

FINAL MINUTES
KLAMATH FISHERY MANAGEMENT COUNCIL MEETING
October 18-19, 2005
Shilo Inn, Klamath Falls, Oregon
Meeting #81

Membership:

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

Tuesday, October 18, 2005

8:00 am Convene meeting

Curt Melcher convened Meeting #81, introduced the Klamath Fishery Management Council (KFMC) members, and announced that there has not been an appointment for the California Offshore Recreational Fishing Industry seat.

Curt Melcher also announced that he has been promoted and will be assuming the Oregon Department of Fish and Wildlife (ODFW) seat on the Pacific Fishery Management Council (PFMC). He will be responsible for all species, not just salmon. He will maintain his responsibilities as KFMC chair through 2006.

Agendum 1. Review and Approve Agenda

Motion by Keith Wilkinson to approve the agenda as amended.

Seconded by Phil Detrich.

Motion passed unanimously.

Agendum 2. Review Materials and Correspondence

Jennifer Silveira reviewed the handouts.

Agendum 3. Adopt Minutes for Meetings Held in March, and April, 2005

Curt Melcher suggested that since the KFMC had not received the draft March and April minutes until today, the group postpone adoption until the February meeting.

Agendum 4. Klamath River Basin Fisheries Task Force Update

Keith Wilkinson reminded the KFMC of the need to discuss future funding in the absence of the Klamath Act. The Klamath River Basin Fisheries Task Force (Task Force) is still waiting for a third draft of the Bureau of Reclamation's Conservation Implementation Program (CIP) report.

Curt Melcher reported on the Task Force's draft resolution for fishery disaster relief. The Pacific Legal Foundation's lawsuit is currently in the public comment phase, with a discussion concerning harvest.

Agendum 5. Trinity Management Council Update

Mike Orcutt reported that the main topic at the last Trinity Management Council (TMC) meeting was the Fiscal Year 2006 budget. The majority of the TMC's \$700,000 budget was for construction at the end of 2005. Most of this was allocated to conservation projects. The 2006 budget was approved and allocated across three broad budget categories: administration, restoration construction and technical monitoring. Mike Orcutt stated that some monitoring activities that the KFMC depends upon will be under-funded, including coded wire tagging at the Trinity Hatchery and the scale analysis.

Agendum 6. Pacific Fishery Management Council Update

Jim Harp gave an update on the June Pacific Fishery Management Council (PFMC) meeting, at which the Salmon Technical Team (STT) presented their analysis of the technical basis for the Klamath River fall Chinook Conservation Objective. The PFMC then gave the STT a follow-up assignment. At the September PFMC meeting, the STT presented their Klamath River Fall Chinook Stock Recruitment Analysis Report. The PFMC directed the STT and the Scientific and Statistical Committee (SSC) to jointly review the report. The PFMC will hear comments on the report from the joint STT/SSC Committee and from KFMC members in November. (More details on this are included under Agendum 12).

Curt Melcher said the PFMC is considering whether this analysis shows that a Fishery Management Plan (FMP) amendment is justified. They are not yet looking at what aspects would be included in an amendment but whether the process should be initiated. If the amendment process is initiated, then the PFMC would conduct scoping to consider how to proceed.

Agendum 7. NOAA Fisheries Update

Curt Melcher inserted an agenda item to discuss the "emergency rule" to allow a departure from the FMP.

1. Klamath Ocean Harvest Model (KOHM) Review

Eric Chavez reported that NOAA reinitiated consultation under Section 7 of the Endangered Species Act (ESA) on its biological opinion on the harvest of California coastal Chinook. One element of that ongoing consultation is an analysis and review of the KOHM. Curt Melcher said that NOAA determined that the age-4 exploitation rate for California coastal Chinook would be retained, subject to continued review. Eric Chavez stated that NOAA has filed an official memorandum on their determination, with priorities outlined for further analysis.

2. Southern Oregon/Northern California Coasts (SONCC) Coho

Eric Chavez reported that NOAA may reinitiate consultation on its biological opinion on SONCC coho as a result of the recent inclusion of hatchery populations in the SONCC Evolutionarily Significant Unit (ESU). Following a court decision in June, the species is still listed as threatened, and three hatchery populations are now included in the ESU. NOAA may or may not have to reinitiate consultation for ocean fisheries as a result of this decision, but if they do so, they will have to include hatchery coho. Curt Melcher stated that in the north, hatchery populations have been incorporated into the ESUs, but higher harvest rates are allowed on the hatchery component. He asked for a NOAA update in the future regarding 2006 management and wild fish protective measures, as he suspects that they are likely to change.

