

## DEPARTMENT OF FISH AND GAME

1416 NINTH STREET

SACRAMENTO, CALIFORNIA 95814

(916) 445-5250



November 20, 1987

To: Members of the Klamath Fishery Management Council

Enclosed you will find minutes of the October 29 meeting provided for your review. If you have any additions or corrections, please notify Ron Iverson or be prepared to discuss them at the March 3, 1988 meeting of the Council.

I have also attached:

1. An updated copy of the 5-year harvest sharing agreement.
2. A membership list for the KFMC.
3. A report on the Klamath-Trinity River basin escapements for 1987.

See you on March 3, 1988; a draft agenda for that meeting will be following.

Sincerely,

A handwritten signature in cursive script that reads "Robert C. Fletcher".

Robert C. Fletcher, Chairman  
Klamath Fishery Management Council

RCF:sa

Encl.

## DEPARTMENT OF FISH AND GAME

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SACRAMENTO, CALIFORNIA 95814



## Observations on 1987 Salmon Runs

Klamath River Basin

Current indications are that the 1987 fall chinook salmon run in the Klamath River basin is, as expected, somewhat smaller than the nearly 229,000-fish 1986 run. It is, however, a strong run, and appears certain to be the second largest return since 1978, the first year the Department developed a Klamath basin-wide run-size estimate.

As in the past two years, the Trinity River basin appears to be receiving a large part of the total run. Weir counts in other major tributaries, however, are running at or somewhat ahead of last year's figures.

The 1987 in-river harvest of adult fall chinook salmon easily exceeded last year's high (since 1978) of 42,000 fish. The final 1987 figure for the in-river catch (Indian net plus angler) of adults is not yet available, but the total catch may exceed 60,000.

Spring chinook and coho salmon runs in the Klamath basin also appear unusually large this season, especially those segments returning to the Trinity River.

Klamath River Basin Chinook Salmon Tallys — 1987 vs. 1986  
 (All figures are preliminary, subject to revision)

<u>Location</u>	<u>Adults</u>		<u>Grilse</u>		<u>Totals</u>		<u>Remarks</u>
	<u>1987</u>	<u>(1986)</u>	<u>1987</u>	<u>(1986)</u>	<u>1987</u>	<u>(1986)</u>	
Trinity R. (Willow Cr. Weir)	2,890	(2,269)	41	(459)	2,931	(2,728)	Season completed. Nearly 90% of fish trapped in 1987 were fall run, vs. about 50% in 1986.
Salmon R. Weir	743	(155)	31	(6)	774	(161)	Figures through November 11.
Scott R. Weir	3,602	(1,665)	218	(1,088)	3,820	(2,753)	Figures through November 11.
Shasta R. Weir	4,299	(3,269)	398	(674)	4,697	(3,943)	Season completed.
Bogus Cr. Weir	7,963	(4,938)	1,133	(1,144)	9,096	(6,082)	Season completed.
Trinity R. Hatchery	19,916	(20,161)	5,167	(5,104)	25,083	(25,265)	Figures through November 10.
Don Gate Hatchery	15,181	(17,071)	1,825	(1,458)	17,006	(18,529)	Figures through November 9.

Klamath River Basin In-River Fall Chinook Salmon  
 Adult Harvest — 1987 vs. 1986  
 (All figures preliminary, subject to revision)

<u>Indian Net Harvest</u>	<u>1987<sup>a/</sup></u>	<u>1986<sup>b/</sup></u>
Commercial	29,040	Not Open
Subsistence	<u>23,127</u>	<u>25,127</u>
Subtotals	52,167	25,127
 <u>Angler Harvest</u>		
Below 101 Bridge	2,374	2,456
Above 101 Bridge	<u>c/</u>	<u>14,415</u>
Subtotals	—	16,871
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TOTALS	—	41,998

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- <sup>a/</sup> Figures shown are essentially season totals — not expected to change much.  
<sup>b/</sup> Season totals.  
<sup>c/</sup> No estimate yet available.

## KLAMATH FISHERY MANAGEMENT COUNCIL

PROCEEDINGS OF THE MEETING HELD 29 OCTOBER, 1987  
IN EUREKA, CALIFORNIA

### Approval of Minutes and Agenda

Chairman Bob Fletcher convened the meeting at 9:00 a.m., and asked for comments on the draft minutes of the July 22 meeting, which had been distributed earlier to Council members. The minutes were approved without additions or corrections. The Chairman invited the public to address the Council at 3:00 p.m. He stated that future printed agendas will identify approximate times when agenda items will be taken up.

