural populations. (F3)

o p.4: It should be noted that predation on natural salmon fry by hatchery steelhead is a commonly observed but as yet unquantified phenomenon. It should be pointed out that overharvest of natural salmon adults should be expected because the natural proportion of the total adult population is substantially smaller than the hatchery component and the impact of harvest is the same intensity for both components. This situation hinders the effort to restore natural salmon runs. (F3)

o p.5: Show evidence of run sizes being much larger in the past. Provide estimates on pre-project populations (O1).

o p.5: How can ocean abundance be estimated with a severely restricted ocean fishery? (I1)

o p.9: Incidental take in the high seas driftnet fishery, should be monitored more closely. (I1) [refer to NMFS]

o p.10: The section on Other ocean harvests should point out that there is increasing evidence that salmon and steelhead are being harvested by the legal and illegal high seas drift net fisheries. (F3) [refer to NMFS]

o p.13: re: Reconstruction of each brood takes many sources of mortality ... into account... Add more information about the sources of mortality (increasing marine mammal populations, river flows, river siltation). (O5)

o p.12: the concept of MSY: There is no such thing as equilibrium in a healthy system. Wide fluctuations in escapement and recruitment are natural. (O2)

#### misc

o It should be noted that this strategic plan is amendable, and will have a schedule for revisions to occur. (O5)

o Bickering and fighting will not work to restore the fish runs. The only real solution to this problem is to put back into the river more than you take out. Perhaps a large hatchery could be built jointly by Indians, commercial fishermen, and sports fishermen using government grants. This hatchery is the only solution to this problem, which will never get better on regulations only. Above all, don't fight with the Indians. Work together, hand in hand to overcome this problem. (I3) [see both plans]

o We should look at regulations with a wary eye. I advocate less regulations that are more balanced. Council members should spend at least a week commercial fishing to gain a better understanding of the industry. Commercial fishermen have a lot of knowledge. Their voice should carry more weight. (I6)

## Chapter 1: The Duties and Obligations of the Council

o The KFMC should be required to formulate an annual budget and to discuss planned expenditures with the Task Force. (04)

o 1.2.2 What does it mean to account and allow for variation...? If it means that the points related to the loss of in-zone ocean salmon cultures, then it must be made very clear. (05) [Check with Act]

## Chapter 2: The Issues: Fundamental and Symptomatic

o p.18, #32: should be listed as a fundamental issue, not a symptomatic one (01).

o Issues not resolvable by consensus should be set aside when possible and after 3 attempts to compromise them out be subjected to a 2/3 majority vote for resolution. (L1) [This would require changing the Act, and Congress would need to do it.]

o 2. *What I did not like about the identification and structuring of the goals:*

The process outlined on p. 20 is obviously a reduction of a previous brainstorming session on goals and objectives. It seems very cumbersome and has still great redundancy. I believe all those stated could be further summarized into 7 or 8 major goals that would still cover all that was intended by the 26 that have been included. How the KFMC goes about its work is part of the management process not goals and objectives. I suggest the following summarized goals:

1. To allocate resources in an equitable manner giving consideration to user needs in order to provide a viable fishery for each user group.
2. To insure that escapement levels are adequate to resource re-building and are not allowed to jeopardize the MSY target.
3. To structure MSY, escapement, and harvest allocation on the basis of preservation and propagation of natural stocks.
4. Insure coordination with the Klamath and Trinity restoration programs encourage work on habitat that will allow escapement growth and a resultant increase in MSY.
5. To obtain the best available technical support for biologically sound recommendations.
6. Insure that harvest regulations are promulgated in a timely manner and are enforced.
7. To provide for efficient and orderly management of the overall process.
8. To encourage and make available time and location for public participation. (L1)

## Chapter 4: The Options for Designing a Strategy

o Add options: 2.3 - 5.6. (11)

o Delete options: 3.8 - 7.5 (11)

o re: the 8 categories of options: Once again 2 should be 8. 3, 5, 6 and 8 need to occur so there will be a need for 2 and 7. (15)

o The options field could be improved if the following dimensions were added or deleted:

... 2.7: may in time be needed, 2.6: A cop out (manage fish not fishermen), 3.6: money from all sources should be put into this. It is way overdue and probably going to be expensive, but seems to solve most problems with HVSW stocks. Need to protect genetics and the fishery! The main reason your stocks are low %. (I5)

... I believe the establishment of an "escapement policy" is a goal and should be removed from options field or re-stated within the field in a manner that says how you will attempt to reach that goal. (L1)

o Category #3: Resource Assessment and Monitoring could be improved. (I11)

o Uncertain that these 8 categories would allow you to reach your goals and objectives. (L1)

#### Chapter 5: The Design of the Council's Strategy for Meeting Its Goals: The Choice of the "Best" Set of Options

o 4. I am especially pleased that the following options were selected by the Council as part of their overall strategy:

... 1.6, 2.6, 3.4, 3.9, 3.10, 4.4, 4.9, 5.1, 5.3, 5.5, 6.1, 6.4, 8.1 (F2)

... 2.2, 2.4, 3.2, 3.6, 3.7, 3.9, 6.1 through 6.6. (I5)

o 5. I am especially pleased that the following options were not selected by the Council: 2.8 - 2.6? (I5)

o 6. I believe that the strategy of the Council would be strengthened if the following options were considered and adopted by the Council:

... Option 7.2: In accordance with Federal law it may be considered to be an illegal option to review for adoption, as it does not address the fact that Tribal fishing rights are superior, above, and beyond the fishing privileges of non-Indian citizens. The Congress of the United States of America has an inherent, and acknowledged trust responsibility to the Tribes to protect the aboriginal, Treaty, executive order fishing rights of Tribes above all other consumptive use of fisheries resources. Option 7.2 places the Tribal harvest rights on an equal basis with non-Indian user groups of the resource contrary to Federal law. Option 7.2 should be stricken from consideration as part of a Federal document (which this plan is). (U1)

... Option 7.2 (alternate) which conforms with federal law, in stating that "the allocable share to Tribal reserved fishing rights" shall be set aside for tribal use, and the remaining harvestable surplus shall be allocated amongst user groups to optimize social and economic benefits. (U1)

...Option 7.2 (alternate): suggested language change. "(1) Pursuant to their trust responsibility to Indian Tribes, appropriate federal agencies, in coordination with Tribal representatives, shall establish the reserved Tribal harvest share based on an understanding of current and developing Tribal requirements, and in accordance with Federal law." (U1)

### Comments on Category 2

o Option 2.2 reflects the status quo and has not been effective in providing for the needs of the user groups. There needs to be an avenue open for the council to consider alternative management regimes that might better address the needs of the fishery. I am unclear whether adoption of Option 2.2 would preclude consideration of alternative plans. (I4) [The subcommittee recommends that "within PFMC framework" is added to this option.]

### Comments on Category 3

o Add one Option to provide for in-river law enforcement (refer to law enforcement problems on p.9) (01).

o Option 3.7 is not supported. Offsite releases of hatchery fish may greatly increase straying of these fish (Royal 1972). Mixing of hatchery and wild fish may cause loss of genetic diversity in the Klamath Basin and decrease fitness of locally adapted stocks (Riggs 1990). Transplanting Iron Gate Hatchery fish in pond rearing programs that transfer fish far downstream, where they may be poorly adapted, may have already had such detrimental effects. (04)

o Option 3.7 should include the phrase "or other less damaging mark" after the word "clipping". There is a growing concern that even coded-wire tagging fish increases the risk of mortality by enhancing the probability of predation on juvenile fish. (F3)

o Option 3.8. It is difficult to believe that live, unharmed capture techniques for ocean harvesters can be developed. (F1)

o Option 3.8: insert "non-lethal" between "new" and "sorting". (F3)

o Option 3.8: How do you capture and release live non-target fish with a gillnet? (I1)

### Comments on Category 4a

o Option 4.4 should be rewritten to read: "Add seats to the Council for Karuk and Oregon ocean recreational Representatives." (01)

o If Option 4.4 is rewritten, then it should also add a seat for a representative of the sport fishery interests. (03)

o A seat should be added for an in-zone commercial fisher representative to balance the additional karuk representative. The socio-economic aspects of the zone salmon ports are rapidly being forgotten. (05)

o Option 4.4: Additional seats should be added to the KFMC for a) south coast CA trollers, b) Oregon trollers, c) Oregon sport fishing. This would provide greater representation for the impacted groups. These seats should be considered prior to adding a Kurok representative because the Karuk's have such a minimal interaction with Klamath fish. (I4)

o It would be useful to include a formal mechanism for effectively coordinating the activities of the hatchery, restoration programs and harvest management. (F3)

Comments on Category 4b

o Rewrite Option 4.7 to delete the term "flyers" and replace it with the term press releases. Commenter questions remaining consistent with Department of Interior procedures. (01)

o A direct conflict of interest has recently arisen of the KFMC. The DOI representative was advised by the Secretary of the Interior to support the Native American position - in spite of the knowledge that to prioritize the 12,000 Klamath salmon would require total closure of the OR and Ca commercial salmon industries. (05)

o Include Option 4.5 in the Plan. (01)

o Option 4.10. The Task Force and Council should integrate efforts for long term planning for the Basin. (F1)

o Support for Option 4.10. The KFMC and the Task Force must function more as a team if the fisheries resources of the Klamath River Basin are to be restored. (See comment for details.) The specific mechanism for interaction between these two advisory committees should be clearly defined in the plan. (04) [subcommittee comment - This is desirable. The Council and Task Force need to develop a specific mechanism for coordination.]

Category 5

o Rewrite Option 5.1 to read: "Recommend management measures to produce optimum yield for the fisheries of the Klamath Basin while preventing any Klamath River tributary natural sub-population from becoming threatened, endangered or extinct." (01)

o Option 5.1 needs to have "natural sub-population" defined (e.g. Indian Creek, S.Fk. Indian Creek or mid-Klamath tributaries) to allow better implementation. (F2)

o Option 5.1: Insert "natural" between "produce" and "maximum". (F3)

o Rewrite Option 5.3 to read: "Recommend management measures for ocean and in-river fisheries that impact Klamath Basin salmon to provide for natural spawning Klamath Basin stocks." (01)

Category 6

Eureka Public Meeting:

o Option 6.4: How about writing a corresponding option for "all river activities". (PY)

Category 7

o Adopt Option 7.2 (02)

o Option 7.2 is the beginning of dealing with the heart of the matter (i.e. What are minimum needs, and how do we allocate equitably?) I recommend a special KFMC meeting on this topic. (05)

o Option 7.2: This option does not provide clarification of the issues, nor does it allow for an equitable distribution of the resource. The difficulty of equating minimum needs of trollers, sportsfishermen and Indians can not be overstate. Unless an innovative, new approach to allocation arises, I would recommend that the KFMC put off a decision in this area and concentrate its efforts in areas where mutual consent can be achieved. (I4)

o Option 7.2 (alternate) is inconsistent with the Klamath Act's statutory authority, which recognized all users essentially as important and having a co-equal stake in the fisheries of the basin (O1).

o Option 7.2 (alternate) seeks to exclude one fishery from the allocation process in favor of another. This is contrary to MFCMA, as well as a total rejection of the principles under which all fisheries groups first met to determine allocations. (O2)

o Since the KFMC did not unanimously agree to 7.2 (alternate) the option should not be adopted. (O3)

o Option 7.2 (alternate) begins to undermine potential resolution because it selects a group with superior rights, feeding back into the exact direction - the wrong direction - which our previous elite, conquering leaders lead us in the early history of this country. (O5)

o Option 7.2 (alternate) is a confusing concept, and obviously detrimental to non-Indian user groups. It appears to be a back door approach to manipulating the KFMC into recognizing and validating an overriding Indian right to a public resource. (I4)

o Option 7.3 is questionable. What is intended? (O1)

o Option 7.3 is unclear. The option needs to be rewritten to increase the specificity and clarify the meaning. (O2)

o Option 7.3: I doubt that the KFMC has the authority or that it seeks the authority to dilute the responsibility for management of the Klamath River System. The impact of a significant user group sitting as a co-manager of a resource they are impacting does not seem realistic or practical. Its like leaving the fox to guard the chicken coop - with the other user groups being the chickens. (I4)

#### Eureka Public Meeting:

o Option 7.3: meaning is unclear. Does it mean that the tribes will be managers on the reservations, or is some broader authority implied -- like co-management of Iron Gate Hatchery? (DB)

PUBLIC REVIEW DRAFT

The  
Klamath Fishery Management  
Council  
Strategic Plan  
for  
Management of Harvest  
of  
Anadromous Fish Populations  
of the  
Klamath River Basin

prepared by

The Klamath Fishery Management Council  
P.O. Box 1006  
Yreka, California 96097-1006

3. given at least annually, and
4. given after public hearings have been held concerning the regulations to be recommended.

