YUROK TRIBE
190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548

April 2, 2008

Mr. Donald K. Hansen, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

Re: Criteria for ending the "Overfishing Concern" and 2008 management objectives

Dear Mr. Hansen:

In light of recommendations contained within the Salmon Technical Team's (STT) Report titled *Factors Affecting the Natural Area Escapement Shortfall of Klamath River Fall Chinook Salmon in 2004-2006*, and the Pacific Fishery Management Council's potential modification of these recommendations, the Yurok Tribe is in a bit of a quandary regarding the natural spawning escapement target, harvestable surplus, and resultant allocation that we will target during the coming year. We support the recommendations of the Salmon Technical Team's (STT) Report titled *Factors Affecting the Natural Area Escapement Shortfall of Klamath River Fall Chinook Salmon in 2004-2006*; in particular the criterion that recommends the overfishing concern end when Klamath fall Chinook have met the minimum spawning escapement objective of 35,000 natural spawners during three of four years. We are opposed to the modified criterion that was proposed at the March PFMC meeting, which would consider the overfishing concern as ended when Klamath fall Chinook abundance has exceeded 40,700 natural spawners during two consecutive years. Therefore, I would like to clarify that if the criterion recommended in the Report (i.e. the overfishing concern is ended when a natural spawning escapement of at least 35,000 adults is achieved in three out of four consecutive years) is not adopted, then we will manage our fishery to target the 35,000 natural spawning escapement objective during 2008.

The Yurok Tribe has always managed our fishery resource in a conservative manner, especially during times of low abundance. We believe that the criterion requiring fall Chinook to achieve the minimum spawning escapement objective during three of four years is in-line with this management philosophy. Targeting MSY (40,700) during this overfishing concern period also seems to be a conservative management approach. However, modifying the criterion to consider the overfishing concern as ended after MSY (40,700 natural spawners) has been met in two consecutive years is not protective enough because it could be achieved by the presence of only one relatively strong cohort; the 2004 brood. We are also concerned that the modified criterion

could result in our fishery being the only fishery constrained as a result of the overfishing concern.

During 2007 the Klamath fall Chinook run was dominated by age-3 fish (2004 brood year), with relatively low abundance of age-4 fish (brood year 2003) and extremely low abundance of age-2 fish (brood year 2005 fish). Hence, the relatively strong 2004 brood is surrounded by the weak broods of 2003 and 2005. Given that the 2007 run exceeded the 40,700 target, if this abundance is exceeded again during 2008, then we will have ended the overfishing concern based primarily upon the strength of a single brood (2004). This does not seem reflective of the Magnuson-Stevens Act intent that fishery management plans contain conservation and management measures to prevent overfishing, end overfishing, and rebuild the fishery.

The proposed modified criterion of meeting MSY two years in a row could result in the Yurok Tribal fishery being solely impacted by targeting 40,700 during the overfishing concern period. Ocean sport and commercial fisheries will not be affected by Klamath impacts during 2008 because of constraints they are unfortunately faced with from the low abundance of Sacramento fall Chinook. Klamath fall Chinook impacts that typically would be harvested in the ocean will be rolled into the inriver recreational fishery, resulting in an allocation near or above the upper limit of that fishery's harvest capacity. However if the Yurok Tribe was to target 40,700 fish during 2008, instead of our typical target of the 35,000 minimum conservation objective, our allocation would be reduced from approximately 25,000 to 21,000 fish; both well within the harvest capacity of the Yurok Tribe. Therefore, given that the 40,700 target was already met during 2007 without any affect to fisheries, a natural escapement of more than 40,700 during 2008 would end the overfishing concern with no Klamath impact constraints being placed upon fisheries other than the Yurok Tribe; this is not acceptable nor equitable from our perspective.

In summary, I request that the PFMC adopt the criterion for ending the overfishing concern period as recommended by the STT's Report (i.e. the overfishing concern is ended when a natural spawning escapement of at least 35,000 adults is achieved in three out of four consecutive years). If the PFMC adopts the modified criterion as suggested at the March PFMC meeting, or if other Fisheries are managed to target 35,000 natural spawners, then the Yurok Tribe will manage its 2008 fall Chinook fishery to target the 35,000 natural spawning escapement objective.

Sincerely,

Bonnie Green

for Maria Tripp, Chair