### Field Trip

Sue Masten described a field trip October 30, to view the lower Klamath River. Council members and staff were invited.

### Report of Technical Advisory Committee

A Monitoring Needs Report was distributed by L. B. Boydston. The report identifies two measures that could potentially increase capability to monitor anadromous fish stocks: a counting weir in lower Trinity River, and a genetic stock assessment technique that would permit in-season stock identification in the ocean harvest, which would in turn provide a biological basis for in-season harvest adjustments. An alternative way to get in-season estimates of stock composition would be to greatly expand the coded-wire tagging effort. Discussion ensued on future funding for coded-wire tag (CWT) recovery and analysis. Funds are budgeted by National Marine Fisheries Service for this purpose for the 1987-88 California state fiscal year, but subsequent funding is uncertain in light of Gramm-Rudman requirements.

Responding to a query as to whether Interior Department appropriations under 16 U.S.C. 460ss might be a source of funding for ocean stock analysis, Lisle Reed described the mechanism of Gramm-Rudman reductions. Lisle expressed the opinion that the great size and complexity of the Interior budget provides flexibility to fund new programs in Fiscal Year 1988, even after overall budget reductions are made. This could be done by reallocating funds from other programs, with approval of Congress.

### 1987 Chinook Salmon Harvest and Escapement

L. B. distributed current estimates of ocean and in-river chinook harvests and counts at Klamath Basin hatcheries and tributary weirs. Estimates of total ocean harvest of Klamath stocks will be available in February, 1988, when analysis of CWT recoveries from areas outside the Klamath Management Zone will be complete. It was noted that (unexpanded) weir counts of chinook through October 21 were larger than comparable counts in 1986.

### Amendments to 16 U.S.C. 460ss

Bruce Taylor distributed copies of H.R. 3496, consisting of amendments to the Klamath Act. This bill may be added as an amendment to another bill now being considered by the House of Representatives. One important amendment included in H.R. 3496 is a loosening of the present requirement for unanimous consent in

all decisions of the two advisory committees. If amended, the law would require unanimous consent only in decisions of the Klamath Fishery Management Council related to harvest regulations or comprehensive harvest management plans. Procedures for other kinds of decisions would be developed by the Council.

Discussion ensued as to whether the Council should allow alternates to vote, and whether the Council should continue to take all action by unanimous consent. This led into the next agenda item:

#### Draft Operating Procedures

Ron Iverson distributed two versions of operating procedures: a second draft of Council operating procedures, incorporating changes made at the July 22 meeting as well as changes reflecting revised Federal travel regulations; and the current operating procedures of the Klamath River Basin Fisheries Task Force. The Task Force has approved operating procedures for conduct of meetings, committees, and travel, and is considering operating procedures for a technical advisory group.

Chairman Fletcher requested Council members to review the operating procedures, provide comments to Iverson by January, 1988, and be prepared to approve final procedures at the next Council meeting. Two procedural changes suggested were staggered terms for Council appointments, and replacement of the "Travel" portion of the operating procedures with an appendix consisting of the current version of Federal travel regulations, with language indicating non-agency Council members and staff will abide by these regulations in their cost-reimbursable travel.

Discussion turned next to operating procedures for the Technical Advisory Team. A desire was expressed that the Council hear minority reports when the Team disagrees on significant technical matters. It was agreed that such technical differences would be brought to the Council by its own members, rather than by technical staff.

A motion was approved by consensus to instruct the Team to coordinate as needed with other technical groups working with Klamath anadromous fish stocks.

#### Enforcement of Gillnet Fishing Regulations

Assistant Area Director Ron Jaeger of the Bureau of Indian Affairs distributed a detailed report on the 1987 commercial gillnetting season for fall chinook salmon, conducted in the Klamath estuary between July 29 and August 25. The fishery, involving 440 persons, harvested the quota of 29,000 chinook, delivering fish and eggs to contract buyers at Requa. Fish and egg sales plus wages at the buying station amounted to nearly \$1 million, of which \$187,000 was deposited in a tribal account. Ron commented that BIA considered the commercial fishery to have been a successful endeavor.