3. Emergency Rule Flexibility

Eric Chavez described how at the September PFMC meeting, the use of an emergency rule to deviate from the FMP and allow fishing below the Klamath River Fall Chinook Conservation Objective was discussed. NOAA advised that use of the emergency rule must meet certain criteria, mainly that it is a response to an unforeseen event. Usually there is an unforeseen event, so an FMP amendment is set in motion; the emergency rule is asked for while the amendment is pending. In the case of the 2005 fishing season, it would have been extremely difficult to justify. Curt Melcher added that to use the emergency rule you cannot have seen signs that the problem was coming and that it could not have been avoided through long-term management.

In response to a question from Mike Orcutt, Eric Chavez stated that these are internal NOAA policy guidelines, and NOAA will distribute a document clarifying when to use the emergency rule and how it should be applied.

Neil Manji stated that if the PFMC had voted to fish below the Klamath Conservation Objective, NOAA would have had to decide whether to allow the use of the emergency rule. He asked whether the public can ask for an emergency rule. Curt Melcher responded that members of the public can ask NOAA, but it's unlikely that NOAA would overturn a recommendation of the PFMC.

The group speculated that if the emergency rule were invoked, it would most likely apply to both ocean and river fisheries at the same time.

Agendum 8. Public Comment

Jim Welter, SAS Oregon, distributed a handout showing Pacific States Marine Fisheries Commission data. He said the handout shows how spring releases of juvenile fish from Iron Gate Hatchery impact natural Chinook production. There were good rains and lower hatchery releases in the early 1980's, which led to big escapements in the mid-1980s. But there were massive hatchery releases and drought in 1986-1990, and the escapements were low when those fish returned. There is now a tremendous disease problem in the juveniles coming out of the system. We need to scour out the river with high flows, stop the yearling releases from Iron Gate Hatchery, and do more tagging of the fingerlings. The KFMC cannot invoke the emergency rule, because they knew a population decline was coming.

Dave Bitts replied that he was as guilty as anyone in pushing for those big hatchery releases in the 1980s.

We know now that they failed. Following that crash, hatchery practices were reviewed, and the hatcheries reduced the number of fish released. Jim Welter responded that he would still like to see a study to assess whether these same factors are involved in the current juvenile mortality problem. Neil Manji stated that the hatchery adjusted its mitigation goals in the early 1990's, and has stuck to them. As for the water year type, the question remains how many fish to release if there is not enough water. It would be good to base hatchery releases on water year type, using the Hardy II Report. Dave Hillemeier added that the FERC

(Federal Energy Regulatory Commission) process provides a good opportunity to revisit the hatchery mitigation goals with regard to fingerlings.

Bob Crouch, Klamath Management Zone Fisheries Coalition, stated that this year's low juvenile survival rate was a result of the low water year and the late timing of the release. This year 93% of fingerlings released from Iron Gate Hatchery became infected with *C. Shasta* within three days. As an alternative, he suggested holding them and waiting until conditions are suitable for their survival. Curt Melcher responded that fish are raised with a release time in mind, so holding them is difficult. If they start the smoltification process as a result of a specific rearing schedule, they need to be released.

Agendum 9. Performance of the Klamath Ocean Harvest Model (KOHM)

Curt Melcher stated that the KOHM is not biased over the long-term, although the 2004 Klamath contact rates turned out to be unexpectedly higher than the model predicted. In their KOHM review, NOAA said that the model is adequate for Chinook salmon.

Dave Bitts asked Klamath River Technical Advisory Team (TAT) member Michael Mohr about the suspicion that some type of tagging error in the Sacramento River system resulted in the abnormally high Klamath harvest rate numbers. TAT member Alan Grover checked into it, but no Klamath tagged fish were found in Sacramento fisheries. Dave Bitts asked Michael Mohr whether there had been any further efforts to look into it. Michael Mohr responded that he hadn't heard of any. As part of the KOHM review, the TAT looked carefully at the KOHM's programming code, but found no errors.