The following provides some specifics concerning these requirements.

### 1.2.1 Long-term Plan and Policy (Requirement 1)

The requirement for making recommendations that are consistent with the Council's Long-term plan and Policy implies that the Council must first establish such a plan and policy. That requirement is precisely the impetus behind the current strategic (long-range) planning process described in this paper.

In addition to establishing a strategic plan, the Council is obliged to make its recommendations and policies consistent with the goals of the Klamath-Trinity Restoration Program. Currently the goals of that program are:

- o Restore salmon production to optimum levels by a) increasing number of smolts per natural spawner and b) improving survival of smolts.
- o Develop and maintain artificial salmon production programs.
- o Coordinate and review projects that would adversely impact anadromous fish production.
- o Conduct information and education programs and encourage community involvement.

Trinity Program is 100% natural. The differences between K+T programs needs to be explained.

Define in glossary

and

### 1.2.2 Standards for recommendations (Requirement 2)

Congress has established five standards to be followed by the Council; the Council's recommendations must:

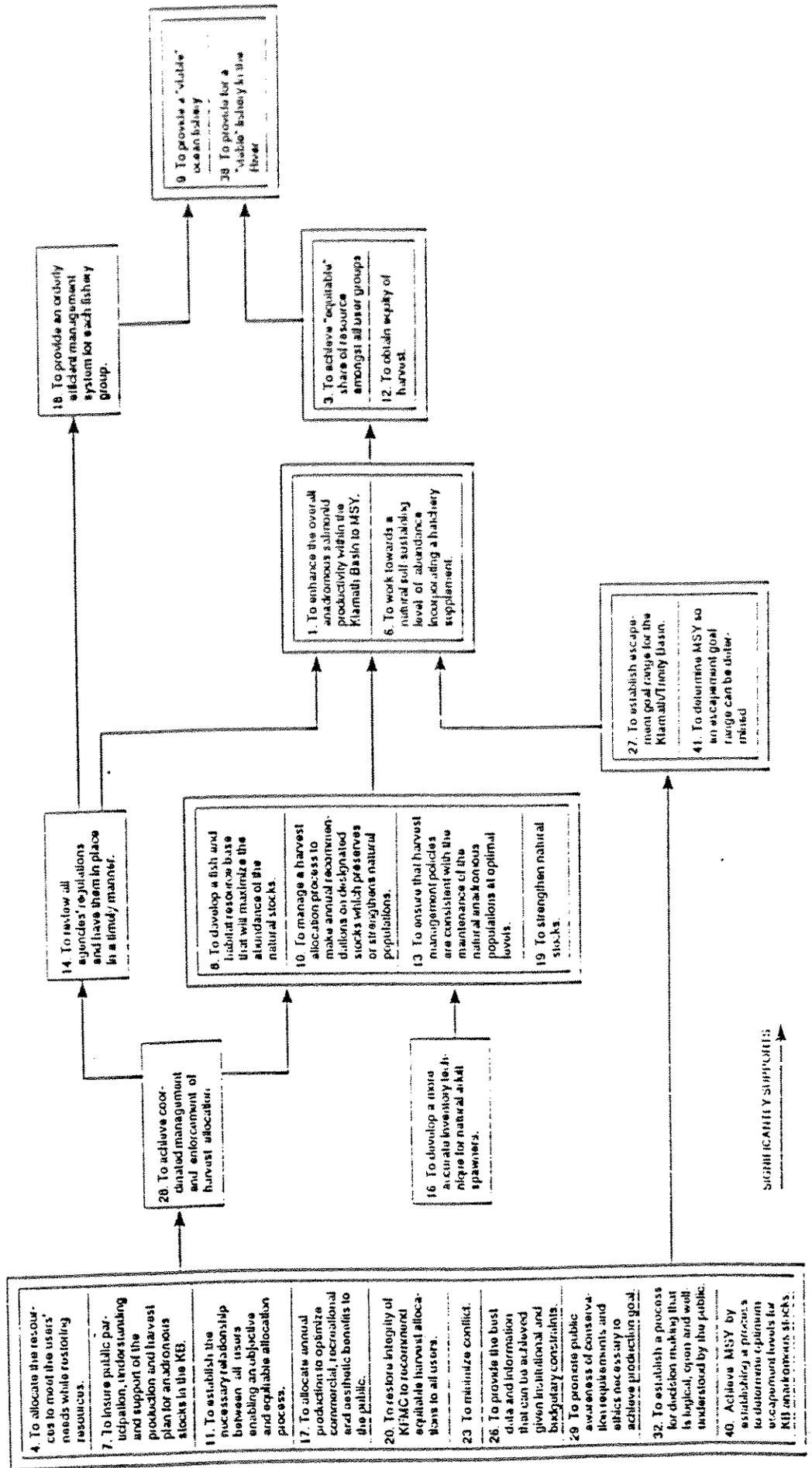
- o be based on the best scientific information available,
- o minimize costs where practicable,
- o avoid unnecessary duplication of regulations,
- c account and allow for variation in fisheries, fishery resources, and catches,
- o be designed to achieve an escapement that preserves or strengthens the viability of the area's natural anadromous fish populations.

These items should be verbatim from the Act. The council may want to expand on these.

Its duties and obligations thus identified, the Council began its planning to design its long-range strategy for carrying out those duties effectively and efficiently.

# STRUCTURE OF GOALS FOR THE KPMC HARVEST MANAGEMENT SYSTEM

Figure 4



## CHAPTER 5. THE DESIGN OF THE COUNCIL'S STRATEGY FOR MEETING ITS GOALS: THE CHOICE OF THE "BEST" SET OF OPTIONS

### 5.0 Specification of a Strategy from the Options Field

The design of the Council's strategic plan for meeting its goals and objectives is a matter of choosing activities (options) from each category of the Options Field (Appendix A). The set of selected options (planned activities, tasks, projects, etc.) becomes the strategy for achieving the goals. One can imagine that the selected options are the "stepping stones" (i.e., sub-goals, objectives, or milestones) that must be reached and surpassed on the way toward achieving the goals. To produce a successful strategy, (i.e. a strategy that, if followed, will result in meeting the specified goals and objectives) the Council must select or approve options within each category. Failure to achieve a solution or improvement in any one category could mean failure of the Council to carry out its functions and overcome its problems; hence, the importance of specifying how each dimension of the problem will be handled. Given a choice of which options to select (and which not to select) the Council was immediately faced with the question of choosing the "best" set of stepping stones so that it could reach its destination with a minimum of expense, a maximum of efficiency, and a high degree of certainty. To find the "best" strategy the Council needed criteria for determining what is "best".

### 5.1 Criteria for Specifying the Best Strategy

The choice of a set of options from each category across the options field is called an *alternative strategy*. Mathematically there is an enormous number (> 15 million) of possible alternative strategies that could be specified from the Council's options field. Fortunately, all possible alternatives do not have to be specified to determine a satisfactory strategy. However, to discriminate among good and bad or better or worse alternatives that may be proposed, criteria are required. The Council specified the following criteria for evaluating proposed alternatives and for choosing the best or optimum alternative strategy: *Note: The criteria are not listed in a priority order.*

#### Criteria for the Evaluation of Alternative Strategies

1. Net economic benefits to the users of the resources.
2. Cost of carrying out the program.
3. Degree to which users needs are met.
4. Preservation and strengthening of natural anadromous populations.

5. Degree to which standards of the Klamath Act are met.
6. Recognition of social values.
7. Achievable under current governmental structure.

## 5.2 The Specification of the KFMC Strategic Plan

The Council determined its strategy, or strategic plan, by considering each option within each of the eight categories, debating the pros and cons of including (or excluding) the option in light of the criteria and then deciding by majority vote explicitly to include or exclude the option. The set of options thus designated as the Council's strategic plan was adopted by the Council unanimously.

The strategic plan of the Council is represented by the set of selected options as listed below. The set of selected options represents the best alternative strategy that the Council could define, utilizing the specified evaluation criteria.

### The Klamath Fishery Management Council's Strategic Plan:

#### Category 1. Decision Making Process

- 1.3 Maintain status quo (unanimous) decision-making process.
- 1.5 Establish a step-wise process for submitting harvest sharing agreement to PFMC for adoption.
- 1.6 Establish a step-wise process for submitting recommendations to other management authorities.

#### Category 2. Harvest Management Strategies

- Add? "within PFMC Framework" →
- 2.2 Coordinated seasonal management by time and area with quotas allowed.
  - 2.4 Develop regulations that allow users access to the stocks. <sup>other</sup>
  - 2.6 Design harvest regimes to achieve an appropriate balance between available natural and surplus hatchery stocks.

#### Category 3. Resource Assessment and Monitoring

- 3.1 Devise a monitoring program that enables instantaneous estimation of harvest status of all salmon stocks.
- 3.2 Seek funds for improved in-season data collection.
- 3.4 Determine potential production of each species in the basin.

3.6 Develop a method to immediately identify hatchery fish.

*smithing revision:* 3.7 Improve harvestability of hatchery fish by <sup>using methods such as:</sup> altering stocks, release locations, <sup>marking</sup> ~~and by~~ (fin clipping, or other less damaging mark).

3.8 Develop new sorting and harvest methods.

3.9 Institute a coast-wide Genetic Stock Identifier ocean landing sampling program to determine stock composition of ocean-caught landings.

3.10 Assess and monitor all anadromous species in the Klamath Basin.

#### Category 4a. Organizational Approach

4.2 Maintain status quo organization.

4.3 Upon election of the Yurok Interim Council, the title of non-Hoopla representative will be changed to the Yurok representative.

4.4 Add seat to the Council for Karuk Representative.

#### Category 4b. Communication

4.7 Produce Newsletters and Flyers.

4.8 Vary locations of meetings.

4.9 Improve or establish communications with fishery management authorities on the Klamath in order to carry out our legal responsibilities.

4.10 Establish a coordination mechanism between the Klamath Fishery Management Council and the Klamath River Basin Fisheries Task Force.

#### Category 5. Escapement Policy

5.1 Manage escapement to produce maximum sustained yield for each Klamath River run while preventing extinction of any Klamath River tributary natural sub-population.

5.2 Develop optimum escapement levels through harvest rate management.

5.3 Manage all ocean and in-river fisheries that impact Klamath River stocks consistent with Klamath River natural production.

5.5 Establish a threshold for natural stock productivity below which the KFMC will re-examine management methods for natural stocks.

2.3 Fine-tune allocations by allowing in-river fishing in all salmon spawning rivers.

The intent of the option was to shift from a management system that penalizes the ocean fishery for taking Klamath chinook -- as the present management ostensibly does -- to a system that would encourage harvest of non-Klamath chinook stocks. The option proposes to achieve this by re-establishing terminal commercial fisheries targeting strong chinook stocks in other rivers, such as the Sacramento or Rogue.

\*\*\*\* 2.4 Develop regulations that allow users access to the <sup>other</sup> stocks.

Ocean users will develop good technical data that will allow them access to mixed ocean stock inside/outside KMZ. The in-river users (Indian/sport) will develop regulations that will allow them to optimize their opportunities.

2.5 Direct all river harvest to hatchery stocks only.

The intent is to spare depleted wild stocks, while allowing some inriver harvest. This is more feasible with steelhead than with salmon. Harvest methods that permit sorting live fish would be required.

\*\*\*\* 2.6 Design harvest regimes to achieve an appropriate balance between available natural and surplus hatchery stocks.

The Klamath Fishery Management Council will seek to balance the harvest between natural and hatchery stocks as appropriate. Priorities should be given to situations where surplus hatchery stock can be targeted while maintaining MSY escapement levels for natural stocks. The Council shall utilize the expertise of the technical team for designing such harvest strategies.