Chairman Fletcher noted that a member of the Pacific Fishery Management Council had asked that KFMC hear information on legal violations of in-river harvest regulations. Law enforcement officers Leonard Masten of BIA, and Brian Replogle of CDFG, reported no major law enforcement problems during the commercial netting season. Eighteen citations were issued, mostly for minor violations. After the commercial season closed, two lots of salmon totaling

683 fish were confiscated as being illegally transported. One lot was discovered by the Del Norte County Sheriff's Department, while the other was confiscated through a State/Federal covert operation. Seven arrests were made, with more possible. Confiscated fish were sold or distributed for food by public agencies, with sale proceeds going to a tribal account. Mr. Replogle said he felt the law enforcement effort benefitted from the State/Federal memorandums of understanding signed earlier this year.

Chairman Fletcher said BIA and CDFG will meet to review the MOUs, and any changes will be reported to the Council.

#### Technical Advisory Team Appointments

Del Robinson was proposed as the TAT representative of the non-Hoopa Indians, thus completing the set of nominees for TAT membership. All nominees were then approved for membership by consensus.

#### In-Season Management Measures for Chinook Harvest

Chairman Fletcher noted that this issue applies principally to ocean harvest, where in-season management is very difficult, owing to inadequate "real time" information on harvest of specific stocks and age groups.

Lisle Reed noted that preliminary indications are that 1987 ocean harvest of Klamath stocks did not reduce the in-river run below desired levels, but an in-season management mechanism is needed to reduce the likelihood of over-harvest in years when Klamath stock size is small.

With general agreement on the need to refine the Klamath River Impact Model (KRIM), Nat Bingham introduced a motion to instruct the Technical Advisory Team to upgrade or replace the predictive model, and to inform the Council of cost and data needs to accomplish this with existing technology. TAT members L. B. Boydston and Scott Boley responded they thought this is feasible. L.B. noted that either the GSI technique or increased use of coded-wire tags would require more staff as well as funds, and that staffing constraints could be a limiting factor.

The Technical Team was advised to consider any and all options, including ocean quotas for Klamath chinook in areas outside the KMZ. Gary Smith proposed that PFMC be informed at their November meeting, that the Technical Team will be developing management measures for Klamath chinook harvest north and south of the KMZ.

Jim Martin said he thought two problems appeared in the 1987 ocean chinook harvest: the limitations of KRIM in predicting ocean harvest of the Klamath stock, and a sociopolitical problem of good harvests in northern and southern fringe areas at the expense of harvests in the Klamath Management Zone (KMZ) and the late Rogue fishery.

Some points brought out in subsequent discussion included the following:

- KRIM and other harvest models were developed to provide the PFMC with an estimate of total allowable ocean harvest of Klamath chinook, and do not address the issue of harvest inside versus outside the KMZ.
- Harvest levels in fringe areas were kept high to adequately harvest abundant non-Klamath stocks of chinook.
- The allocation of harvest inside and outside KMZ can best be developed through negotiations within the salmon fishery industry. Discussion ensued as to whether the Klamath Council should have some role in this

allocation. Agreement was not reached on this point, but Chairman Fletcher said that the Technical Advisory Team should take the lead in developing stock models to guide allocations between ocean fisheries that take Klamath chinook. Nat's motion then passed by consensus.

#### Deficit Accounting of Salmon Harvests

Chairman Fletcher reminded the Council that deficit accounting had been discussed in the August 12, telephone conference. At that time, the Council agreed to develop recommendations to PFMC for dealing with future deviations from the chinook harvest allocation agreement.

Several instances of deficit accounting in Pacific salmon fisheries were cited. The concept has been referred to in various terms, including: payback, overage/underage, and share adjustment. Gary Smith distributed a paper summarizing payback provisions being negotiated or in place in the U.S.-Canada Treaty and the Boldt Case area.

Discussion turned to identifying which fisheries might come to owe payback. The case of overharvest by Area I gillnetters, relative to harvests in other river zones, was raised. Sue Masten responded that this would not be an appropriate issue for KFMC intervention; any payback should be arranged by managers of the Indian fishery. Another point raised was that the ocean troll fishery is most likely to overharvest because of inadequate management information, and consequently is most likely to be impacted by deficit accounting. It was noted that overharvest followed by a payback requirement in a subsequent year of small stock size could lead the troll fishery into an economically harmful pattern of fluctuating catches, which the harvest rate concept was designed to avoid.

Chairman Fletcher concluded the Council does not regard deficit accounting as a useful concept for Klamath chinook fisheries, and turned to the next agenda item.

#### Scheduling of Future Meetings

Chairman Fletcher asked whether it would be productive for the Council to meet before CWT analysis is complete, in order to consider results of Technical Advisory Team work on KRIM refinement. It was decided that only Nat Bingham and Keith Wilkinson need meet with the TAT this winter, so they can incorporate modeling results into the harvest allocation discussions within the troll industry. The next Council meeting was set for March 3, 1988, in Eureka. This will allow the Technical Advisory Team about three weeks to develop stock size estimates, as a basis for harvest recommendations.