Neil Manji suggested that a KOHM review by another party would carry additional weight to demonstrate that the KOHM is still the best model, and that this was an anomaly. Curt Melcher stated that the model was reviewed several years ago and was not only accepted, but was held up as a standard for other models. The SSC reviewed the model last year. Several factors could have caused the high Klamath contact rates, including delayed maturation, or a larger cohort than was expected. The coded wire tag (CWT) database was also checked for errors, but none were found.

Keith Wilkinson added that reviews looked at straying between river systems and asked whether the stray rate had increased or decreased. Michael Mohr stated that straying rates are factored in and are typically quite low. There does not appear to be any year class or season that affects straying.

Agendum 10. Marking Rates at Iron Gate Hatchery

Jerry Barnes stated that no work is being done by the TAT on this subject at this time. There is a 25% Coded Wire Tags (CWT) marking rate at Trinity River Hatchery. Michael Mohr read an email report on this agendum from TAT chair George Kautsky:

The Hoopa Valley Tribe (HVT) has proceeded with securing some funding, and we are now finalizing a contract with Dr. Hankin to initiate Phase I of our study at Iron Gate Hatchery (facility operations descriptive document, to explore what logistically may be possible). Phase II will involve development of a recommended marking strategy assuming two or three likely future tracks for Iron Gate Hatchery as a function of hydro relicensing of the facility. You may recall that in the Trinity case, Hankin/Newman recommended a marking rate of 40% based on the recovery process in place in Trinity basin. Ultimately, we compromised somewhat on optimal precision by settling on a 25% rate at Trinity River Hatchery (TRH). Similar to the TRH case, recommendation of a marking rate will depend on what core objectives we seek to achieve. One objective we've considered would be the prospect of increasing precision and accuracy of ocean harvest modeling. Another objective will likely be responsive to in-basin needs such as stock segregation in fish kills, fish traps, etc. Lastly, Phase III will be implementation with the requisite budget development.

In the future, I'd like to introduce the TAT to our project at Iron Gate Hatchery and solicit guidance with regard to increasing ocean-modeling precision as a function of marking and recovery rates.

Curt Melcher stated that the HVT is taking the lead on this. Neil Manji stated that he has been discussing increasing the marking rate with the HVT, the California Department of Fish and Game (CDFG), and PacifiCorp. Fundamental issues are uncertainties surrounding the FERC relicensing, the question of yearlings or fingerlings, and feasibility. These are items for the group to discuss and bring to the TAT. It is clear that marking rates of 3-5% are not sufficient.

Mike Orcutt stated that he would prefer to step back and gather information before jumping into increasing the marking rate. He suggested outlining the constraints and potential opportunities prior to meeting with co-managers to decide on the best approach. The earliest changes to the marking rate, according to PacifiCorp, may not be until 2007, and contractors are working on the constraints of hatchery protocol.

Agendum 11. Exploitation Rate of Hatchery Spring Chinook

Jerry Barnes referred members to a handout for Agendum 11: Spring Chinook Salmon Escapement for 2004, with some preliminary data added for 2005. Curt Melcher stated that the KFMC had asked the TAT to conduct a simple exploitation analysis of coded-wire tagged spring Chinook and make some assumptions about tag recovery. They wanted to see a simple exploitation rate for TRH spring Chinook.

Jerry Barnes stated that TRH just stopped taking in spring Chinook today. It will wait for 10 days, then open the gates for fall Chinook. This year had very low spring Chinook runs, far below the ten year averages. The Salmon River had 78 adults, the lowest count recorded since they began collecting data in the early 1990s, and the South Fork Trinity had seven. Mike Orcutt added that the harvest of spring Chinook was low; rain in May and June and large water releases from the dam impacted harvest efficiency and effort. Jerry Barnes said that TAT member Desma Williams said that 22% of the catch on the Lower Klamath River was spring Chinook. Dave Hillemeier stated that the Yurok Tribe had fishery closures to conserve spring Chinook and sturgeon. There seems to be a trend toward a later return of spring Chinook. Dave Bitts asked why Oregon CWTs were read in the middle of October, while the State of California will finish reading their tags by February of 2006. Neil Manji stated that the CDFG has read them and is determining the break-off between the fall and spring runs.