2.7 Develop a terminal fishery.

The intent of this option is to spare depleted wild stocks, while allowing harvest of strong stocks. To be effective, most of the harvest would have to be shifted to terminal in-river fisheries -- not just in the Klamath River, but in all rivers. The ocean fishery would have to be greatly reduced owing to the inability to identify wild stocks or to target on non-wild stocks in the ocean.

2.8 Expand boundaries of the KMZ.

The intent is to decrease the contribution rate of Klamath chinook to the Fort Bragg and Coos Bay fisheries, thereby reducing ocean harvest impacts on Klamath chinook.

MEETING OF THE  
KLAMATH FISHERY MANAGEMENT COUNCIL  
ARCATA, CALIFORNIA, JUNE 27-28, 1991.  
SUMMARY MINUTES

Members present: Nat Bingham, Virginia Bostwick, Bob Hayden, Don McIsaac, Charlie Fullerton, Sue Masten, Mel Odemar, Lisle Reed, Frank Warrens, Keith Wilkinson, Mike Orcutt (for Lyle Marshall).

Agenda: Approved. (Attachment #1)

Minutes of last meeting:

- o Minor changes to be made by Sue Masten, she will provide comments to Klamath River Fishery Resource Office (KRFRO) staff.
- o Frank Warrens requests a technical correction. Pages 6 and 7, subject CPUE test fishery, The SSC is supposed to be the "Scientific Statistical Committee."

Motion to approve minutes, with recommended changes, carried.

Reports on the Commercial Troll and Ocean Sport Fisheries:

(Odemar): No data is provided below Fort Bragg because it is not complete, and wouldn't mean anything. The landings south of Point Arena are ahead of last year. The number of deliveries is down, but those boats that are fishing are very successful. Nat can give specifics. The sport fishery started very slowly, weather has been poor, but landings are picking up. Limits have been caught regularly. If, by July 10, the KMZ Chinook Sport Harvest is projected to reach 20,000 for the season, additional days of the week may be closed to fishing. Usually, by July 15, about half the sport harvest is caught. If conditions continue, we will reach the cap.

(Bingham): Most of the information I have is anecdotal. There's been a significant drop in effort. Many fishermen didn't fish. In the Fort Bragg fishery, about one quarter of the boats are active, Eureka and Crescent City are somewhat more active. Most areas are not crowded with boats. I've seen few boats when I've fished. The weather has been extremely poor and we've requested an extension of the commercial troll season because of this. When people do manage to get out, the fish are offshore in deep water, but we've had decent catches. Fish distribution is unusual this year. Fishing was good 10-20 miles off Point Arena, until wind picked up. The fishing has been better off Half Moon Bay and Monterey Bay. I was fishing off Farallon Islands yesterday, caught lots of 2 year olds. We were worried that these fish wouldn't be around, but they're there. Catches have been good farther down south, near Morro Bay. There's been steady fishing in Half Moon Bay. There's a fairly large distribution of fish, not schooled up yet, feeding conditions are excellent, water temperatures have been abnormally cold, 45 to 50 degrees through May, recently the temperatures have come up into the 50's, where the fish feed the best. It's still too soon to tell, but it appears that stocks are up. Also, an unusual abundance of coho out there, lots of 6-7 pounders and smaller.

(Wilkinson): The Oregon report: absolutely a financial and social disaster. It remains to be seen whether it will be a biological disaster. Chinook fishery has been slow, coho fishery has been nothing. A few small fish have been caught close in. Considering the price for coho, it appears to be the

bottom of the fishery. Weather has been bad, but it's getting better lately. There's been a significant effort reduction. It doesn't look good.

(McIsaac): With the 1 chinook/1 coho bag limit, fishing success has been good. Just as a note, the 20,000 Klamath Management Zone (KMZ) fish harvest guideline, it looks as though they'll be harvested. In fact, we are currently on pace to achieve the 37,000 catch of 1990. The decision point to continue fishing is July 10, 1991. The Pacific Fishery Management Council Salmon Technical Advisory Team (STT) is to make a recommendation at the Seattle meeting.

(Warrens): I would like direction from people in this area to facilitate my recommendation to the PFMC on how we'll manage this KMZ fishery. Realizing that we have 20,000 fish in the KMZ for the ocean sport fishery, it looks like we'll push that number by July 15. I would like a recommendation from this body to take to PFMC.

(Masten): I'd like to caution us not to overestimate the numbers of fish. I think we need to take a close look, not allowing any fishery to exceed limits. I'm concerned about the spring fishery and how it may relate to the fall fishery later on.

(Bingham): Something we may all agree on is that it's difficult to give policy advice when we don't have much data. California has had budget problems, I'd like to have this group say to the world that we can't do our job without information.

(Odemar): Commercial dealers submit their purchase tickets every other week to CDFG staff. This year, the biostatistical unit has four vacancies right now. They're understaffed to handle this data input. The state legislature almost shut down the entire shop. The lack of data south of Fort Bragg isn't really affecting our ability to manage. They're catching fish is more a factor of weather and ocean conditions. Last year many fish were caught in Oregon, this year in California. We don't manage by port, but by stock. It would be good to have all harvest information but won't completely stop our capability. The sport harvest data is coming in regularly.

**\*\* Motion \*\***

(Bingham): I hope that this group will support full funding of data gathering efforts. We need the same kind of information as we have on the Fort Bragg fishery. Data such as CPUE and numbers of fish landed, by port. This kind of information is needed for all of California so we can get a feel for what the KMZ fishery is doing. It doesn't seem to be that difficult to get fish ticket information put into a database. It'll give us a feel for how the fishery can proceed. I make a motion to support this data gathering effort. (Motion seconded.)

**\*\* Action \*\***

Bingham to draft a letter to the Director, CDFG, requesting adding additional staff to the harvest data management office.

Agenda item: Report from the Klamath River Technical Advisory Team:

(Barnes): I've put the Klamath River contribution rates on the board. This is what PFMC will use. [Attachment #2] [Refers to Table 2, Attachment #2] This is only for the Yurok reservation. There should be another 100 fish shown, representing the Hoopa Tribe's harvest. Trinity fish are usually reported late in July. It looks like a disaster for the Trinity River spring chinook run. They usually come in earlier. The run at Junction City, last year, was 300 fish. This year the count is 40 fish. The Trinity River Restoration Program is supporting a \$150,000 per year study on the Trinity River Basin. The CDFG has three fish counting weirs on the South Fork Trinity River. So

far, on the lowest weir they've only caught 20 fish. So there are only 60 fish counted.

Q: Why?

(Barnes): My first response would be "ocean conditions." But, there were questions about chinook predictions from the KRTAT team, based on hatchery contribution. Ninety-five percent, or more, of spring chinook are from the Trinity River hatchery. It could be a hatchery problem as well as ocean conditions, but considering all catch reports for ocean fisheries, it doesn't appear to be the ocean conditions. This is a disaster as far as our predictions are concerned. In 1990, on the Trinity River, there were only 250 [fall run chinook] jacks, which was the lowest count since 1979. There are some indicators of low abundance. On table 2, there is a comparison of catches between spring and fall fish on the lower Trinity River. This is comparable to 1982. It is almost an historical low. An update on CPUE, we shifted that to the PFMC TAT. They won't start work until September, to report to the PFMC next spring. They won't have data they can use until we get this August harvest data. It's unlikely that the 1991 CPUE data will help. To add to the report, the scale analysis project was approved for funding by the Klamath River Task Force, for \$5,500. The other half of the funding is to be provided by the Trinity River Task Force. We have tentative sites set up for sampling.

(Fullerton): The National Marine Fisheries Service (NMFS) isn't predicting an El Nino yet, but we're close to making this prediction.

Agenda item: Update on 1991 harvest management plans.

Report on Commerce/Interior discussions of ocean salmon regulations:

(Reed): The Secretary of Interior sent a letter to the Secretary of Commerce, requesting that the Secretary of Commerce intervene with the Pacific Fishery Management Council's (PFMC) .12 commercial harvest recommendation for Klamath River 4 year old fall chinooks. The Secretary of Interior supported the Indian net harvest request of 12,000 fall chinooks. This request wasn't honored by Commerce. The Secretary of Interior was never able to discuss this with the Secretary of Commerce. Interior didn't get to pursue this issue, but by acquiescence, the decision was made and passed through Commerce. We're dissatisfied with the action of PFMC. They just picked a harvest level between .12 and .20. PFMC should've stated why they chose the harvest rate. This was naive and amateurish.

(Warrens): The PFMC didn't arbitrarily pick a harvest number between .12 and .20. The .16 was slightly below the proportional reduction contained within the language in the 5-year agreement. The PFMC, with a great deal of thought, and considerable amount of agony, drew a line at .16 considering inriver and ocean harvests. It was a tough decision, the cost between .12 and .16 would've caused a loss of approximately 30% of the ocean commercial fishery. I take exception that this action was irresponsible.

(Reed): I appreciate the comment.

(Warrens): It needs to be clearly understood by all parties, that weak stock management costs a mixed stock ocean fishery over 100,000 fish to save a few hundred fish of a particular stock. The difference between the .12 and .16 commercial ocean harvest rate would have cost the ocean fishery 10s of thousands of fish foregone to provide 2,000 fish for the inriver harvest.

Q: Since the Secretary of Commerce has latitude in his decision, is there going to be a written reply from Commerce to Interior?

(Fullerton): I think this was sent. I believe that he indicated that he would go along with the recommendation until further information was provided.

(Reed): The letter was answered by the assistant secretary. There was discussion among aides of the secretaries. They could say they responded with verbal discussions.

(Bingham): I'm concerned about this discussion. It appears that we're looking toward next year anticipating this same situation. I think we had a lose/lose situation last year. We've got a year's worth of meetings to work this problem out. I'm concerned that we're taking positions for next year.

Agenda item: Proposed Klamath River angling regulations for 1991

(Odemar): Each of the KFMC members should have received a copy of changes to the fishing regulations. Basically, the key area changed has to do with management of quotas in the Klamath River Basin. Last year, I acknowledged that the quota management regulations were no longer appropriate. The inriver sport fishery has changed. The plan is to manage the Klamath River sport fishery below Coon Creek. When 50% of the allocation of the quota is made, that area of the Klamath River is closed for the take of adult chinook salmon. The users wanted a trigger to slow down the fishery, 25% of the quota is taken by 8/26. The other change is that the regulations now allow daily take of five salmonids, no more than two adults, now changed to three fish total. A meeting was held between inriver fisheries (Indian net and sport) to establish fishing zones on the lower river to separate Indian and non-Indian fishers. We believe zones are needed. If we find that they are not needed, they'll be withdrawn from the regulation package.

Agenda item: Update on BIA and Hoopa subsistence regulations for spring and fall chinook harvest

(Overberg): There really hasn't been a spring chinook net fishery. We didn't adopt the special regulations because we didn't have a good predictor. We're using 25CFR regulations for the subsistence fishery. There will be no commercial net fishery, because less than half of the subsistence fishery is being met. Regulations and requirements for the Indian net fishery is covered in 25CFR. We had a meeting with the inriver sport fishermen, and tried to come up with alternatives to reduce anticipated conflicts on the lower Klamath River. We discussed about twelve different options. We came up with the option of splitting the estuary into three zones. We'd alternate zones and days, allowing full time on river, limiting area only. This still has potential for implementation this year and for years in the future. I suggested to CDFG, that if we get a good fish run and start having problems, I have the authority to make adjustments in the inriver net fishery. It doesn't look like we're having much of a problem on the spring chinook fishery. Fishing effort is light. In the fall fishery there are many more nets. The difference from this year and past years is that we will not require Indian net fishermen to fish only at night. The reason for this is that there is no commercial net fishery. If there are problems down there, I'll get with our people to work something out. Again, we're using 25CFR regulations that have been in place for last 4 years.

Q: Do the regulations identify a minimum harvest number?

(Overberg): Yes. 12,000 fish.

Q: If the run size is larger than forecasted, will you change the regulations to allow increased harvest?

(Overberg): No. If we're able to take 12,000 fish, this is the figure that has been agreed to in the agreement. We'll shut it off if we get this number, because we can't estimate the total escapement right now. There's no way of predicting whether the run will be large or small.

Q: Would a 12,000 target catch and 2,600 inriver sport harvest still allow for 35,000 spawning escapement?

(Fullerton): With the current predictions, no.

