

HOOPA VALLEY TRIBAL COMMENTS ON
CRITERIA FOR ENDING OVERFISHING CONCERN FOR
KLAMATH RIVER FALL CHINOOK

The Hoopa Valley Tribe is submitting these comments relative to PFMC's preliminary action to define the criterion for ending an overfishing concern for Klamath River Fall Chinook (KRFC). KRFC failed to meet minimum conservation escapement levels (35,000 adult natural area spawners) in 2004, 2005, and 2006. The Salmon Technical Team (STT) recently completed its report titled "Factors Affecting the Natural Area Escapement Shortfall of Klamath River Fall Chinook Salmon in 2004-2006" which included technical representation by the Hoopa Valley Tribe.

1. Hoopa Valley Tribal representatives have advocated for the criterion for ending an overfishing concern as recommended by STT's Recommendation 1, in which the 35,000 natural escapement floor would need to be exceeded for three of four consecutive years. Such a criterion would provide assurance that periods of prolonged low stock recruitment had been transited.
2. PFMC's alternative and preliminary criterion offered on 11 March 2008 in Sacramento could rely on only two consecutive years with escapements in excess of 40,700 natural adults (MSY escapement level identified by STT). With credit for the 2007 adult natural escapement, the overfishing concern would potentially be ended in 2008 on the strength of a single brood (Brood Year 2004). Meanwhile, evidence shows that the 2003 brood was depressed and the 2005 brood returned record low jacks in 2007. Hence, reliance upon a single brood to end the overfishing concern, would ignore a significant signal indicating the stock is suffering from low recruitment.
3. The Hoopa Valley Tribe has been supportive of the 35,000 escapement floor since its inception in the late 1980s. This standard has been recently confirmed by the STT as a reasonable threshold for conservation to ensure against prolonged periods of low productivity of the Klamath fall Chinook, while a more appropriate management target in every year would be the MSY escapement level of 40,700 adults.
4. The Hoopa Valley Tribe had recommended increasing the escapement floor in the early-mid 1990's when KRFC underwent a stock-depression. The issue was elevated to an FMP amendment issue which was ultimately rejected by PFMC after considerable engagement with the Tribe. However, in the present case, the PFMC is contemplating elevation of the escapement level by unilateral action, to the exclusion of substantive engagement with the Hoopa Valley Tribe. Together with the Yurok Tribe, the Hoopa Valley Tribe shares a property right to the anadromous fish of Klamath Basin (50% of the harvestable surplus of KRFC).
5. Concern over the PFMC's preliminary criterion is particularly heightened as 2008 ocean management is profoundly constrained by the depressed abundance of Central Valley Chinook. This presents the PFMC with the appealing opportunity to end the concern over Klamath fall Chinook while managing for Central Valley Chinook constraints. However, in the event that the overfishing concern for Klamath were lifted by this criterion, PFMC would likely pursue harvest flexibility under Amendment 15 for 2009 management assuming Central Valley Chinook are no longer constraining.

6. The Hoopa Valley Tribe was opposed to Amendment 15 as it threatened to undermine the 35,000 floor in years of low abundance leading to heightened concerns for natural stock productivity and in particular the probability for falling below minimum viable threshold escapement levels for sub-basin stocks.
7. In summary, the Hoopa Valley Tribe opposes the PFMC's preliminary criterion for ending the overfishing concern for KRFC. The criterion was generated by the PFMC in the absence of substantive consultation with Klamath-Trinity Basin Co-managers. Moreover, the criterion falls short of a meaningful protective measure to ensure recovery of KRFC while hastening implementation of Amendment 15 to KRFC's further detriment.