



Oregon

Theodore R. Kulongoski, Governor

Open Public Comment

June 2006

Department of Fish and Wildlife
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May 24, 2006



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

Dear Chairman Hansen:

The Oregon Department of Fish and Wildlife recently learned of developments potentially affecting the 2006 Pacific whiting fisheries, raising concerns for the Pacific Fishery Management Council (PFMC). In addition to the large catcher/processor (CP) vessel whose acquisition of permits for the CP sector of the West Coast whiting fishery was noted in the PFMC's March 17, 2006 letter to Ms. Margaret Spring of the U.S. Senate Committee on Commerce, Science, and Transportation, there is at least one new applicant for entry into the 2006 Exempted Fishing Permit (EFP) shoreside whiting fishery which is also a high capacity vessel eligible for American Fisheries Act (AFA) benefits with little or no prior catch history in our region. Prior to the 1998 AFA, the height of the Bering Sea Aleutian Islands pollock fishery occurred at the beginning of the season, which opened at the same time as the shoreside Pacific whiting fishery (effectively preventing vessels from participating in both). AFA benefits such as cooperatives and individual vessel allocations enable vessels to rearrange their pollock fishing schedules, allowing them the time to participate in the Pacific whiting fishery.

Concerns related to the entry of additional Alaska-based AFA vessels include the possibility that significant catching and processing capability by new participants will negatively impact the fishery by leading to derby-style fishing in the catcher-processor sector, thereby increasing the rates of both whiting harvest and potentially increase the bycatch of prohibited species and other groundfish. This altered dynamic, along with increased effort in the shoreside sector, could result in increased monitoring costs and potential emergency closures of other whiting sectors and other fisheries if any of the depleted species caps are reached or exceeded. With significant constraints on prohibited and depleted species bycatch on the West coast, this should pose an immediate concern for the Council and NOAA Fisheries.

When the AFA was passed, Congress directed the PFMC to take action to "develop measures to protect west coast groundfish fisheries from potential harm caused by the AFA." In 1999 and 2000, the PFMC established control dates for the purposes of any future rules establishing limited entry in this fishery. These actions alerted potential and future entrants to the Pacific

coast groundfish fisheries that minimum participation requirements may be established at any time in the future, and would, as a result, exclude vessels not meeting those requirements from participation. The intent was to discourage speculative entry into Pacific coast groundfish fisheries, particularly by those vessels eligible for AFA benefits and those that have not participated in the PFMC-managed west coast groundfish/whiting fisheries. The concern was to be addressed further in Amendment 15 to the groundfish Fishery Management Plan; however, due to lack of any imminent threat and competing workload, the development of Amendment 15 has been suspended.

We urge the Council's consideration in scheduling time to discuss this matter during the June 2006 meeting, with the goals of identifying a process and timeline to establish controls that will prevent future problems in the operation and management of this fishery, and taking in-season action if necessary to forestall problems in the 2006 fishery.

This fishery is a vital component of our West coast groundfish fishery (30-35 vessels participate), as well as a significant contribution to the coastal economy (\$6 -\$8 million dollars ex-vessel value annually). Attention to these concerns is time sensitive and the consideration of the Council at this June meeting is greatly appreciated.

Sincerely,

[Signed original sent via U.S. Mail]

Curt Melcher, Assistant Division Administrator
Fish Division
Oregon Department of Fish and Wildlife

Cc Burke

FROM :

PHONE NO. :

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5 pages including cover
& PFMC

Comments on PFMC policy

Aun Maurice

AD HOC COMMITTEE

Ad Hoc Committee

P.O.Box 484
Occidental, CA 95465
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Keep the Salmon Season Open

Do not shut down salmon fishing because of the Klamath River!

For years, the Klamath Chinook runs have gone up and down. Look at the governments own charts. Lower spawning numbers produced the largest runs!

How can that be? Farmers know the answer. They know they have to "thin" their crop. Planting more seeds per acre won't produce more yield. If the soil isn't healthy, the crop is lower.

