

Yurok Tribal Comments regarding Draft Amendment 16 to the Pacific Salmon Fisheries Management Plan

My name is Dave Hillemeier, Fisheries Program Manager for the Yurok Tribe. The Yurok Reservation is located along the lower 44 miles of the Klamath River. Given that the Yurok Tribe sustains themselves from all anadromous runs of fish in the Klamath River, my comments are focused on the affects of A16 to Klamath River fish. The Yurok Tribe manages their fishery with an eye toward meeting the needs of future generations of Yurok People; therefore the Tribal Council adheres to a conservative management philosophy regarding the management of their fishery.

It's worth noting that not long ago I was trying to figure out the meaning of the various acronyms within the proposed amendment and determine the significance of the amendment to the Yurok Tribe, if any. Since then, I've come to realize that this amendment is quite complex and extremely important regarding the management of Klamath Fall Chinook. In fact, this amendment changes some of the primary precepts contained within Amendments 9 and 15; both which have provided the basis for management of this stock. While we are still striving to understand the draft EA which just recently became available to us, I should note that my current understanding is that this Amendment has the potential to improve certain aspects regarding the management of Klamath Fall Chinook; in particular 1) utilization of the best available science regarding the spawning abundance which provides for MSY over the long term, 2) adoption of "overfished" criteria and associated "rebuilt" criteria, and 3) elimination of ambiguity and adoption of a control rule for the implementation of deminimus fisheries at times of low stock abundance for Klamath fall chinook.

MSY

The Tribe supports using the best available science when determining the value that represents the spawner abundance that yields Maximum Sustained Yield of Klamath fall Chinook over the long-term. Table 2-8 of the draft EA sates that the decision needs to be made regarding whether to use the FMP's current 35,000 floor (which has served as a quasi proxy for MSY since the adoption of Amendment 9) or the STT's 2005 estimate of MSY (40,700) that was the result of a Stock/Recruit analysis based upon 22 completed cohorts of data, in addition to an index for early life history survival; much more information than was available at the time that Amendment 9 was adopted. We recommend that the PFMC adopt the STT's estimate of 40,700 adult Chinook as being the appropriate MSY value for Klamath Basin fall Chinook. This estimate of MSY is further supported by the SSC's determination that the STT's analysis represents the best available science regarding the MSY value.

Of course, as we move toward implementation of the Klamath Basin Restoration Agreement, the removal of the four dams from the mainstem Klamath River, and full implementation of the Trinity River Record of Decision, we expect that the MSY value will need to be re-assessed to account for the improved habitat conditions.

Stock Complex

Regarding Stock complexes, the alternatives seem to make little difference regarding the management of Klamath fish stocks. We support the use of Klamath fall Chinook as an indicator species for the Southern Oregon/Northern California (SONC) Chinook complex as is proposed in each of the alternatives. It is also important to the Tribe that the door be left open regarding the potential development of conservation objectives for Klamath spring Chinook in the future. All of the alternatives seem to meet these objectives.

Status Determination Criteria

MSST/Overfished

The value adopted for certain parameters, such as Minimum Stock Size Threshold (MSST), and the criteria used to determine SDC are critical regarding the usefulness of SDC's for protecting the viability of stocks in the future. The definition arrived at for MSST and the criteria adopted for determining when a stock is overfished are intricately linked; these linkages could jeopardize the health of the Klamath fall chinook if caution is not used. For example, if an extremely low value for MSST value is chosen (e.g. ½ MSY (20,350) for Klamath fall chinook – a value that may likely result in genetic damage to basin substocks), combined with certain criteria for determining when a stock is overfished (such as a geometric mean of three years being below this extremely low MSST value), then the genetic health of the stock could be jeopardized without ever considering the stock as being “overfished”.

Analysis conducted for the drafting of Amendment 15 indicates that the risk of going below genetic thresholds for substocks of Klamath fall Chinook substantially increases when KRFC abundance drops below 22,000. If the stock is at extremely low abundance, near levels that are likely to result in genetic damage that would hinder the long-term viability of the stock, then a special status, such as “overfished” should be acknowledged and addressed. The processes/burdens that accompany addressing stocks that are overfished should not be avoided by dramatically changing definitions and stock determination criteria. We recognize that “overfished” is not the most appropriate word for describing the primary causes of stock decline, however it is the word that the Magnuson Act gives us to identify stocks that are at dangerously low levels and that require special attention regarding harvest management and habitat restoration.

We recommend the preliminary preferred alternative for public review be a definition of MSST equal to $0.75 * S_{MSY}$. If this is adopted, then we recommend that the criteria associated with being considered as overfished be the geometric mean of stock abundance over a three year period. If the much lower value (20,350) is adopted for MSST, then we recommend that a single year of dropping below this value be used to represent when a stock is “overfished”.

Rebuilt

We currently support the criteria associated with considering an overfished stock as being rebuilt being the geometric mean of three consecutive years of the stock meeting S_{MSY}

Rebuilt

We believe that the preferred alternative should be geometric mean of three consecutive years being above MSY , which is the same as Alternatives 3, 4, and 5.

De minimis fishing

We are pleased to see the ambiguity which was left by Amendment 15 at stock sizes below 30,000 being addressed in this proposed Amendment. However, there is currently not an alternative listed that we fully support. As you may recall, Amendment 15 allowed for de minimis fisheries that result in a spawner reduction rate of up to 25% without clarifying what would happen at lower stock sizes. However, a letter from the NMFS Northwest Regional Director to the Yurok Tribal Council, as well as the PFMC, clarified that in practice they expected to see this rate only at the upper end of the range, and that they expected this rate to decline as stock size dropped below 30,000. The NMFS letter also stated that they expected to see a substantially greater decline in harvest rates at stock sizes near 22,000 (thought to be the genetic threshold for increased probability of damage to substocks).

To be more reflective of what was stated in this letter from NMFS, and to be more protective of KRFC, would like to see an alternative similar to Alternative 3, however we would like the inflection point at which the rate begins to decline be at our preferred MSST value (i.e. $0.75 * MSY - 30,525$), rather than at approximately 27,000 as is in the current Alternative 3. This rate would then reach 0 at 22,000 (or at the same level currently contained within alternative 3; 20,350). We recommend that this be the preliminary preferred alternative for public review.