(Warrens): The normal regulatory process is that we do not pre-announce an intent of any group to fish beyond their allocation. The allocation for the inriver fishery was slightly over 10,000 fish, as a result of the change from the .12 to .16 ocean commercial fishery. I hear there is an intent to fish beyond this level. I'm not prepared to comment, other than to state that we're in a process now of going beyond our appropriated harvest levels. I think problems will occur.

(Odemar): The number of fish allocated for inriver harvest was 13,000. BIA announced they would harvest 12,000. CDFG made it clear from the beginning, that we would assume the 80/20 split previously agreed to in the 1986 agreement. BIA says they'll harvest 12,000 fish. Whether we have a conflict here or not will be known after all harvest is done. The BIA is not doing something that we were not aware of. The levels called for are not surprising.

#### Hoopa subsistence fishery report:

(Orcutt): From our tribes' perspective, the Hoopa fishery is determined by the Hoopa tribe. It looks like 2,400 fish is the target, under the agreement of 20% subsistence.

(Fullerton): The KFMC doesn't set your harvest levels, but you do report to us. This was spelled out in the congressional actions.

(Orcutt): We met with CDFG and got concurrence on this harvest level.

#### Agenda item: Public comment

Doug McCollough: (Commercial fisherman, Trinidad.)

Where is the equity in fishing opportunity reduction? All other user groups living within the KMZ are allowed to fish. There is no equality in the allocation. Is there a consensus opinion that a commercial ocean fishery has the right to exist in the KMZ? The commercial fishery hasn't caused the decline of the fishery. I'd ask the KFMC to work towards mitigating the commercial fishermen for what they've lost. My only option is to fish away from this area. Everyone else fishes here.

Richard McCovey: (Yurok tribal member.)

Nat Bingham is still promoting the CPUE population estimate methodology. He should explain how this is high technology. It seems like astrology. Also, regarding restoration, I haven't seen effort to clean up the streams. The Yuroks used to be employed by harvesting ducks and clams also, but now they're not there.

(Bingham): To respond to the comment to me...it's not high technology. It's a statistical comparison of harvest in the CPUE in the Fort Bragg commercial fishery. This would give us another way to make population predictions. I'm committed to the concept that all fisheries be adjusted when stocks are low or abundant. The commercial fishermen don't want the resource depleted any more

than the inriver users. The commercial fishermen are involved in stream restoration and fish production activities. The Salmon Stamp committee spends money in the Klamath River Basin every year.

Paula Yoon: (Del Norte fishermen's Marketing Association)  
(See attachment #3)

Mudgie McCovey:  
I haven't seen anything done on the river by the commercial fishermen.

Pat Higgins: (Fisheries consultant.)  
It's acknowledged in this comment on the KFMC plan, the Humboldt AFS doesn't object to the Indian's right to fish. But, timing of fishing effort could impact specific stocks, e.g. Shasta River stocks. There are habitat restoration efforts being made in the Shasta River system. It's imprudent to harvest more than 4 days per week to harvest stocks that are in trouble. Protecting stocks is the long term restoration goal. Even if spawning efficiency is low in poor habitat, these genetic stocks are necessary for restoration and should be protected.

(Warrens): A comment on the whiting fishery and salmon bi-catch. The bi-catch throughout the range is .05 salmon per metric ton of whiting. That equates to about 5,000 salmon caught as bi-catch, for the entire whiting fishery.

**\*\* Action \*\***  
Put discussion of whiting fishery on agenda, for later time.

Agenda item: Report of the subcommittee to review comments on the draft long term harvest plan

(Barnes): Keith and I met with Tricia Whitehouse to review comments on the long term harvest plan. We took the comments, summarized and prioritized them to form this document (Attachment #4). This group has the option to go through the total package of comments, or go through this summary. There was another package that contains recommended editorial changes for policies in the plan.

(Wilkinson): We removed the comments that we felt would require legislative action, and provided you the rest.

Q: Who was on the committee?

(Barnes): Lyle Marshall, Nat Bingham, Keith Wilkinson, and myself (Jerry Barnes). Those that attended the meeting were Keith, myself, and Tricia Whitehouse. I caution you that it is a considerable task to go back and look at the entire package of comments. That may be necessary if you want to see specific comments.

(Bingham): My concern is that the public has commented in detail, yet, these comments were digested by staff. I believe the summary may be incomplete. I've not had an opportunity to study the comments, nor this summary. The Task Force plan was substantially amended after consideration of public comment. I'm concerned that we won't be as thorough in this process. I think we should go back and have more complete summaries available, full copies of all comments, and a key to see who made the comments. We should develop a process to go through and consider all comments. I don't think a 2-person subcommittee is appropriate. This KFMC is supposed to discuss and make decisions on our plan with regards to public comment consideration.

(Barnes): This summary of comments was put together by Tricia Whitehouse. It was a big task. The original comments are recorded, specific to person and item. Some comments were generalized to streamline the process.

(Wilkinson): I think this KFMC should consider this report before throwing it out. This was an extensive effort on our part.

(Reed): This summary is useful and will save this group a lot of work. This group should be able to make cross checks. I hope to use this summary to carry on with our work.

[Everyone read the summarized public comment document by Tricia Whitehouse.]

Discussion of the planning process:

(Mackett): I'd like to recap where we are in this process. We started a year ago January, looking at the planning system for the KFMC. You decided to adapt the NMFS planning system. We reviewed the congressional mandate, we discussed issues and looked at how they interacted, then came to agreement on fundamental issues. The next step was to look at issues, specify goals and objectives. We then asked ourselves, "if we achieve an objective would it help achieve other objectives?" We then looked at options on projects, and tasks needing to be done. We set those out in an options field. The purpose of the options field was to give everyone a chance to express their concerns. We did that and adopted a draft strategic plan, which was circulated to the public. A large number of comments were obtained, the subcommittee boiled them down to this 8 page document. The next step is to adopt the strategic plan, including suggestions by the public. It's up to the KFMC to decide whether or not to add options to the options field, based on public input. After identifying additional options, we'll decide whether to adopt the options. I recommend going through this, category by category. There were a couple of comments by the public that addressed the understanding of the plan, stating that this plan wasn't understandable in its present form. You're going to have to adopt an operational plan, also. Let's start out getting a comment from each of the members, what your reaction is to public input. Start with Nat.

(Bingham): I'm at a loss for words. I shared this plan with my constituency, I got a negative reaction to it. The primary comment was that they don't see anything in there for the commercial industry. In order for us to go forward, we need to revisit the options, possibly adding some.

(Bostwick): My constituents asked me to consider the options field again.

(Hayden): Some of my constituents' comments weren't included either, they should be included, but I don't know how to get them in. We should address this question of understandability. Some folks couldn't comment on it because they didn't understand it.

(Orcutt): I think it's imperative that we get the public involved. New ideas that people may have may not have been expressed.

(McIsaac): I have a concern for the process...do we have a plan as a result of public comment? And, do we utilize the comments? If we do, or do not, are we still left with a plan?

(Mackett): We can adopt, modify, etc.

(McIsaac): In absence of any change, we don't have a plan?

(Reed): I understand that this is draft, no plan.

(McIsaac): I would like the KFMC to take the time to discuss public input and incorporate.

(Fullerton): We've done a lot of work to develop the process. A lot of the comments were good and should be used to modify the plan.

(Masten): Public comments and council comments indicate that there is no clear understanding of Indian fishing rights. People need to understand what Indian fisheries are. I'm not sure how we can develop that understanding, but if we do not, we won't reach consensus on anything.

(Odemar): The KFMC has done a good job on identifying goals and objectives. We should incorporate public comments. People don't have a clue as to how this plan will be used to achieve the goals we've identified. We should spend more time putting this thing into a form that can be acted on.

(Reed): The plan is pretty good. The plan is what this KFMC is all about. It contains the "Whats", but not the "Hows." This approach applies best for an agency or organization where members are in accord with the common goals and objectives. This council has polarized interests, not in one accord. For us to apply the plan, we must settle the question of the diverse objectives, how we'll proceed together. I was pleased with the comments from the public. Many are comprehensive, diverse, and many bold statements are presented as fact. I don't know if they are fact or not. The KFMC must try to incorporate the facts in the plan, and weed out the rest.

(Warrens): This plan represents a lot of time and thought by the KFMC. I felt from the beginning this plan must address changing positions, socioeconomics, and recognize the needs of user groups. I'm concerned about the posturing and polarizing. We should not throw it out because the plan doesn't contain all the items each of us wants. I think we can adopt the concept, with clear understanding that it doesn't meet everyone's particular ideas. The plan is malleable and can be changed as things change.

(Wilkinson): I accept the plan as a product of our process. Public comments are valuable and meaningful. For the most part, their aspects were considered, but fell out because of failure of consensus. So, we must refine the process to consider these, if necessary. As I reviewed comments and attended public meetings, I've heard things that amazed me. People have a good grasp of what's going on. We should proceed stepwise, by opening up the plan periodically allowing public input.

(Fullerton): This plan will not be placed on a shelf and forgotten. Dave, how do we implement the actions?

(Mackett): That's why I suggested the KFMC rely on their TAT to provide guidance. The strategy is just that, it's the overall way to meet your goal, including small and large steps. It's going to take work, energy, time, and dollars to do. I also want to address the process. The challenge to this group was to see if there really was consensus that could be drawn out and identified. If it exists, we'll get it out, and address the fundamental issues. We can't guarantee success, but we will try. Let's go back to attachment 1 [to attachment #4], and review. KFMC members are free to suggest alternative options that should be considered.

[Discussion of recommended options followed. Those Options, and discussion, that were approved by majority vote are listed here.]

\*\*\* Action \*\*\*

KRPRO staff will consider public comment for the introduction section of the long term plan.

CHAPTER 1:

(Mackett): With respect to first 3 pages, top of page 4; are there any comments from council members in the form of a suggestion?

(Masten): Currently option 1.1.6 states that we'll make recommendations to the Task Force and Yurok tribe. Recommendations should go to the Yurok tribe as a management agency, rather than through the Bureau of Indian Affairs (BIA). When the Yuroks are organized, they'll no longer be under the arm of the BIA. So, we should make recommendations to the Yurok interim council for a few years, then to the tribe, regarding regulations for harvesting in the area by members of the Yurok tribe.

(Mackett): This would be an addition to the list of management agencies this council advises. Discussion?

(Wilkinson): I'm concerned that the Yurok tribal organization is not finalized. When they finally become organized, then we should amend the plan to advise them.

(Reed): We should put an addendum in the wording to include "when established".

Q: Can we approve it pending completion of publication and the upcoming elections?

(Fullerton): If we could put in parenthesis (When adopted), makes it clear that we'll not have to reprint it.

(Mackett): OK, The words "When established", how many want them in? (5)  
How many say no (3), one no-vote.  
OK, it's in by majority vote (5-3).

**\*\* Action \*\***

- o Add option 1.1.6 "yurok Tribe (when established)."
- o Remove quotes around "Agencies" on page 15, paragraph 2.
- o Change all references from Hoopa Valley Business Council to Hoopa Valley Tribal Council.
- o Change all references from Hoopa Valley Indian Tribe to Hoopa Valley Tribe.

CHAPTER 2:

(Bingham): Regarding issue Number 32, there seems to be a strong consensus that it is difficult to estimate contribution rate. This should be a fundamental issue, not on the symptomatic issue side of the line. It's all about the problem that we want to make more Klamath River fish available for spawning and inriver harvest, if we can figure out how to do it. Those stocks are mixed in the ocean.

(Odemar): I'm nervous about moving things around in these boxes. Remember that all issues to the right of the line aggravate issues to the left. It is fundamental, that your problem exists in harvest management. We went through this in a logical process, if we mix now, it will disrupt the entire integrity of the table. This could destroy the value.

(Bingham): I disagree. It's not just a trollers problem, this whole group has this problem. I don't think the argument that you use, stating that this is a product of a particular process, is a good reason not to make changes.

(Mackett): One way to do it is to erase the bar, letting all issues speak for themselves. Or, we can accept Nat's recommendation. The computer system we used was to reduce the total number of questions we were forced to ask when considering all the issues. We had 59 issues at one time. The computer boiled it down, the price you pay is that sometimes mistakes will be made, placing issues in the wrong place.