The government statistics say how many spawners the Klamath should support based on the *number of miles of river* in the Klamath watershed, *but say nothing about the quality of the water!*

An acre of water will support only so many fish, just like an acre of land will support only so much livestock. If you want to increase the carrying capacity of the acre you have to improve its quality. **IT'S ALL ABOUT HABITAT, NOT OVERFISHING!**

The salmon should be harvested at sea while they are of tremendous food value and not overcrowd the rivers and go to waste.



Ann Maurice
5/21/06

Ad Hoc Committee

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5/15/06

Where's Jack?

NOAA *predicts* that there will be an extremely low return of "natural" Chinook spawners to the Klamath river this year; and that dire prediction is the rationale for severely curtailing the salmon season. That forecast is based on the *low number of "jacks"* or immature 2-year olds that returned to the Klamath in the fall of 2005. ***Why was that "jack" count so low?*** What happened to the offspring of the 2003 spawners that *so few jacks* returned? Was the count accurate? ***If so, where's Jack?***

There were lots of "natural" spawners in 2003 -- plenty of eggs and plenty of juveniles. How many spawners? ***90,000*** "natural" spawners in 2003! That's about *2 1/2 times* NOAA's "target" number of 35,000. So there should have been no problem! There were lots of spawners, lots of eggs, lots of offspring. So what happened to the offspring of 90,000 Klamath spawners?

Where's Jack?

Did the salmon fishermen catch them? No. "Jacks" are juveniles too small for commercial catch or sale -- they are *not* marketable.

What does this all mean?

*90,000 spawners in 2003, and a low jack count in 2005 means that a high number of spawners is no guarantee of sustainable yield; focusing on obtaining a high number of spawners in the Klamath is no guarantee of sustainability, is poor science and defies common science;

*since commercial *salmon* fishermen do not catch one and two year olds, *salmon* fishing is not the problem and curtailing the *salmon* season is not a policy based on science.

No surprise that NOAA has not solved the "problem" of the Klamath. They are aiming at the wrong target. *What do the records show historically as the actual size of the run for the Klamath? Not projections or models or theoretical analyses, but raw data, just the facts! How reliable is the raw data? How many projections, models and goals are based on counting the number of miles of accessible waterway only and not assessing the volume of water, the condition of the gravel and the availability of food and predators?* If there are critical air, food and water shortages limiting survival of the fingerlings, how is that being corrected? Curtailing salmon fishing down to a minimum or to zero is *never* going to solve the problem. What good are more spawners and more eggs if the juveniles do not have the resources to survive? In fact, too many will make matters worse by competing with each other over limited food supply, like too many seeds on a field or too many cows on a pasture.

We need a fresh, open-minded review of the situation.


Ann Maurice

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page 1 of 2

Comments on the Klamath River Fall-Run Chinook Salmon Fisheries Management Plan

We are to “let science prevail”; to “make policy based on facts and data”. Yet NOAA and NMFS’ policies are contrary to conclusions that *should be drawn* from their own data. The data does *not* support recommending 35,000 “natural” spawners for the Klamath as either an optimum number or a “floor”. The data does *not* support further curtailment of commercial and recreational fishing.

The Carrying Capacity of the Klamath – the number of spawners the river can sustain:

Things aren’t always as they seem, and what is “intuitive” is not always correct. *One would think* that keeping the numbers of salmon in the rivers high as possible would insure healthy restoration. *It would seem* that curtailing commercial fishing and protecting salmon would bring salmon numbers back up to historical highs. *But to the contrary:*

When returns were above the recommended 35,000, the number of Klamath spawners returning three years later usually plummeted;
When returns were below 35,000, the number of Klamath spawners returning three years later usually rose dramatically.

Between 1978 and 2003, there were 13 years when the “natural” spawners dropped *below* 35,000 in the Klamath. For only *two* of those years did the numbers of salmon returning three years later show further decline! On the other hand, *11 out of those 13 years*, or 85% of the years *below* 35,000 produced *higher* runs three years later, *usually* dramatically higher!