Dave Hillemeier stated that the low South Fork Trinity and Salmon River returns are setting off alarm bells. A couple more years like this could lead to extirpation. Jerry Barnes added that a minimum of 50 breeding pairs is needed to have the genetic diversity to rebuild a run. Dave Hillemeier said that the relatively healthy population of non-hatchery spring Chinook spawning in the Trinity River below Lewiston dam were thought have interbred with TRH fish. Curt Melcher stated that the South Fork Trinity and Salmon River counts cannot be extrapolated throughout the system. Dave Hillemeier added that they are snorkel counts, which provide an index over time, not population estimates.

Jerry Barnes introduced a second handout, "Estimated Proportional Ocean Impacts on Trinity Hatchery Chinook by Year, Fishery, Area, Month", derived from a cohort analysis for spring Chinook. It is a very preliminary draft. Eric Logan is being funded by the Hoopa Valley Tribe to develop a cohort analysis for spring Chinook. It shows a wide range of exploitation rates, dominated by commercial ocean fisheries. Most impacts are in June and July. Michael Mohr said the TAT hasn't reviewed this draft product yet. Dave Hillemeier said that the TAT should include in-river fisheries that are monitored, and account for late-entering hatchery fish. Curt Melcher added that the TAT has to figure out how to deal with unsampled fisheries.

Dave Bitts noted that the KFMC had been seeking this information on the spring catch for a long time, and this information is a big step forward. Jerry Barnes stated that the next step is to develop the age composition, and they need a scale analysis to do so. Dave Hillemeier said the Yurok Tribe is working on that for the Trinity and the Klamath, but they have not yet gotten scales for the Salmon River.

Curt Melcher reaffirmed the importance of continuing this TAT assignment. Jerry Barnes stated that George Kautsky made a valiant attempt to convene a TAT meeting on spring Chinook this month, but the STT's assignment precluded it.

Agendum 8 (continued) Public Comment

Peter Brucker, Klamath Task Force Technical Work Group and Salmon River Restoration Council, said he hopes the KFMC recognizes that the Salmon River spring Chinook dive count, which produced the lowest numbers on record this year, is showing a trend.

Agendum 12. KFMC Input to the PFMC on the Klamath Fall Chinook Conservation Objective

Curt Melcher recapped the issue of the Klamath River Fall Chinook Conservation Objective, (the 35,000 natural spawner floor). This year, because of a low Klamath stock abundance projection, constraints on salmon fisheries were necessary to meet the Klamath Conservation Objective. In April, 2005, the PFMC directed the STT to report on the technical basis for the Klamath Conservation Objective, and they did so at the June meeting. The PFMC is considering initiating an FMP amendment process regarding fishing below the Klamath Conservation Objective, as discussed at the September PFMC meeting. The PFMC decided to delay an amendment decision until their November meeting, to give the KFMC an opportunity to comment and to give the STT a chance to meet with the SSC regarding the STT's Klamath River fall Chinook Stock Recruitment Report that was completed September 1, 2005. The KFMC had a conference call with TAT members on September 29 to go over the stock recruitment report. Curt Melcher emphasized the importance of producing a recommendation and statement on the KFMC's views of the report and the potential FMP amendment.

Dave Bitts pointed out that the stock recruitment report deals with maximum sustained yield (MSY), not the natural spawner floor. Curt Melcher replied that the report covers three models that give MSY's

ranging from below the 35,000 natural spawner floor to twice that amount. The KFMC needs to 1) comment on the report, 2) say whether it reinforces the current natural spawner floor or not, and 3) comment on the inflexibility of the emergency rule.

Neil Manji said the report doesn't consider weak stocks in the basin, and Dave Hillemeier said that fall Chinook substocks should be included. Mike Orcutt said he wasn't sure there was a rationale for changing the floor, but that he understands we need to focus on minimum fisheries.

Dave Bitts said that while the Task Force and Trinity Management Council have improved fish habitat in the basin, the benefits have been thwarted by the disease problem in the Klamath River. There is no plan for addressing the disease, apart from waiting for it to go away. Yet it has the potential to close all fishing on Klamath stocks if the PFMC doesn't amend the FMP in some manner. We should not change the floor, but have the PFMC consider a de minimis fishery in years where the floor won't be met. What would be the effect on production of reducing natural spawners from 20,000 to 16,000, for example? Curt Melcher said that Prager and Mohr (1999) included something on de minimis fisheries.