(Mackett): Let's vote. Shall we move it? (Yes=5). (No=4).

**\*\* Action \*\***

Issue No. 32 changed to a "Fundamental issue"

CHAPTER 3: -- No changes. --

CHAPTER 4:

(Mackett): Look at the options field in Chapter 4. Considering input from the public, and in the context of designing the strategy, are there additional options that should be considered in category 1 through 8 of Appendix A? We have all the options we've considered, and those that you selected and chose not to select.

CATEGORY 1:

-- No additional options approved. --

CATEGORY 2:

-- No additional options approved. --

CATEGORY 3:

(Orcutt): It takes coordination between all management agencies and entities. I'd suggest this be added as 3.11. "Coordinated management by all of the affected agencies." Coordination is necessary. We're talking about groups like USFWS, Hoopa tribe. I'm involved with many restoration programs and agencies don't seem to know what others are doing.

(Mackett): How many believe that Option 3.11 should be included? (Yes=6). (No=2).

Alright, it's in as Option 3.11.

CATEGORY 4:

(Orcutt): I recommend that we include in Option 4.10, that cooperation would include the Trinity River Task Force in addition to the Klamath River Task Force.

[Majority voted to include proposed wording into Option 4.10.]

CATEGORY 5:

-- No additional options approved. --

CATEGORY 6:

-- No additional options approved. --

CATEGORY 7:

[Extensive discussion of allocation strategies ensued. No additional options were approved.]

(Mackett): How many want Option 7.2 as it stands with no modifications? (Yes=6). (No=5). OK, 7.2a (alternate) as it stands in the original draft. How many want it as it stands? (Yes=2). (No=8). It's not in. Option 7.3. How many want it included? (Yes is the majority.) Option 7.5. How many want it included? (Yes is the majority.)

[The remaining options in Category 7 were voted out.]

(Mackett): OK, we've made our decisions, Options 7.2, 7.3, and 7.5 are the only ones included in Category 7.

CATEGORY 8:

-- No additional options were approved. --

Agenda item: Public Comment

Doug McCollough (Commercial Fisherman, Trinidad.)  
I've voiced my concern on inequities of treatment and restrictions of commercial fishermen in the KMZ. I would ask Sue Masten to draft a resolution recognizing the severe impacts on the commercial and inriver fishermen, and propose a method to negate loss of jobs. My opinion is that the KMZ fishermen shouldn't have to bear the burden of restoration.

Paula Yoon:  
(See attachment #3)

Bill Levett (Commercial Fisherman, Moss Landing.)  
I've sat in these meetings and listened. This plan is stalemated. I don't see this group resolving this. This plan isn't structured and doesn't have good definitions. I don't see how it's a possibility to think that this plan can be accepted without knowing what the definitions are. I see little future in what you've done here. I have a lot of questions on trust rights, in reality I don't know that they're important to me. I suggest the individual groups involved here, go get them quantified, it would make things much more clear. I would not recommend this council ask the Secretaries to quantify these. This council should continue with the process, or get out of the business.

Richard McCovey:  
Our association would take severe exception that other men would set our minimum needs at the bare minimum. If we were dealing with equitable allocation we wouldn't be here now. If we are not objective about this process we'll not get anything done.

(Fullerton): There were a couple of recommendations made, does the council want to respond?

(Bingham): I think we should keep the comments requesting restitution in mind. This council should address this issue. I hope we will move forward towards understanding where our positions are. If we find that there is not going to be a commercial fishery, then there should be restitution.

Agenda item: Council discussion and decisions on content of the final long term plan

CATEGORY 1:

**\*\* Motion \*\***

(Wilkinson): I make the motion to accept category 1 as a product of consensus.

[Motion carried, with one abstention.]

CATEGORY 2:

**\*\* Motion \*\***

(Wilkinson): I make the motion to accept category 2 as a product of consensus.

[Motion carried.]

CATEGORY 3:

**\*\* Motion \*\***

(Reed): I move that we accept Options 3.1 to 3.11. (adding Option 3.11)

[Motion carried.]

CATEGORY 4:

**\*\* Motion \*\***

(Fullerton): I move that we remove Option 4.4, because the Karuk Tribe will be represented by Interior.

[Discussion ensued regarding removal of Option 4.4, which was to include a Karuk Tribal representative seat on the KFMC.]

(Masten): I must speak up because when we first discussed this, the Task Force had a representative for the Karuk tribe. There has been a request from this body for the Karuks to monitor their fishery. Management entities should be on this council, including the Karuks.

(Fullerton): Just because the Task Force has it that way, we don't have to have it that way on the KFMC. For the same reasons we didn't want to add the other seats, I don't want to add this one.

(Wilkinson): There were other comments from agribusiness, landusers, etc., in the public comment. I support removal of the seat.

(Orcutt): This was already decided by consensus, I support what Sue said. They are up on the river and have fishing rights. They should be on this KFMC. I'm uncomfortable assuming that the BIA will protect their rights.

(Bingham): I support inclusion of the seat.

(Bostwick): I don't agree with adding them, I think the representation from the Department of Interior, BIA, is sufficient.

(Hayden): I go for consistency throughout, if we add, we should add them all. But, I believe they should be included, along with other seats. I vote for their inclusion.

(Orcutt): Yes, they should be included, their input is important.

(McIsaac): No comment.

(Fullerton): No comment.

(Masten): I'm uncomfortable with State and Interior representation for the Karuks.

(Odemar): I'm uncomfortable pulling this out if agreed on by consensus earlier. The Karuks are not given an allocation at this point, that's why they weren't included in this body from the start. I'll abstain.

(Reed): I objected to this in La Jolla. I support removal. They can present information when they choose.

(Warrens): I agree with Lisle Reed. We're excluding groups that have a much more significant harvest interest here. I support removal of Option 4.4.

(Mackett): The vote to remove Option 4.4: (Yes=5). (No=4).

[Motion to remove Option 4.4 carried.]

**\*\* Motion \*\***

(Reed): I move that all bold faced options in Category 4 be approved, including Option 4.10, as amended by this group, and excluding Option 4.4.

(Mackett): Any additional changes? The vote is to adopt Category 4, excluding Option 4.4, and including the amended Option 4.10. (Yes=6). (No=2). We've amended 4.10, eliminated 4.4 by majority.

[Motion carried.]

CATEGORY 5.

[Motion carried to approve Category 5, as is.]

CATEGORY 6.

**\*\* Motion \*\***

Motion to approve options in category 6, as is.

[Motion carried.]

CATEGORY 8.

**\*\* Motion \*\***

(Fullerton): I move we adopt the options as approved.

[Motion carried.]

Public Comment:

(Ronnie Pierce):

In discussing the Karuk membership, it was mentioned that there would be a possibility of opening the seats up to other interest groups. They are a management agency, not an interest group. They would feel that they should have a seat. They're different than the other two tribes, they are also different from other interest groups in the basin because they are a government agency, who's members fish in the Klamath River. They do have management authority over their members.

Bill Levett, commercial fisherman:

I'm disappointed in the way in which the public comment was handled through the digested summary. I think things were ignored and overlooked.

Paula Yoon, Del Norte Fishermen's Marketing Association:

This plan is amendable. It should be written into the document when this would be done.

KFMC discussion of approval of the plan:

**\*\* Motion \*\***

(Wilkinson): I move that KFMC adopt the plan adopted as a product of consensus, not including amendments. (Seconded.)

(Fullerton): Roll call.

(Bingham): Yes. (Bostwick): Yes. (Orcutt): No. (Wilkinson): Yes.  
(Warrens): Yes. (Reed): No. (Odemar): No. (Masten): No. (McIsaac): No.

[Motion does not carry.]

**\*\* Motion \*\***

(Reed): I move that we adopt an amended plan, leaving Option 4.4 out, and including the original Option 7.2.

**\*\* Motion \*\***

(Warrens): I move to amend the motion, move that we substitute the language contained in Don McIsaac's option listed as 7.12, and substitute for the current 7.2 language.

[Note keeper's note: McIsaac's recommended Option 7.12 reads "Recommend allocation of Klamath River fish to the various fishery jurisdictions in a manner consistent with the current legal definition of tribal fishing rights."]

(Wilkinson): Second the amended motion.

(Fullerton): Roll call:

(Wilkinson): Yes. (Reed): No. (Warrens): Yes. (Odemar): Yes. (McIsaac): Yes. (Orcutt): No. (Hayden): No. (Bostwick): Yes.

(Fullerton): Call for the question on the original motion.

(Original motion does not carry.)

**\*\* Motion \*\***

(Warrens): I move that we consider the draft plan with Option 7.2 set aside for future consideration. My intention is to remove the contentious issue from the plan.

(Reed): Second.

(Fullerton): Does everybody understand the motion? That would include the original amendments to the draft plan, and exclude Option 4.4.

**\*\* Motion \*\***

(Masten): I'd like for us to reconsider option 4.4. I'll move to amend the motion to add option 4.4 to the original motion.  
(Motion seconded.)

(Motion to amend the original motion does not carry.)

(Fullerton): Back to the original motion.

[Motion failed].

[After much discussion....]

**\*\* Motion \*\***

(Warrens): I move to reconsider the last motion. (Motion second.)

[Motion to reconsider the original motion carried.]

[Original motion failed.]

**\*\* Motion \*\***

(Odemar): I move to table the plan, that we explicitly address category 7 to resolve the allocation issue at next meeting.

(Reed): Second.

**\*\* Motion \*\***

(Odemar): I'll amend the motion to include discussion of Option 4.4.

(Fullerton): The motion is to table the plan, calling for discussion on Options 4.4 and 7.2, to be in our next meeting.

[Motion carried.]

Agenda item: Other business

(Fullerton): New issues.

**\*\* Motion \*\***

(Hayden): This council should be making additional recommendations on the offshore fisheries. I'll make this a motion.

**\*\* Motion \*\***

(Orcutt): We have to have the right information before offering recommendations. I'll make a motion to request information from NMFS.

**\*\* Action \*\***

Put on the agenda of the November KFMC meeting to make a recommendation on the ocean trawl fishery to PFMC.

(Bingham): The letter I drafted to the director of CDFG requesting additional staffing on the ocean fishery monitoring shop. (reads letter). I will give this to KRFR staff to finalize and mail.

(Fullerton): Does the council move to approve?  
So moved, motion carried.

No meeting date set for October, Fullerton to finalize.

Attachments:

1. Agenda
2. Tables of harvest numbers
3. Public comments
4. Review of notes on long-range plan

DRAFT AGENDA

KLAMATH FISHERY MANAGEMENT COUNCIL  
27-28 June 1991  
ARCATA, CALIFORNIA

June 27 -- North Coast Inn, 4975 Valley West Blvd, Arcata, CA.

- 8:30 am Convene. Review of agenda, and of minutes of the last prior meeting.
- 8:45 Report of the Technical Advisory Team (Barnes).
- o Update on 1991 harvests.
  - o Update on CPUE
- 9:15 Update on 1991 harvest management plans.
- o Report on Commerce/Interior discussions of ocean salmon regulations (Fullerton, Reed).
  - o Proposed Klamath River angling regulations for 1991 (Odemar).
  - o Update on BIA and Hoopa subsistence regulations for spring and fall chinook harvest (Marshall, Overberg).
  - o Other new or revised harvest plans.
- 10:30 Public comment.
- 10:45 Council discussion and recommendations on harvest management plans.
- 11:15 Report of the subcommittee to review comments on the draft long term harvest plan (Barnes).
- 12:00 Lunch
- 1:15 Development of the final long term harvest plan (Mackett, facilitator)
- 5:30 Adjourn.

June 28 -- North Coast Inn, 4975 Valley West Blvd, Arcata, CA.

- 8:00 am Reconvene. Development of final long term harvest plan (Mackett).
- 9:00 Public comment on the long term plan.
- 9:45 Council discussion and decisions on content of the final long term plan.
- 11:00 Plan-related issues (Alcorn, Mackett, others).
- o NEPA compliance.
  - o Options for printing, distribution, publicity.
  - o Procedures for submittal to DOI secretary.
  - o Amendment procedures.
  - o Operational/action planning.
  - o Negotiation of a new harvest allocation agreement.
- 11:30 Council discussion and action on plan-related issues.
- 12:30 Other business.
- 1:00 Discussion of next meeting; assignments for future work.
- 1:15 Adjourn.