Between 1978 and 2005, there were 12 years when the “natural” spawners rose *above* 35,000 in the Klamath. For only *three* of those years did the numbers of salmon returning three years later show further increase! On the other hand, *9 out of those 12 years*, or 75% of the years *above* 35,000 produced *lower* runs three years later, *usually* dramatically lower!

Low goes to high and high goes to low. So the “risk” of falling below 35,000 “natural” spawners in the Klamath is *not necessarily a risk at all. The larger runs have not been sustainable.*

Since the data shows that more than 35,000 spawners is not sustainable, fishermen should be allowed to catch the excess or there is simply a mismanagement and waste of a valuable resource -- too many eggs laid, too many “seeds” planted producing more young than the Klamath can feed and “house” and keep healthy -- hence the inevitable crash three years later. Curtailing fishing punishes fishermen and the public by taking wild-caught salmon *off the market* and causing disaster to the fishing economy in order to assure, ironically, that there are *too many* spawners returning to the Klamath! Fishing is absolutely necessary in order to keep the numbers of returning spawners within the realistic carrying capacity of the Klamath. Further curtailment of the Pacific commercial and recreational salmon fishery is misdirected and scientifically unjustified.

The Condition of the Klamath -- Habitat as the limiting factor:

What is the problem with the Klamath and what do NOAA and NMFS propose to do about it? They admit that *poor conditions in the river, lethal high temperatures and low water, deadly parasites and warm-water loving bacteria* are limiting factors. They admit that *early-life survival* determines the condition of the run. Yet absent from NMFS' summary and conclusions are any Draconian measures to attack degraded conditions in the Klamath *immediately*. Every rancher knows he has to *limit* his stock to the carrying capacity of his land. The same with salmon in rivers. Yet NMFS and NOAA try to increase stock yield by increasing numbers of spawners *whereas the real problem is to provide for the most basic survival essentials for the offspring; basic needs like oxygen, food and water!*

Surprisingly, there is only one "model" in the PFMC Salmon Technical Team's analysis of the Klamath that even mentions "habitat" as a limiting factor! And, **shockingly**, the *only* "variable" considered is *the number of square miles of accessible streams in the watershed!* (Salmon Technical Team Report, "Klamath River Fall Chinook Stock-Recruitment Analysis", 9/1/05, p.13).

Think about it! The Team "considered habitat" by plugging into their "modeling" equation *the number of square miles* of streamway! How could *just* the number of square miles of river reveal the actual habitat? You need to know the volume of water in those square miles; the concentration of oxygen in the water column; the amount of insect food in the stream and on the bottom; the number of lethal parasites and deadly bacteria; fatally high temperatures; toxic chemicals; estrogen-mimics and endocrine disrupters that impair fertility! Calculating just the number of miles makes mockery of any real analysis of "habitat", and is an insult to our intelligence and common sense!

Conclusion:

We will not be buffaloed by complex equations! The sense of the result is limited by the sense or *nonsense* of the data that went in! And, we will never solve the problem of the decline of the Chinook of the Klamath or any of the other Pacific Coast Rivers so long as the data plugged into the formulas is *irrelevant or inadequate*. Our conclusion is that *lack of* good science and misdirected policies continue unchecked and responsible for the continued decline of the fishery. Salmon, carrying *thousands of eggs per female*, are designed to withstand predation pressures like fishing, but they cannot survive *hot water, low flows and starvation*. Until NMFS and NOAA acknowledge the obvious lack of food and stop protecting lethal high temperatures and low flows that kill salmon but enhance populations of deadly bacteria and parasites, the collapse of the fishery will continue.

It is *counter-productive* to further curtail predation/fishing. *Spawning needs to be limited via fishing* to the *current* carrying capacity. Then concentrate on increasing the carrying capacity by improving the condition of the Klamath.