Dave Bitts referred the members to page 5 (Figure 3) and page 17 (Figure 9) of the STT spawner recruitment report, showing higher recruitment rates from lower numbers of spawners. Dave Hillemeier agreed, but cautioned that by coincidence there could have been good ocean conditions in those years. He referred the members to the last paragraph of page 4 of the STT's report on the Klamath Conservation Objective. Dave Bitts clarified that his suggested de minimis fishery would only kick in when the floor would not be met even with no fishing. The floor would still be used in other years. Curt Melcher offered to draft a KFMC comment statement during the lunch break.

Agendum 8. (cont.) Public Comment

Jim Welter, SAS Oregon, stated that the HVT did a great job on the Trinity River. He noted that the problem of parasite-infected juveniles in the Klamath River between Iron Gate Dam and the Trinity confluence is an effect of flows. The natural spawner floor appears to be adequate, but if healthy fish are not making it out of the river system, things need to be reassessed. Oregon fisheries have shut down, and from now on there is no recreational ocean fishing in the Klamath Management Zone, and the economic effects are terrible. You must resolve this problem in the river.

LUNCH

1:00 pm Reconvene

Agendum 12. (cont.) KFMC Input to the PFMC on Klamath Fall Chinook Conservation Objective

Curt Melcher presented his rough draft KFMC statement to the PFMC. Dave Bitts distributed a copy of page 31 of Prager and Mohr (1999) dealing with de minimis fisheries. Staff projected the draft statement on a large screen and made changes to the language suggested by the members. Staff printed and distributed a version 2 of the document for member review during the remainder of the evening. Agendum 12 was tabled until the 8:00 am the next morning.

Agendum 13. Klamath Spring Chinook Management

Curt Melcher opened the discussion of Klamath spring Chinook management, stating that the HVT has made progress in assembling data needed for spring Chinook management. Mike Orcutt commented that

we need scenarios for management objectives. With some stocks having less than 100 fish, the issue of weak stocks management is raised. Phil Detrich noted that the imperative to manage spring Chinook is increased by the FERC process. The Department of the Interior is stressing the need for fish passage above the dams, and spring Chinook were the main anadromous users of that Upper Basin habitat. Dave Hillemeier agreed, and added that he hopes the FERC process will not get involved in harvest allocation issues.

Agendum 14. Public Comment

Peter Brucker, Klamath Task Force Technical Work Group and Salmon River Restoration Council, recognized the energy that has gone into developing spring Chinook management, but stated that the numbers in the Salmon River this year were one seventh of last year, while the South Fork Trinity was low, but about the same as last year. The harvest was reduced, so why did the population drop? It is good to have harvest plans, but will that be enough to save Salmon River spring Chinook?

Peter Brucker continued that the Salmon River Restoration Council and its cooperators have collected otoliths to identify Salmon River spring Chinook versus other fish, and they have created an otolith library with Jane Sartori of the USFWS. A micro-structure analysis of the otoliths gives information on the early life stage of the fish, and whether it is hatchery or wild. It may be possible to distinguish whether the fish originated in the main-stem or a particular tributary. Another outmigrant rotary screw trap has been set up at the mouth of the Salmon River. Only 350 adult fall Chinook returned to the Salmon River this year, but they saw 10,000 – 20,000 outmigrants per day in July at the trap.

Peter Brucker also stated that some members of the environmental community are considering developing a petition to get spring Chinook listed under the ESA as their own ESU. If this is to be successful, a genetic indicator must be found. He would prefer instead to develop a management plan regardless of whether the species is listed. The Salmon River Restoration Council has been working with partners and a Spring Chinook Work Group for the past three years to identify the causes of decline and finalize a limiting factors analysis to find gaps in the information. He invited everyone to attend the Spring Salmon Summit on November 11 at the Karuk Department of Natural Resources to identify problems and solutions. He gave an overview of habitat recovery and monitoring efforts in the Salmon River watershed, and said that their monitoring information points to the mainstem Klamath River as a major source of mortality.