NOTE: THE CONFERENCE ROOM MUST BE VACATED BY 1:30.

TABLE 1. CUMULATIVE SEASONAL ESTIMATED HARVEST TOTAL OF SPRING CHINOOK BY THE GILL NET FISHERY ON THE YUROK INDIAN RESERVATION.

YEAR	APRIL	MAY	JUNE	JULY	AUGUST
1983	35	100	435	515	515
1984	25	143	189	259	259
1985	105	307	450	1119	1119
1986	157	276	531	706	706
1987	79	325	754	1694	1694
1988	40	763	1727	2926	2926
1989	759	3667	4685	4775	4775
1990	32	168	1054	1202	1413
1991	18	87	110 **		

\*\* THROUGH JUNE 16, 1991.

TABLE 2. Estimates of spring and fall chinook salmon harvested by the gill net fisheries on the Yurok Indian Reservation from 1977 through 1990.

Year	SPRING CHINOOK			FALL CHINOOK		
	Jacks	Adults	Total	Jacks	Adults	Total
1977	—	—	—	2,700	27,300	30,000
1978	—	—	—	1,800	18,200	20,000
1979	—	—	—	1,350	13,650	15,000
1980	20	980	1,000	987	12,013	13,000
1981	35	1,722	1,757	2,328	31,190	33,518
1982	35	2,440	2,475	1,597	12,859	14,456
1983	5	510	515	133	6,500	6,633
1984	12	247	259	315	17,500	17,815
1985	45	1,074	1,119	608	9,625	10,233
1986	14	692	706	568	20,319	20,887
1987	48	1,646	1,694	153	48,114	48,267
1988	8	2,918	2,926	311	46,581	46,892
1989	-	4,775	4,775	120	42,091	42,211
1990	-	1,413	1,413	151	6,983	7,134

# CHINOOK (Thousands)

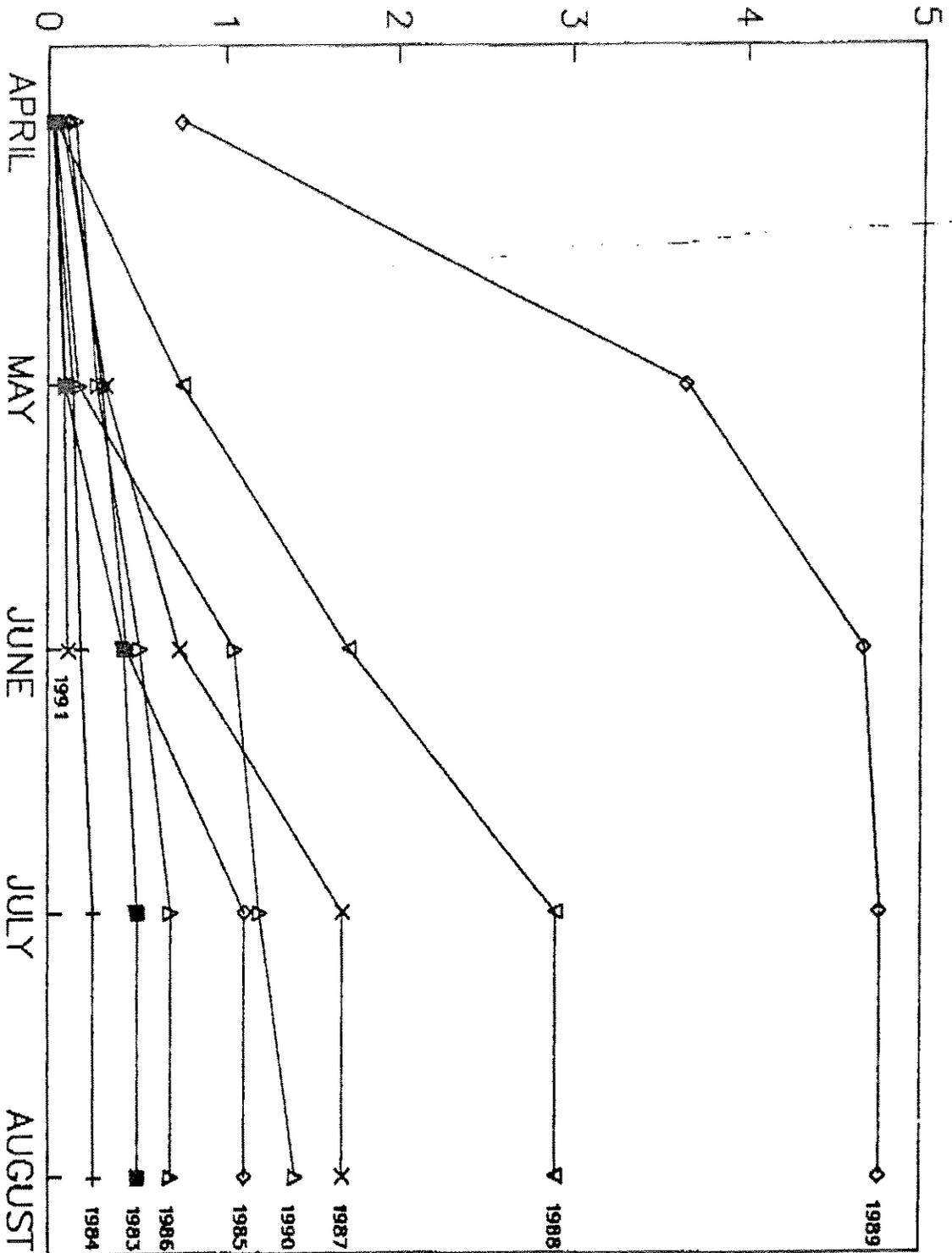


FIGURE 1. Cumulative seasonal estimated harvest total of spring chinook taken by the gill net fishery on the Yurok Indian Reservation.



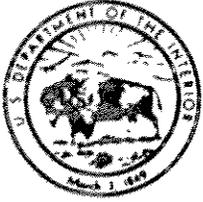
Public comments 6/27

DNFMA

Paula Zoon

- 1- 2<sup>nd</sup> Doug McCulloch's request for fed. mitigation for <sup>salmon</sup> KME fishermen in recognition of the impacts on local ocean commercial salmon fishermen & their communities,
- 2- Request that KFMC ask for a report from NMFS on marine mammal population management in relation to salmon population management
- 3- Request that KFMC forward a request to PFMC to not permit offshore migratory-Whiting fleet to fish in the KME in years when the <sup>local</sup> KME ocean commercial salmon fishermen are not permitted to fish for salmon.  
Topic Due to impacts on Klamath Fall Chinook

Local Salmon



**United States Department of the Interior**  
**FISH AND WILDLIFE SERVICE**

Klamath River Fishery Resource Office  
P.O. Box 1006  
Yreka, CA 96097  
(916) 842-5763

June 21, 1991

Memorandum

TO: Management Council members

FROM: Ron Iverson *Ron Iverson*

SUBJECT: Ad hoc subcommittee review of comments received on plan.

On May 22, 1991, the ad hoc subcommittee met to review the comments received on the long-term harvest management plan. The two products from that meeting are:

- 1) a list of comments that the subcommittee feels the full council should look at,
- 2) the marked up pages from the plan with the suggested revisions added (on the margins).

Attachments.

ATTACHMENT 1 (to attachment 4)

The subcommittee forwards the following comments to the full council for review.

General

- o The KFMC has produced very little to justify the time, money, frustration, and stress that have gone into it. Technical staff have been unsuccessful at predicting ocean abundances and a pattern of Klamath stock contribution rates in the ocean catch for a specific upcoming year. The under- and over-predictions have had major adverse effects on Klamath fisheries. (02).
- o The plan needs a cohesive statement of philosophy to aid the public in understanding how the eight categories of the proposed plan go together. (03)
- o Protections against the incidental harvest of steelhead should be addressed more directly. (03)
- o There is a need to address issues concerning wild stocks. The council needs to recognize and include in the plan that native adaptive strengths of wild fish are fundamental to the successful restoration of the Klamath fishery. Without this essential acknowledgement of the need for wild fish, the plan is incomplete, and unconvincing that it will accomplish its goals. (03)
- o The KFMC planning process has been seriously flawed because of lack of public scoping prior to drafting of the Plan. (04)
- o The Plan is not understandable nor highly useful in its current form. The selected options broadly address critical topics but do not provide substantive solutions to the problems. In many cases, the options are contradictory and there is no indication as to how the conflicting objectives will be resolved. (04)
- o The Council should defer from setting goals for artificial production to the Task Force. The Task Force should be assessing habitat capabilities of the river and its tributaries and prescribing appropriate levels of supplementation. (04)
- o Although there are several options which address the need to protect "natural" anadromous fish populations in the Klamath (2.6, 5.1, 5.3), no specific actions are described in the Plan which would achieve this goal. (04)
- o Several options call for selectively harvesting hatchery fish, but no actions have been taken to date to insure that this will occur. If the KFMC does not move decisively to demonstrate that it can adequately protect Klamath River salmon populations that are at risk, listing some of the populations as endangered may be the only avenue of preventing their extinction. We strongly suggest that the final Plan language clearly define what specific actions will be taken to protect severely depressed anadromous fish stocks from harvest to insure that populations are not lost. We suggest that the only apparent method to protect salmon stocks at risk is by implementing selective harvest of hatchery fish in commercial troll harvest and ocean and in-river sport fisheries. (04)

- o The KFMC should also specifically state management strategies to minimize impacts of the Indian net harvest on depressed salmon stocks. (O4)
- o The KFMC should focus some of its energy on gathering information on green sturgeon and formulating a management plan. If overfishing is occurring on this species, the population loss would not occur until 15 years from now. (O4)
- o Some attention should also be given to the possible decline of eulachon and coastal cutthroat trout. (O4)
- o The Klamath harvest plan should accomodate the needs of both the Trinity and Klamath River Restoration Programs. (F3)
- o I feel that this plan is more or less an experiment, and in any experiment you need a base or control to establish guidelines. This plan is based on natural stocks. If so, where is your base or control? Salmon are known to stray, and since there has been hatchery involvement on the Klamath for 50 years, I feel that a genetic wild salmon is going to be hard to come by to establish your base or control. Since there are no self-sustaining runs of pinks or chums, they must be strays. Low water years increase the chances of intermixing stocks. (I1)

Yreka Public Meeting:

- o Category 4.a, the term "organizational approach" is used. I suggest "Council size" I would like to see the council expanded to include habitat managers from the private and public sectors. (BR)
- o My immediate concern is the spring chinook. What does this plan do for them? In the South Fk. Trinity River, this stock is extinct. The New River stock is just hanging on and the Salmon River stock is threatened. How does this plan address this issue? Many organization, along with local fishing groups, will look to the council in the short run to take action to protect these stocks at eminent risk. (FP)
- o Some coho stocks are of concern also. Emergency management measures of these stocks are needed, we'll be looking for them. Information exists to list these stocks right now, but that would take away a lot of management options. That is why it is not being exercised right now. We'll be watching what the Council does on this issue before trying to exercise this option. (FP) [Has the council given enough emphasis to the obvious threats to spring chinook? coho?]