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5/18/06

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DO NOT SHUT DOWN
COMMERCIAL SALMON SEASON
BECAUSE OF THE KLAMATH RIVER

Pacific Fishery Management Council:

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Dean Estep


5/23/06

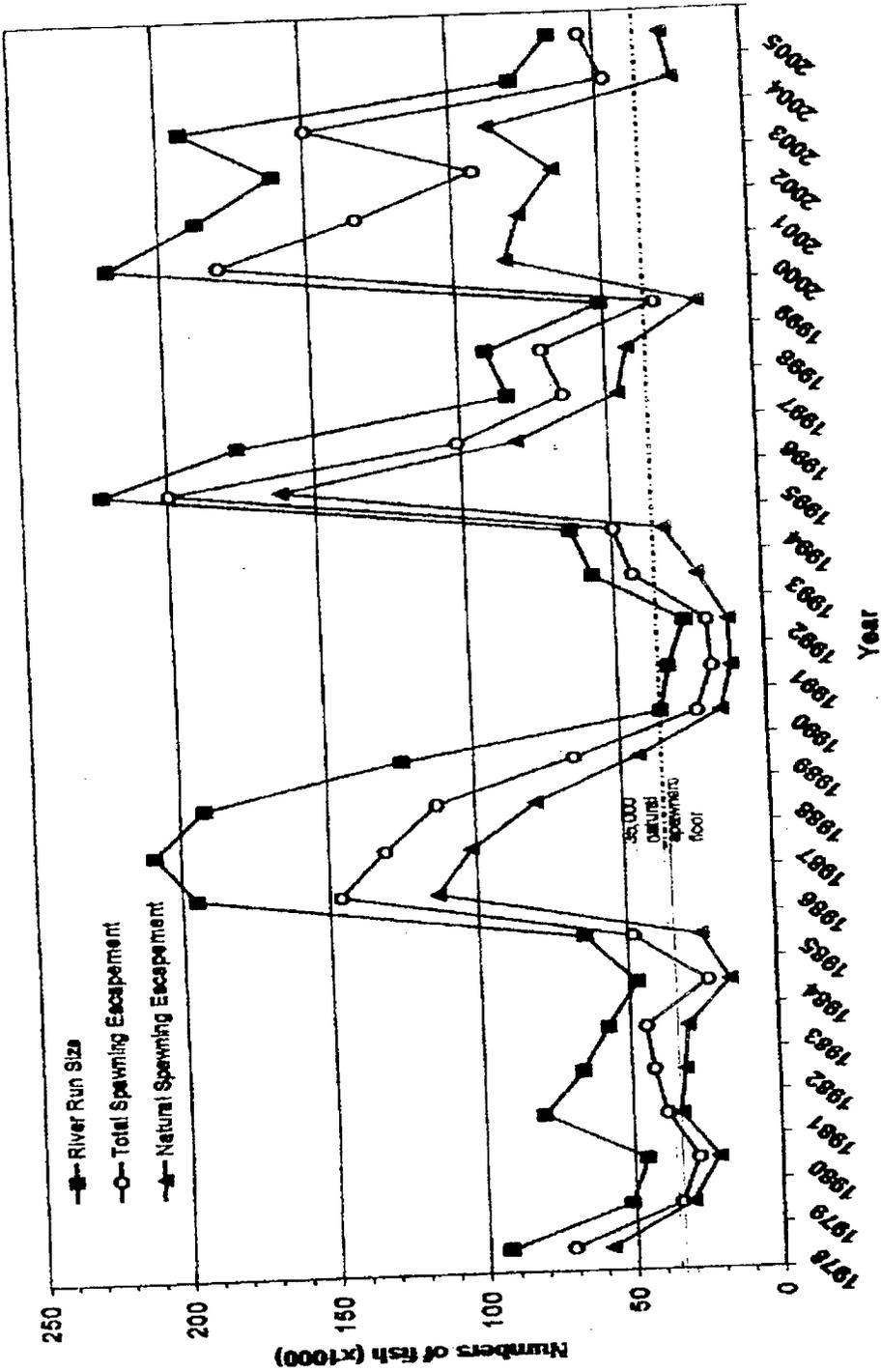


Figure II-2. Klamath River adult fall Chinook returns and spawning escapements, 1978-2005.