Agendum 15. Set Time and Agenda Items for the February, 2006 Meeting

The next KFMC meeting will be February 21-23 in Brookings, Oregon. Items to discuss include the following:

- Approval of March and April 2005 minutes
- Summary of Government Accountability Office audit of the Klamath Restoration Program
- Plan for moving forward once the terms of the KFMC and Task Force end

Agendum 16. Letter to NOAA Fisheries from Congressman Herger

Eric Chavez presented a letter from Representative Herger to William Hogarth, director of NOAA Fisheries. The letter asked for a response to an attached letter from Ed Mecheletti regarding the effect of gill nets as opposed to tooth nets in the Klamath River. He said that NOAA Fisheries had drafted a response. Curt Melcher said that the issue raised by Mr. Mecheletti did not apply in the Klamath, because there was no release from Klamath net fisheries. Dave Hillemeier replied that there is an 8% drop-off rate

from the Yurok net fishery. He asked that in the future NOAA Fisheries consult with the Yurok Tribe on letters concerning their fishery. Eric Chavez apologized and agreed to do so in the future. He also said that the two papers he had distributed as informational handouts (regarding otoliths and genetic stock identification) would be presented at the March, 2006, PFMC meeting.

Assignment: Eric Chavez will give NOAA Fisheries' response to Congressman Herger's letter to staff, for distribution to the KFMC.

5:00 pm Recess

8:00 am Reconvene

Agendum 12. (cont.) KFMC Input to the PFMC on Klamath Fall Chinook Conservation Objective

Staff projected the draft KFMC statement to the PFMC version 2 on the large screen, to incorporate additional changes to the language suggested by the members. Mike Orcutt suggested significant changes. Staff produced a version 3 of the document including those changes for discussion.

Michael Mohr presented a handout with a graph and table of the number of spawners and the spawner reduction rates under the current FMP and with a de minimis fishery using a 10% spawner reduction rate. He answered members' questions regarding the rates.

After discussion, the members agreed to go back to a statement similar to version 2, but with some changes. Curt Melcher asked Staff to prepare the revised statement for final approval at lunch time, after the KFMC participated in the morning session of the Klamath Task Force meeting.

9:00 am Recess

The KFMC joined the Klamath Task Force meeting from 9:00 am until 12:00 pm.

12:00 pm Reconvene

Agendum 12. (cont.) KFMC Input to the PFMC on Klamath Fall Chinook Conservation Objective

The revised statement follows:

REVISED DRAFT KFMC STATEMENT version 4
October 19, 2005

The Klamath Fishery Management Council (KFMC) and the TAT have reviewed the Salmon Technical Team's (STT) report titled *Klamath River Fall Chinook Stock-Recruitment Analysis* (September 2005). The KFMC appreciates the opportunity to comment on this critical issue.

In general, we find that the technical basis of the stock recruitment analysis is sound and, given the limited time and data available to complete the analysis, is an adequate response to the PFMC's assignment. We believe that Model 2 of the analysis best represents the stock recruitment relationship of Klamath River fall Chinook. Based on the STT's analysis and the diverse results of each of the three stock-recruit models, the KFMC recommends that the current Salmon FMP conservation objectives for Klamath River fall Chinook (2/3 maximum spawner reduction rate and a minimum 35,000 fish natural spawning escapement floor) are appropriate and reflect the uncertainty inherent in the STT's stock-recruit

analyses.

While we found that the STT's use of the available stock recruit data was sufficient to complete the primary assignment from the PFMC (maximum sustained yield stock-recruitment analysis), we believe that the correlation analysis (as assigned by the PFMC) was inconclusive and did not adequately reflect the breadth of available hydrological and life history data for Klamath River fall Chinook. Moreover, this analysis was confounded by the lack of a direct measure of smolt to adult survival for the natural production component. Further analyses of this nature need to be more comprehensive and involve pertinent experts within the basin.

The KFMC recognizes that significant uncertainty remains with regard to the ability of the PFMC and NMFS to implement *de minimis* fisheries. If there is not sufficient flexibility under the Magnuson-Stevens Fishery Conservation and Management Act to implement *de minimis* fisheries through emergency rule, the KFMC recommends that PFMC proceed with the plan amendment process, confined in scope to addressing the potential for *de minimis* fisheries. The KFMC also recommends that any such amendment regarding *de minimis* fisheries be based upon a prudent, precautionary approach regarding the protection of sub-stocks within the Klamath basin, and should be scaled to projected stock abundance.