Introduction

- o p.4: Failure to discuss or establish goals for mitigating fish losses of the Upper Basin (O1).
- o p.4: The discussion of interaction of hatchery and natural stocks does not adequately explain the current situation under which inland production of natural salmon, particularly in the Trinity River Basin, is very low and that the high level of hatchery production combined with existing harvest management contributes to the difficulty in restoring natural stocks to historic levels. The hatchery fish also compete with natural fish for

holding, spawning, and rearing habitat. These factors are equally as important as the lack of inland habitat in suppressing natural production. Maintaining hatchery production at high levels in years like 1990-91 when natural production is low also serves to dampen recovery of natural populations. (F3)

o p.4: It should be noted that predation on natural salmon fry by hatchery steelhead is a commonly observed but as yet unquantified phenomenon. It should be pointed out that overharvest of natural salmon adults should be expected because the natural proportion of the total adult population is substantially smaller than the hatchery component and the impact of harvest is the same intensity for both components. This situation hinders the effort to restore natural salmon runs. (F3)

o p.5: Show evidence of run sizes being much larger in the past. Provide estimates on pre-project populations (O1).

o p.5: How can ocean abundance be estimated with a severely restricted ocean fishery? (I1)

o p.9: Incidental take in the high seas driftnet fishery, should be monitored more closely. (I1) [refer to NMFS]

o p.10: The section on Other ocean harvests should point out that there is increasing evidence that salmon and steelhead are being harvested by the legal and illegal high seas drift net fisheries. (F3) [refer to NMFS]

o p.13: re: Reconstruction of each brood takes many sources of mortality ... into account... Add more information about the sources of mortality (increasing marine mammal populations, river flows, river siltation). (O5)

o p.12: the concept of MSY: There is no such thing as equilibrium in a healthy system. Wide fluctuations in escapement and recruitment are natural. (O2)

#### misc

o It should be noted that this strategic plan is amendable, and will have a schedule for revisions to occur. (O5)

o Bickering and fighting will not work to restore the fish runs. The only real solution to this problem is to put back into the river more than you take out. Perhaps a large hatchery could be built jointly by Indians, commercial fishermen, and sports fishermen using government grants. This hatchery is the only solution to this problem, which will never get better on regulations only. Above all, don't fight with the Indians. Work together, hand in hand to overcome this problem. (I3) [see both plans]

o We should look at regulations with a wary eye. I advocate less regulations that are more balanced. Council members should spend at least a week commercial fishing to gain a better understanding of the industry. Commercial fishermen have a lot of knowledge. Their voice should carry more weight. (I6)

## Chapter 1: The Duties and Obligations of the Council

o The KFMC should be required to formulate an annual budget and to discuss planned expenditures with the Task Force. (04)

o 1.2.2 What does it mean to account and allow for variation...? If it means that the points related to the loss of in-zone ocean salmon cultures, then it must be made very clear. (05) [Check with Act]

## Chapter 2: The Issues: Fundamental and Symptomatic

o p.18, #32: should be listed as a fundamental issue, not a symptomatic one (01).

o Issues not resolvable by consensus should be set aside when possible and after 3 attempts to compromise them out be subjected to a 2/3 majority vote for resolution. (L1) [This would require changing the Act, and Congress would need to do it.]

o 2. *What I did not like about the identification and structuring of the goals:*

The process outlined on p. 20 is obviously a reduction of a previous brainstorming session on goals and objectives. It seems very cumbersome and has still great redundancy. I believe all those stated could be further summarized into 7 or 8 major goals that would still cover all that was intended by the 26 that have been included. How the KFMC goes about its work is part of the management process not goals and objectives. I suggest the following summarized goals:

1. To allocate resources in an equitable manner giving consideration to user needs in order to provide a viable fishery for each user group.
2. To insure that escapement levels are adequate to resource re-building and are not allowed to jeopardize the MSY target.
3. To structure MSY, escapement, and harvest allocation on the basis of preservation and propagation of natural stocks.
4. Insure coordination with the Klamath and Trinity restoration programs encourage work on habitat that will allow escapement growth and a resultant increase in MSY.
5. To obtain the best available technical support for biologically sound recommendations.
6. Insure that harvest regulations are promulgated in a timely manner and are enforced.
7. To provide for efficient and orderly management of the overall process.
8. To encourage and make available time and location for public participation. (L1)

## Chapter 4: The Options for Designing a Strategy

o Add options: 2.3 - 5.6. (I1)

o Delete options: 3.8 - 7.5 (I1)

o re: the 8 categories of options: Once again 2 should be 8. 3, 5, 6 and 8 need to occur so there will be a need for 2 and 7. (I5)

o The options field could be improved if the following dimensions were added or deleted:

... 2.7: may in time be needed, 2.6: A cop out (manage fish not fishermen), 3.6: money from all sources should be put into this. It is way overdue and probably going to be expensive, but seems to solve most problems with HVSW stocks. Need to protect genetics and the fishery! The main reason your stocks are low %. (I5)

... I believe the establishment of an "escapement policy" is a goal and should be removed from options field or re-stated within the field in a manner that says how you will attempt to reach that goal. (L1)

o Category #3: Resource Assessment and Monitoring could be improved. (I11)

o Uncertain that these 8 categories would allow you to reach your goals and objectives. (L1)

Chapter 5: The Design of the Council's Strategy for Meeting Its Goals: The Choice of the "Best" Set of Options

o 4. I am especially pleased that the following options were selected by the Council as part of their overall strategy:

... 1.6, 2.6, 3.4, 3.9, 3.10, 4.4, 4.9, 5.1, 5.3, 5.5, 6.1, 6.4, 8.1 (F2)

... 2.2, 2.4, 3.2, 3.6, 3.7, 3.9, 6.1 through 6.6. (I5)

o 5. I am especially pleased that the following options were not selected by the Council: 2.8 - 2.6? (I5)

o 6. I believe that the strategy of the Council would be strengthened if the following options were considered and adopted by the Council:

... Option 7.2: In accordance with Federal law it may be considered to be an illegal option to review for adoption, as it does not address the fact that Tribal fishing rights are superior, above, and beyond the fishing priveleges of non-Indian citizens. The Congress of the United States of America has an inherent, and acknowledged trust responsibility to the Tribes to protect the aboriginal, Treaty, executive order fishing rights of Tribes above all other consumptive use of fisheries resources. Option 7.2 places the Tribal harvest rights on an equal basis with non-Indian user groups of the resource contrary to Federal law. Option 7.2 should be stricken from consideration as part of a Federal document (which this plan is). (U1)

... Option 7.2 (alternate) which conforms with federal law, in stating that "the allocable share to Tribal reserved fishing rights" shall be set aside for tribal use, and the remaining harvestable surplus shall be allocated amongst user groups to optimize social and economic benefits. (U1)

...Option 7.2 (alternate): suggested language change. "(1) Pursuant to their trust responsibility to Indian Tribes, appropriate federal agencies, in coordination with Tribal representatives, shall establish the reserved Tribal harvest share based on an understanding of current and developing Tribal requirements, and in accordance with Federal law." (U1)

#### Comments on Category 2

o Option 2.2 reflects the status quo and has not been effective in providing for the needs of the user groups. There needs to be an avenue open for the council to consider alternative management regimes that might better address the needs of the fishery. I am unclear whether adoption of Option 2.2 would preclude consideration of alternative plans. (I4) [The subcommittee recommends that "within PFMC framework" is added to this option.]

#### Comments on Category 3

o Add one Option to provide for in-river law enforcement (refer to law enforcement problems on p.9) (01).

o Option 3.7 is not supported. Offsite releases of hatchery fish may greatly increase straying of these fish (Royal 1972). Mixing of hatchery and wild fish may cause loss of genetic diversity in the Klamath Basin and decrease fitness of locally adapted stocks (Riggs 1990). Transplanting Iron Gate Hatchery fish in pond rearing programs that transfer fish far downstream, where they may be poorly adapted, may have already had such detrimental effects. (04)

o Option 3.7 should include the phrase "or other less damaging mark" after the word "clipping". There is a growing concern that even coded-wire tagging fish increases the risk of mortality by enhancing the probability of predation on juvenile fish. (F3)

o Option 3.8. It is difficult to believe that live, unharmed capture techniques for ocean harvesters can be developed. (F1)

o Option 3.8: insert "non-lethal" between "new" and "sorting". (F3)

o Option 3.8: How do you capture and release live non-target fish with a gillnet? (I1)

#### Comments on Category 4a

o Option 4.4 should be rewritten to read: "Add seats to the Council for Karuk and Oregon ocean recreational Representatives." (01)

o If Option 4.4 is rewritten, then it should also add a seat for a representative of the sport fishery interests. (03)

o A seat should be added for an in-zone commercial fisher representative to balance the additional karuk representative. The socio-economic aspects of the zone salmon ports are rapidly being forgotten. (05)

o Option 4.4: Additional seats should be added to the KFMC for a) south coast CA trollers, b) Oregon trollers, c) Oregon sport fishing. This would provide greater representation for the impacted groups. These seats should be considered prior to adding a Kurok representative because the Karuk's have such a minimal interaction with Klamath fish. (I4)

o It would be useful to include a formal mechanism for effectively coordinating the activities of the hatchery, restoration programs and harvest management. (F3)

#### Comments on Category 4b

o Rewrite Option 4.7 to delete the term "flyers" and replace it with the term press releases. Commenter questions remaining consistent with Department of Interior procedures. (01)

o A direct conflict of interest has recently arisen of the KFMC. The DOI representative was advised by the Secretary of the Interior to support the Native American position - in spite of the knowledge that to prioritize the 12,000 Klamath salmon would require total closure of the OR and Ca commercial salmon industries. (05)

o Include Option 4.5 in the Plan. (01)

o Option 4.10. The Task Force and Council should integrate efforts for long term planning for the Basin. (F1)

o Support for Option 4.10. The KFMC and the Task Force must function more as a team if the fisheries resources of the Klamath River Basin are to be restored. (See comment for details.) The specific mechanism for interaction between these two advisory committees should be clearly defined in the plan. (04) [subcommittee comment - This is desirable. The Council and Task Force need to develop a specific mechanism for coordination.]

#### Category 5

o Rewrite Option 5.1 to read: "Recommend management measures to produce optimum yield for the fisheries of the Klamath Basin while preventing any Klamath River tributary natural sub-population from becoming threatened, endangered or extinct." (01)

o Option 5.1 needs to have "natural sub-population" defined (e.g. Indian Creek, S.Fk. Indian Creek or mid-Klamath tributaries) to allow better implementation. (F2)

o Option 5.1: Insert "natural" between "produce" and "maximum". (F3)

o Rewrite Option 5.3 to read: "Recommend management measures for ocean and in-river fisheries that impact Klamath Basin salmon to provide for natural spawning Klamath Basin stocks." (01)

#### Category 6

Eureka Public Meeting:

o Option 6.4: How about writing a corresponding option for "all river activities". (PY)

#### Category 7

o Adopt Option 7.2 (02)

o Option 7.2 is the beginning of dealing with the heart of the matter (i.e. What are minimum needs, and how do we allocate equitably?) I recommend a special KFMC meeting on this topic. (05)

o Option 7.2: This option does not provide clarification of the issues, nor does it allow for an equitable distribution of the resource. The difficulty of equating minimum needs of trollers, sportsfishermen and Indians can not be overstate. Unless an innovative, new approach to allocation arises, I would recommend that the KFMC put off a decision in this area and concentrate its efforts in areas where mutual consent can be achieved. (I4)

o Option 7.2 (alternate) is inconsistent with the Klamath Act's statutory authority, which recognized all users essentially as important and having a co-equal stake in the fisheries of the basin (O1).

o Option 7.2 (alternate) seeks to exclude one fishery from the allocation process in favor of another. This is contrary to MFCMA, as well as a total rejection of the principles under which all fisheries groups first met to determine allocations. (O2)

o Since the KFMC did not unanimously agree to 7.2 (alternate) the option should not be adopted. (O3)

o Option 7.2 (alternate) begins to undermine potential resolution because it selects a group with superior rights, feeding back into the exact direction - the wrong direction - which our previous elite, conquering leaders lead us in the early history of this country. (O5)

o Option 7.2 (alternate) is a confusing concept, and obviously detrimental to non-Indian user groups. It appears to be a back door approach to manipulating the KFMC into recognizing and validating an overriding Indian right to a public resource. (I4)

o Option 7.3 is questionable. What is intended? (O1)

o Option 7.3 is unclear. The option needs to be rewritten to increase the specificity and clarify the meaning. (O2)

o Option 7.3: I doubt that the KFMC has the authority or that it seeks the authority to dilute the responsibility for management of the Klamath River System. The impact of a significant user group sitting as a co-manager of a resource they are impacting does not seem realistic or practical. Its like leaving the fox to guard the chicken coop - with the other user groups being the chickens. (I4)

#### Eureka Public Meeting:

o Option 7.3: meaning is unclear. Does it mean that the tribes will be managers on the reservations, or is some broader authority implied -- like co-management of Iron Gate Hatchery? (DB)

PUBLIC REVIEW DRAFT

**The  
Klamath Fishery Management  
Council  
Strategic Plan  
for  
Management of Harvest  
of  
Anadromous Fish Populations  
of the  
Klamath River Basin**

prepared by

The Klamath Fishery Management Council  
P.O. Box 1006  
Yreka, California 96097-1006

3. given at least annually, and
4. given after public hearings have been held concerning the regulations to be recommended.