#### Agenda items identified were:

- Recommendations to management agencies for total harvest of Klamath chinook in 1988, and recommendations for harvest allocation
- Report from L. B. Boydston on KRIM refinement
- Report from Wally Steucke on work of the Trinity Basin Task Force
- Report from Nat Bingham or Keith Wilkinson on work of the Klamath River Basin Fisheries Task Force

Dates of subsequent Council meetings will be decided March 3. The most likely next meeting time would be October, 1988.

## Other New Business

### (i) Chetco Fishery

Keith Wilkinson asked the Council to consider the 1987 special chinook fishery offshore of the Chetco River. The Oregon Fish and Wildlife Commission set aside this fishery for sport anglers. Keith felt this action deviated from ocean allocation agreements in giving the sport fishery more than the "core" chinook fishing season (Memorial Day through Labor Day) that had been negotiated earlier. Keith argued that abandoning the accepted goals of numbers of fish for commercial trollers and season length for sport anglers could impact ocean harvest allotments for Klamath fish, so the issue should be of concern to the Council.

Jim Martin replied that ODFW staff had recommended a sport-only Chetco fishery because they thought the harvest would be too small to be worth allocating between the fisheries. He recommended that the Council defer this item until ODFW develops management proposals for 1988 terminal chinook fisheries. Chairman Fletcher agreed to defer this item until the March, 1988, meeting.

### (ii) Coordination with Other Klamath Advisory Committees

Bob Hayden asked for discussion of the need to communicate with the Trinity Basin Task Force and the Klamath River Basin Fisheries Task Force. Chairman Fletcher directed that members of these two groups be invited to address the Council on March 3.

## Public Comment

Commercial fishermen Gene Elmer and Robert Beaver, both of Brookings, expressed concern about the short chinook season in the Klamath Management Zone, while Coos Bay area fishermen had a longer season and caught just as many Klamath chinook. Bob Fletcher responded that the relatively long chinook season north of the KMZ had a biological basis in the need to adequately harvest non-Klamath chinook stocks. Generally, it is the responsibility of the fishing industry to plan for equity of harvest opportunity between ports. Keith Wilkinson noted he has met with Brookings trollers on this matter, but no solutions have been identified.

KLAMATH FISHERY MANAGEMENT COUNCIL

ATTENDANCE, MEETING OF 29 OCT 1987

<u>NAME</u>	<u>REPRESENTING</u>
Nat Bingham	California commercial salmon fishing industry
Virginia Bostwick	In-river sportfishing community
Bob Fletcher	California Department of Fish and Game
Bob Hayden	Offshore recreational fishery
Lyle Marshall	Hoopa Indian Tribe
Jim Martin	Oregon Department of Fish and Wildlife
Sue Masten	Non-Hoopa Indians
Lisle Reed	Department of the Interior
Richard Schwarz	Pacific Fishery Management Council
Gary Smith	National Marine Fisheries Service
Keith Wilkinson	Oregon commercial salmon fishing industry

## KLAMATH RIVER SALMON MANAGEMENT LONG-TERM HARVEST SHARING AGREEMENT

The Klamath Fishery Management Council has agreed to the following provisions for sharing the harvest of Klamath River fall chinook salmon. These sharing agreements are based on the rebuilding program previously agreed to which is based on a harvest rate approach (approximately 65 percent per brood) and an annual escapement floor (35,000 natural spawning fall chinook). These agreements are founded on the expectation that all parties will gain by focusing energies on the rebuilding and enhancement of the Klamath River salmon resources.