The TAT (Prager and Mohr 1999) evaluated the use of a *de minimis* management policy during years of low abundance and concluded that "Such a policy had little, if any, discernable effect on average catch, year to year variability of catch, or median natural escapement." The TAT made no recommendation regarding the use of such a policy; however, they noted that while their study showed no adverse effect of fisheries up to a 20% spawner reduction rate, there could be disproportionate impacts to smaller sub-stocks, thus reducing long term yield. They recommended that if such a fishery was established, a maximum spawner reduction rate of 10% should be adopted, subject to review after a period of years.

Based on the TAT analysis (Prager and Mohr 1999), the KFMC recommends that whenever "without-fishing" natural spawner abundance is predicted to be 39,000 or less, *de minimis* fisheries should be considered, with a maximum spawner reduction rate of 10%. We also recommend that the *de minimis* fishing rate reduce linearly from 10% to 0% as a function of projected stock abundance. The KFMC also recommends that whenever *de minimis* fisheries are adopted, a technical review of the anticipated escapement shortfall shall be completed prior to the adoption of regulations for the following season. If fishery impacts are found to be a major cause of a substantial shortfall, *de minimis* fisheries shall not be proposed in that subsequent season.

Motion by Keith Wilkinson to adopt the revised Draft KFMC Statement (Version 4) and forward it to the PFMC.

Seconded by Jim Waldvogel.

Motion passed with Mike Orcutt and Eric Chavez abstaining.

Assignment: Staff to provide copies of the KFMC's Draft Statement to the PFMC on the Klamath Fall Chinook Conservation Objective to all KFMC Members.

12:30 pm Meeting adjourned

FINAL AGENDA
KLAMATH FISHERY MANAGEMENT COUNCIL MEETING
October 18-19, 2005
Shilo Inn, Klamath Falls, Oregon
Meeting #81

Tuesday, October 18, 2005

8:00 am: Convene Klamath Fishery Management Council meeting and introduce members

Administration

- 1) Review and approve agenda
- 2) Review materials and correspondence
- 3) Adopt minutes for meetings held in March, and April, 2005

General

- 4) Klamath River Basin Fisheries Task Force update (Wilkinson)
- 5) Trinity Management Council update (Orcutt)
- 6) Pacific Fishery Management Council update (Harp)
- 7) NOAA Fisheries update (Chavez)
 - (1) KOHM review
 - (2) Biological Opinion for SONCC coho
 - (3) Emergency Rule Flexibility
- 8) Public Comment

Report from the Klamath River Technical Advisory Team

- 9) Performance of the Klamath Ocean Harvest Model (KOHM)
- 10) Marking rates at Iron Gate Hatchery
- 11) Exploitation rate of hatchery spring Chinook
- 8) (cont.) Public Comment

Management Issues

- 12) KFMC input to the PFMC on Klamath Fall Chinook Conservation Objective
- 8) (cont.) Public Comment

Lunch

- 12) (cont.) KFMC input to the PFMC on Klamath Fall Chinook Conservation Objective
- 13) Klamath spring Chinook management
- 14) Public Comment
- 15) Set time and agenda items for February, 2006 meeting
- 16) Letter to NOAA from Congressman Herger

5:00 pm: Recess

Wednesday, October 19, 2005

8:00 am: Reconvene

12) (cont.) KFMC input to the PFMC on Klamath Fall Chinook Conservation Objective

9:00 am: Recess

The KFMC attended the Klamath River Basin Fisheries Task Force meeting from 9:00 am to 12:00 pm

12:00 pm: Reconvene

12) (cont.) KFMC input to the PFMC on Klamath Fall Chinook Conservation Objective

12:30 pm: Adjourn

MOTIONS AND ASSIGNMENTS
KLAMATH FISHERY MANAGEMENT COUNCIL MEETING
October 18-19, 2005
Shilo Inn, Klamath Falls, Oregon
Meeting #81

Motions:

Agendum 1

Motion by Keith Wilkinson to approve the agenda as amended.
Seconded by Phil Detrich.
Motion passed unanimously.

Agendum 12

Motion by Keith Wilkinson to adopt the revised Draft KFMC Statement (Version 4) and to forward it to the PFMC.
Seconded by Jim Waldvogel.
Motion passed with Mike Orcutt and Eric Chavez abstaining.