The following provides some specifics concerning these requirements.

### 1.2.1 Long-term Plan and Policy (Requirement 1)

The requirement for making recommendations that are consistent with the Council's Long-term plan and Policy implies that the Council must first establish such a plan and policy. That requirement is precisely the impetus behind the current strategic (long-range) planning process described in this paper.

In addition to establishing a strategic plan, the Council is obliged to make its recommendations and policies consistent with the goals of the Klamath-Trinity Restoration Program. Currently the goals of that program are:

- o Restore salmon production to optimum levels by a) increasing number of smolts per natural spawner and b) improving survival of smolts.
- o Develop and maintain artificial salmon production programs.
- o Coordinate and review projects that would adversely impact anadromous fish production.
- o Conduct information and education programs and encourage community involvement.

Trinity Program is 100% natural. The differences between K+T programs needs to be explained.

Define in glossary

and

### 1.2.2 Standards for recommendations (Requirement 2)

Congress has established five standards to be followed by the Council; the Council's recommendations must:

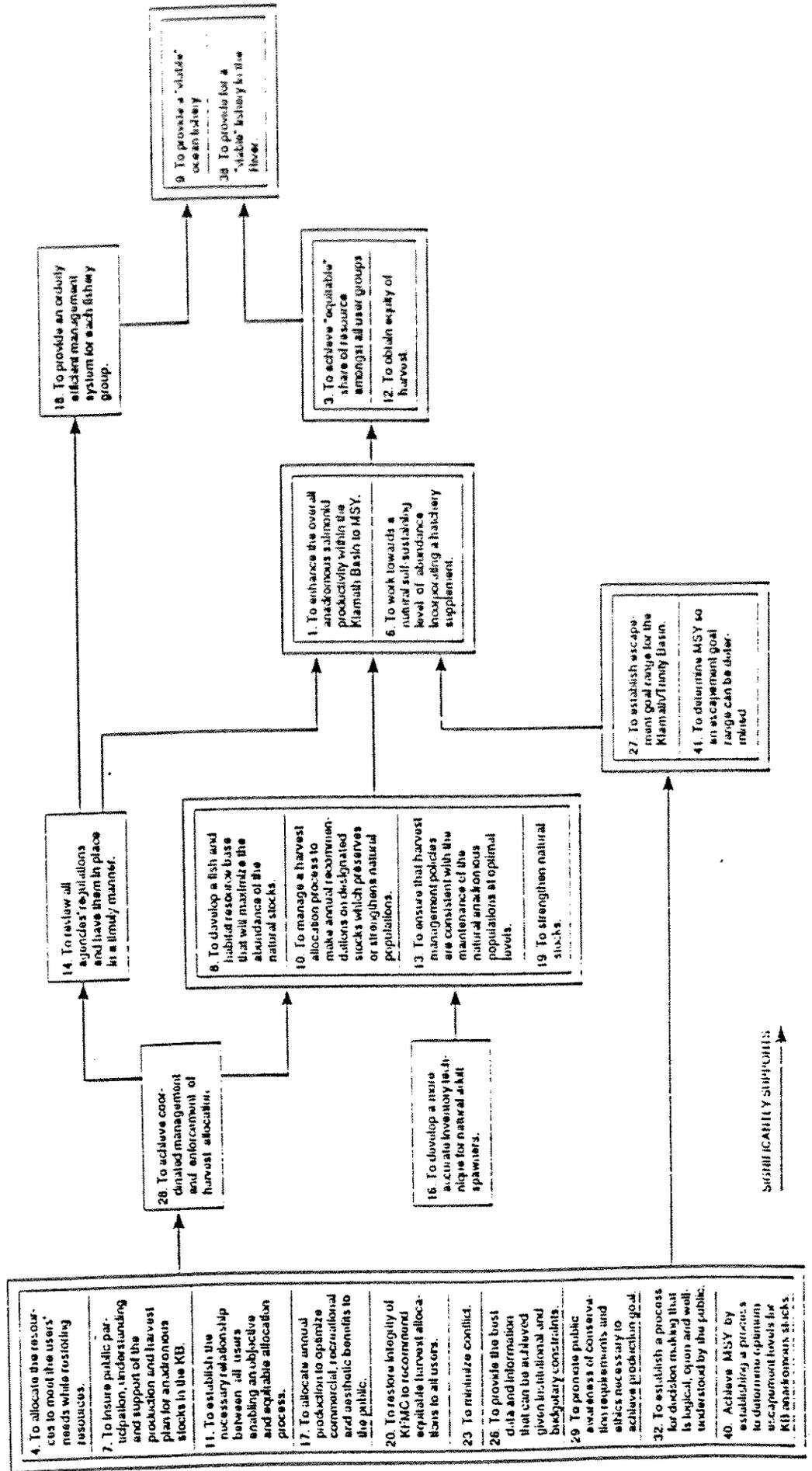
- o be based on the best scientific information available,
- o minimize costs where practicable,
- o avoid unnecessary duplication of regulations,
- o account and allow for variation in fisheries, fishery resources, and catches,
- o be designed to achieve an escapement that preserves or strengthens the viability of the area's natural anadromous fish populations.

These items should be verbatim from the Act. The council may want to expand on these.

Its duties and obligations thus identified, the Council began its planning to design its long-range strategy for carrying out those duties effectively and efficiently.

# STRUCTURE OF GOALS FOR THE KEMO HARVEST MANAGEMENT SYSTEM

Figure 4



## CHAPTER 5. THE DESIGN OF THE COUNCIL'S STRATEGY FOR MEETING ITS GOALS: THE CHOICE OF THE "BEST" SET OF OPTIONS

### 5.0 Specification of a Strategy from the Options Field

The design of the Council's strategic plan for meeting its goals and objectives is a matter of choosing activities (options) from each category of the Options Field (Appendix A). The set of selected options (planned activities, tasks, projects, etc.) becomes the strategy for achieving the goals. One can imagine that the selected options are the "stepping stones" (i.e., sub-goals, objectives, or milestones) that must be reached and surpassed on the way toward achieving the goals. To produce a successful strategy, (i.e. a strategy that, if followed, will result in meeting the specified goals and objectives) the Council must select or approve options within each category. Failure to achieve a solution or improvement in any one category could mean failure of the Council to carry out its functions and overcome its problems; hence, the importance of specifying how each dimension of the problem will be handled. Given a choice of which options to select (and which not to select) the Council was immediately faced with the question of choosing the "best" set of stepping stones so that it could reach its destination with a minimum of expense, a maximum of efficiency, and a high degree of certainty. To find the "best" strategy the Council needed criteria for determining what is "best".

### 5.1 Criteria for Specifying the Best Strategy

The choice of a set of options from each category across the options field is called an *alternative strategy*. Mathematically there is an enormous number (> 15 million) of possible alternative strategies that could be specified from the Council's options field. Fortunately, all possible alternatives do not have to be specified to determine a satisfactory strategy. However, to discriminate among good and bad or better or worse alternatives that may be proposed, criteria are required. The Council specified the following criteria for evaluating proposed alternatives and for choosing the best or optimum alternative strategy:

Note: The criteria are not listed in a priority order.

#### Criteria for the Evaluation of Alternative Strategies

1. Net economic benefits to the users of the resources.
2. Cost of carrying out the program.
3. Degree to which users needs are met.
4. Preservation and strengthening of natural anadromous populations.

5. Degree to which standards of the Klamath Act are met.
6. Recognition of social values.
7. Achievable under current governmental structure.

## 5.2 The Specification of the KFMC Strategic Plan

The Council determined its strategy, or strategic plan, by considering each option within each of the eight categories, debating the pros and cons of including (or excluding) the option in light of the criteria and then deciding by majority vote explicitly to include or exclude the option. The set of options thus designated as the Council's strategic plan was adopted by the Council unanimously.

The strategic plan of the Council is represented by the set of selected options as listed below. The set of selected options represents the best alternative strategy that the Council could define, utilizing the specified evaluation criteria.

### The Klamath Fishery Management Council's Strategic Plan:

#### Category 1. Decision Making Process

- 1.3 Maintain status quo (unanimous) decision-making process.
- 1.5 Establish a step-wise process for submitting harvest sharing agreement to PFMC for adoption.
- 1.6 Establish a step-wise process for submitting recommendations to other management authorities.

#### Category 2. Harvest Management Strategies

- Add? "within PFMC Framework" →
- 2.2 Coordinated seasonal management by time and area with quotas allowed.
  - 2.4 Develop regulations that allow users access to the <sup>other</sup> stocks.
  - 2.6 Design harvest regimes to achieve an appropriate balance between available natural and surplus hatchery stocks.

#### Category 3. Resource Assessment and Monitoring

- 3.1 Devise a monitoring program that enables instantaneous estimation of harvest status of all salmon stocks.
- 3.2 Seek funds for improved in-season data collection.
- 3.4 Determine potential production of each species in the basin.

3.6 Develop a method to immediately identify hatchery fish.

*rdsmithing revision:* 3.7 Improve harvestability of hatchery fish by altering stocks, release locations, <sup>using methods such as:</sup> marking ~~and by (fin clipping, or other less damaging mark).~~

3.8 Develop new sorting and harvest methods.

3.9 Institute a coast-wide Genetic Stock Identifier ocean landing sampling program to determine stock composition of ocean-caught landings.

3.10 Assess and monitor all anadromous species in the Klamath Basin.

#### **Category 4a. Organizational Approach**

4.2 Maintain status quo organization.

4.3 Upon election of the Yurok Interim Council, the title of non-Hoopla representative will be changed to the Yurok representative.

4.4 Add seat to the Council for Karuk Representative.

#### **Category 4b. Communication**

4.7 Produce Newsletters and Flyers.

4.8 Vary locations of meetings.

4.9 Improve or establish communications with fishery management authorities on the Klamath in order to carry out our legal responsibilities.

4.10 Establish a coordination mechanism between the Klamath Fishery Management Council and the Klamath River Basin Fisheries Task Force.

#### **Category 5. Escapement Policy**

5.1 Manage escapement to produce maximum sustained yield for each Klamath River run while preventing extinction of any Klamath River tributary natural sub-population.

5.2 Develop optimum escapement levels through harvest rate management.

5.3 Manage all ocean and in-river fisheries that impact Klamath River stocks consistent with Klamath River natural production.

5.5 Establish a threshold for natural stock productivity below which the KFMC will re-examine management methods for natural stocks.

2.3 Fine-tune allocations by allowing in-river fishing in all salmon spawning rivers.

The intent of the option was to shift from a management system that penalizes the ocean fishery for taking Klamath chinook -- as the present management ostensibly does -- to a system that would encourage harvest of non-Klamath chinook stocks. The option proposes to achieve this by re-establishing terminal commercial fisheries targeting strong chinook stocks in other rivers, such as the Sacramento or Rogue.

\*\*\*\* 2.4 Develop regulations that allow users access to the <sup>other</sup> stocks.

Ocean users will develop good technical data that will allow them access to mixed ocean stock inside/outside KMZ. The in-river users (Indian/sport) will develop regulations that will allow them to optimize their opportunities.

2.5 Direct all river harvest to hatchery stocks only.

The intent is to spare depleted wild stocks, while allowing some inriver harvest. This is more feasible with steelhead than with salmon. Harvest methods that permit sorting live fish would be required.

\*\*\*\* 2.6 Design harvest regimes to achieve an appropriate balance between available natural and surplus hatchery stocks.

The Klamath Fishery Management Council will seek to balance the harvest between natural and hatchery stocks as appropriate. Priorities should be given to situations where surplus hatchery stock can be targeted while maintaining MSY escapement levels for natural stocks. The Council shall utilize the expertise of the technical team for designing such harvest strategies.

2.7 Develop a terminal fishery.

The intent of this option is to spare depleted wild stocks. while allowing harvest of strong stocks. To be effective, most of the harvest would have to be shifted to terminal in-river fisheries -- not just in the Klamath River, but in all rivers. The ocean fishery would have to be greatly reduced owing to the inability to identify wild stocks or to target on non-wild stocks in the ocean.

2.8 Expand boundaries of the KMZ.

The intent is to decrease the contribution rate of Klamath chinook to the Fort Bragg and Coos Bay fisheries, thereby reducing ocean harvest impacts on Klamath chinook.