12 September 2005

Dr. Donald O. McIsaac  
Executive Director  
Pacific Fishery Management Council  
Portland, OR 97220-1384

Dear Dr. McIsaac:

Re: Testimony of Hoopa Valley Tribe Regarding Klamath Conservation Objective

The Hoopa Valley Tribe (Tribe) is writing you with the intent that our concerns be shared with the entire Pacific Fishery Management Council (Council) in advance of their 21 September 2005 deliberations regarding the Klamath River fall chinook conservation objective (agenda item G.1). In summary, the Tribe voices its strong opposition to making any changes to the conservation objective.

As you are aware, the Tribe has depended upon the anadromous fishery of the Klamath River since time immemorial. Our reliance on a meaningful Klamath fishery remains as profound today as ever and is fundamental to our very existence. You are no doubt aware of significant challenges placed in our path over recent decades with respect to preserving the vitality of this great heritage. Regional and local water demands continue to compromise the future and well-being of the Klamath Basin ecosystem. As a co-manager of Klamath Basin natural resources, we wish to express our concern over pending Council discussions regarding the Klamath fall chinook conservation objective.

Allow me to begin by introducing you to some of the positive changes coming about in Klamath Basin with respect to restoring river flows and water quality. First, you are familiar with the historic Trinity Record of Decision (ROD), co-signed by the Secretary of the Interior and the Hoopa Valley Tribe in December 2000. The ROD was mandated by the Central Valley Project Improvement Act (PL 102-575) and based on two decades
of science aimed at reserving specific volumes of water for fishery restoration and detailing the actions necessary to execute this mandate. Now, nearly four years after the ROD was signed, the program has overcome legal challenges, completed several infrastructure changes needed to accommodate restored river flows, and begun implementing these flows as of the 2005 water year.

Complete restoration of Trinity River will take some time. The compounding effects of water diversion, past mining history, and overall land management actions have resulted in severely degraded habitat for Trinity River anadromous fish. We need to be patient and confident that the methods of contemporary science, management, and policy will succeed and our fishery will be restored.

With regard to Klamath River, the Tribe has been very active with its tribal co-managers in participating in Klamath Operations planning and the impending Federal Energy Regulatory Commission (FERC) relicensing of the seven hydro-electric dams in the Klamath Basin. The Tribe has consistently advocated for preserving endemic fish in the context of competing demands. We see a need to comprehensively manage our fishery resource, addressing both habitat and harvest concerns.

The Tribe is not a new player in the fishery management arena. You will recall our earlier participation in the Klamath River Salmon Management Group in early 80s, destined later to become the Klamath Fishery Management Council (KFMC). Rational management was needed then as it is today, to optimize harvest opportunities while conserving stock diversity.

Our fisheries scientists have reviewed the recent paper “Klamath River Fall Chinook Stock-Recruitment Analysis”, prepared by the Salmon Technical Advisory Team. Technically, the work is sound and demonstrates the principles of “best available science”. While we do not see any evidence in the report that would justify reducing the conservation objective, we are struck by the Council’s oversight in not having anticipated meaningful participation by Klamath Basin co-managers in the development of this analysis. We feel it necessary to inform you of the decades of combined expertise among the multiple tribal, state, and federal fisheries agencies within the Klamath Basin. Our experiences in this watershed would benefit any explorative investigations regarding the productivity of Klamath fall chinook.

Nonetheless, today, as the Council continues its discussions over the merits of the conservation objective for Klamath fall chinook, we are reminded of the costs sustained by Klamath fishing tribes in having observed the existing standard for almost two decades. In all but eight of the last ten years, harvest has been constrained to meet the minimum 35,000 adult fall chinook natural spawner escapement floor. The tribe understood the minimum floor was established to maintain the biological integrity of Klamath fall chinook populations.

Our people do not have a choice but to fish in the same location within the Klamath as their ancestors. Meanwhile, in the course of a few decades, we have
witnessed the expansion and contraction of massive multi-stock ocean fisheries shifting the time and area of their effort to optimize economic gains. The benefits derived by many have been significant.

The Council’s Salmon Fishery Management Plan (FMP) developed the context for prudent management of these fisheries. Further, the FMP has been modified to address new constraints imposed by listing of fish species under the Federal Endangered Species Act. The ninth amendment to the FMP set forth a suite of conservation principles which our Tribe continues to embrace. The fact that the Klamath 35,000 natural escapement floor led to contractions of an otherwise enabled mixed-stock ocean fishery is unfortunate. Compromising the principles which unite us in the conservation of this stock would be disastrous.

We sit today as co-managers and partners with those who share the wealth of the Klamath with our people. We request that our partners work tirelessly with us in ensuring a better future for all by conserving this fishery, restoring the habitat, and protecting the quality and quantity of water upon which all life depends in Klamath Basin.

In conclusion, the tribe strongly urges the Council to maintain the present FMP for Klamath River fall chinook salmon. There is no scientific or policy rationale to support modifications to existing conservation standards for Klamath fall chinook. Moreover, to place additional fishing pressure upon Klamath stocks in the midst of habitat improvements is unsupportable. My staff will be in Portland for the September Council meeting and available to clarify our comments.

Sincerely,

C. Lyle Marshall
Chairman

Cc: Doug Schleusner, Trinity River Restoration Program
    Phillip Detrich, Project Leader Yreka Field Office, USFWS