Assignments:

Agendum 12

Staff will provide copies of the KFMC's Draft Statement to the PFMC on the Klamath Fall Chinook Conservation Objective to all KFMC Members.

Agendum 16

Eric Chavez will give NOAA Fisheries' response to Congressman Herger's letter to staff, for distribution to the KFMC.

LIST OF HANDOUTS
KLAMATH FISHERY MANAGEMENT COUNCIL MEETING
October 18-19, 2005
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Meeting #81

- Agendum 3 Draft Klamath Fishery Management Council Minutes, April 3-8, 2005.
- Agendum 3 Draft Klamath Fishery Management Council Minutes, March 6-11, 2005.
- Agendum 8 Table of Klamath Basin Fall Chinook Spawner Escapement and Iron Gate Hatchery Juvenile Chinook releases, presented by Jim Welter, October 18, 2005.
- Agendum 11 Klamath River Basin Spring Chinook Salmon Spawner Escapement, River Harvest and Run-size Estimates 1980-2004, presented by Jerry Barnes, October 18, 2005.
- Agendum 11 Table of Draft Estimated Proportional Ocean Impacts on Trinity Hatchery Chinook by Year, Fishery, Area, and Month, presented by Jerry Barnes, October 18, 2005.
- Agendum 12 Salmon Technical Team Report on the Technical Basis for the Klamath River Fall Chinook Conservation Objective, dated June 2005
- Agendum 12 Comments of the TAT Regarding the STT Report: “Klamath River Fall Chinook Stock-Recruitment Analysis”, dated September 28, 2005.
- Agendum 12 Klamath River Fall Chinook Stock-Recruitment Analysis, by the Salmon Technical Team, dated September 2005.
- Agendum 12 Rough Draft Klamath Fishery Management Council Statement version 1, presented by Curt Melcher, dated October 18, 2005.
- Agendum 12 Rough Draft Klamath Fishery Management Council Statement version 2, dated October 18, 2005.
- Agendum 12 Letter to Dr. Donald O. McIsaac, Executive Director, Pacific Fishery Management Council, from C. Lyle Marshall, Chairman, Hoopa Valley Tribal Council, regarding Testimony of Hoopa Valley Tribe Regarding Klamath Conservation Objective, dated September 12, 2005.
- Agendum 12 Excerpt from Prager and Mohr 1999: page 31, “6.3.2 Use of de Minimis Fishery”, presented by David Bitts, October 18, 2005.
- Agendum 12 Graph and table of spawner reduction rates with and without de minimis

fisheries, presented by Michael Mohr, October 19, 2005.

Agendum 16

Letter to Dr. William Hogarth, Director of NOAA Fisheries, from U.S. Representative Wally Herger, regarding the effect of gill nets as opposed to tooth nets on salmon in the Klamath River, dated September 15, 2005.

Informational
Council

Federal Advisory Committee Charter for the Klamath Fishery Management submitted for renewal in September, 2005.

Informational

Use of Otoliths to Identify River and Hatchery of Origin of California Central Valley Chinook Salmon in the Ocean Fishery: Potential Application to Klamath River Chinook Salmon, by Rachel Barnett-Johnson et al.

Informational

Genetic Stock Identification and Full Parental Genotyping for Management of California's Chinook Salmon Fisheries, by John Carlos Garza and Eric Anderson.

LIST OF ATTENDEES
KLAMATH FISHERY MANAGEMENT COUNCIL MEETING
October 18-19, 2005
Shilo Inn, Klamath Falls, Oregon
Meeting #81

The following individuals attended the Klamath Fishery Management Council meetings in Klamath Falls, Oregon on October 17 and 18, 2005.

<u>Name</u>	<u>Representing</u>
Jerry Barnes	Klamath River Technical Advisory Team
Jim Welter	Salmon Advisory Sub-panel, Oregon Sport Fisher
Bob Crouch	Klamath Management Zone Fisheries Coalition
Desma Williams	Klamath River Technical Advisory Team
Tam Moore	Capital Press
Peter Brucker	Salmon River Restoration Council, Technical Work Group
Ron Costello	U.S. Bureau of Reclamation
Allen Foreman	Klamath Tribes