1. This sharing agreement will apply through the 1991 fishing season. A review of sharing agreements is expected prior to the 1992 fishing season.
2. The ocean harvest share will be based on an annual harvest rate of .325 for fully vulnerable Klamath River fall chinook salmon.
3. The inriver harvest share will be based on an annual harvest rate of .525 for fully vulnerable Klamath River fall chinook salmon.
4. The inriver and ocean users will develop agreements for the allocation of their respective inriver and ocean share.
5. If these harvest rates would result in less than 35,000 naturally spawning fall chinook in any year, the parties agree that each harvest rate (inriver and ocean) will be reduced proportionately such that the inside-outside sharing ratio (without floor constraints) will remain unchanged after catch reductions (lowered to meet the floor).
6. The parties agree that all harvest of Klamath River fall chinook will be taken into account in these sharing agreements, regardless of the harvest location.
7. Both ocean and inriver groups will attempt to maximize the harvest of hatchery chinook, stronger year classes of Klamath River fall chinook, and the harvest of other salmon stocks in the ocean in order to most effectively meet the needs of the fishermen within the allowable shares of Klamath River fall chinook natural spawners.
8. The parties will use the best available scientific data to estimate the anticipated stock size and expected catch composition of Klamath River naturally spawning fall chinook in the various fisheries.
9. The fisheries will be effectively monitored to ensure that the harvest shares are not exceeded such that the spawning escapement or the shares of other parties are detrimentally impacted. A deficit accounting process may be developed by the parties providing incentive to avoid excessive harvest.

10. The parties recognize that occasionally unanticipated emergencies arise. An example of a definite emergency situation would be a year in which the allowable Indian subsistence harvest was projected to be below 12,000 adult fall chinook. If an emergency exists, discussions will be conducted to agree on special harvest or production measures to resolve the emergency, consistent with the Klamath River escapement plan.
11. The parties anticipate annual meetings to evaluate the conduct of past year's fisheries and the development of fishing plans under the guidance of these rebuilding and harvest sharing agreements.

This agreement is not intended, nor shall it be construed, as quantifying or establishing a limitation on the legal entitlement to the fishery by any group that is a party.

Nathaniel S. Bingham Date 7/22/87  
 Nathaniel S. Bingham  
 California commercial salmon fishing industry

Clifford Lyle Marshall Date 7/22/87  
 Clifford Lyle Marshall  
 Hoopa Valley Business Council

Virginia R. Bostwick 7-22-87  
 Virginia R. Bostwick  
 In-river sport fishery

Richard Schwarz Date 7/22/87  
 Richard Schwarz  
 Pacific Fishery Management Council

Robert P. Hayden Date 7/22/87  
 Robert P. Hayden  
 California offshore recreational fishery

J. Gary Smith Date 7-22-87  
 J. Gary Smith  
 National Marine Fishery Service

Robert C. Fletcher Date 7/22/87  
 Robert C. Fletcher  
 California Department of Fish & Game

Keith Wilkinson Date 7-22-87  
 Keith Wilkinson  
 Oregon commercial salmon fishing industry

James Martin Date 7/22/87  
 James Martin  
 Oregon Department of Fish and Wildlife

J. Lisle Reed Date 7/22/87  
 J. Lisle Reed  
 U.S. Department of the Interior

Susan M. Master Date 7/22/87  
 Susan M. Master  
 Non-Hoopa Indians residing in the  
 Klamath River Basin Conservation Area

KLAMATH FISHERY MANAGEMENT COUNCIL

MEMBERSHIP - 1987

<u>Name and Address</u>	<u>Representing</u>
Mr. Nathaniel S. Bingham Pacific Coast Federation of Fishermen's Associations Box 1626 Sausalito, CA 94966	California commercial salmon fishing industry
Ms. Virginia R. Bostwick Kamp Klamath RV Park P. O. Box 128 Klamath, CA 95548	In-river sportfishing community
Mr. Robert C. Fletcher (Chair) Deputy Director California Department of Fish and Game 1416 Ninth Street Sacramento, CA 95814	California Department of Fish and Game
Mr. E. C. Fullerton Regional Director National Marine Fisheries Service 300 S. Ferry St. Terminal Island, CA 90731	National Marine Fisheries Service
Mr. Robert P. Hayden P. O. Box 189 Laytonville, CA 95459	Offshore recreational fishing industry
Mr. C. Lyle Marshall Hoopa Valley Business Council P. O. Box 1348 Hoopa, CA 95546	Hoopa Indian Tribe
Mr. James Martin Oregon Department of Fish and Wildlife P. O. Box 59 Portland, OR 97207	Oregon Department of Fish and Wildlife
Ms. Susan M. Masten (Vice Chair) P. O. Box 910 Klamath, CA 95548	Non-Hoopa Indians residing in the Klamath Conservation Area
Dr. J. Lisle Reed U.S. Department of the Interior 18th and C Streets, NW Room 6117 Washington, D.C. 20240	Department of the Interior
Mr. Richard Schwarz 3075 Tipperary Lane Idaho Falls, ID 83401	Pacific Fishery Management Council
Mr. Keith Wilkinson 17304 N. Passley Road Brookings, OR 97415	Oregon commercial salmon fishing industry