**HOOPA VALLEY TRIBAL COMMENTS ON
TENTATIVE ADOPTION OF 2018 MANAGEMENT MEASURES FOR ANALYSIS**

The Hoopa Valley Tribe (Tribe) thanks the PFMC for this opportunity to comment regarding the tentative adoption of 2018 salmon management measures.

The NOAA Guidance Letter of March 2018 advises a risk averse approach with regard to this season's management of Klamath River Fall Chinook (KRFC). For several reasons, the Tribe takes exception with this guidance. First, it is premised upon a comparison drawn to the status of Sacramento River Fall Chinook (SRFC). Indeed, both KRFC and SRFC are in an overfished status in 2018 based upon the geometric mean. However, unlike SRFC, the KRFC is recognized as a "Tier 1 Stock" under Amendment 16 to the FMP. This is due in part to a well-established methodology for determining pre-season stock abundance based upon sibling regressions and age-structured river run-size estimates dating back to the mid 1970's. Further, the Klamath River Harvest Model (KOHM) was thoroughly reviewed and updated 17 years ago and has demonstrated unbiased performance in anticipating fishery escapement and run-size.

Second, the FMP allows a full ten years to achieve stock rebuilding. This is not to say we should not be concerned over the present status of KRFC as overfished. However, we believe the conservation objective of 40,700 natural area spawners is itself an appropriate threshold for determining the 2018 harvestable surplus. Were the conservation threshold elevated in 2018 as modeled under the second and third alternative, it is possible that the time for rebuilding would be shortened. However, to achieve a three-year geometric mean equal to or exceeding the S_{MSY} of 40,700 natural spawners in a single year would require achieving a natural escapement of over260,000 spawners in 2018, which is unattainable. Further, it would require three years to achieve rebuilt status under any of the three alternatives were the respective conservation standards repeated forward in time.

Accordingly, the Tribe cannot support a strategy of elevating the natural spawner objective above F_{MSY} (40,700) in 2018. Doing so would result in further restriction on our fishery with no significant benefit. Earlier this week the Tribe met with NOAA Fisheries and other co-managers and informed them that we shall seek maximum flexibility in meeting the needs of our membership. Instead, of planned reductions in the harvestable surplus, we urged risk aversity in regards to river flow management and addressing disease issues plaguing KRFC. The fish migrating to sea this summer, will contribute to rebuilding the stock within three years.

The Tribe is presently in court to sustain terms imposed on the Klamath Irrigation Project pursuant the northern district court's 2017 injunction. Water users have pleaded that the provisions for surface flushing and dilution flows imposed by the injunction be eliminated in order to afford an irrigation season. However, our concern focuses upon the needs of the fish. Regulated flows of the Klamath, particularly in multiple years of drought, have resulted in a proliferation of polychaete worms which are the intermediate host to *Ceratonova shasta,* a

parasite whose infectious spores overwhelmed the 2013 and 2014 broods during their outmigration contributing to the depressed status of KRFC.

The Tribe is also seeking a call on water in Trinity River, under the second proviso of the Trinity Act which created the Trinity Division of the Central Valley Project (TRD). The second proviso reserved not less than 50,000-acre-feet of water annually for Humboldt County and downstream users. The contract for this volume of water has never been honored by U.S. Bureau of Reclamation (BOR). Our call would be for water to be released next winter to achieve flow variability, to emulate natural conditions and promote food availability for juvenile salmonids rearing in Trinity River. Again, these fish will be a component contributing to the rebuilding of the KRFC. The depression of the KRFC led to an unprecedented low reserve for tribal fisheries in Klamath River in 2017.

Declining trends in KRFC abundance are of great concern for the Tribe. As a result, the Tribe has also sought relief by exploring alternative harvest strategies. In 2015 the Tribe formally requested consultation with NOAA Fisheries regarding a selective harvest weir on Trinity River in Hoopa Valley Reservation. The primary objective of the weir was to address concerns raised by an environmental group (Environmental Protection Information Center (EPIC), Arcata, CA), that hatchery Coho were overwhelming the Klamath component of listed Southern Oregon and Northern California Coastal Coho (SONCC). Under our proposal, removal of surplus hatchery adult Coho would lessen their impact in affecting natural Coho productivity.

Unfortunately, the settlement decree in *EPIC v Lehr* (2014) led to a reduction in hatchery production of Coho yearlings (from 500,000 yearlings to 300,000). While this reduction was imposed for a single year by court decree, the draft Hatchery and Genetics Management Plan (HGMP) for Trinity River Hatchery (TRH) submitted by BOR to NOAA in December 2017 perpetuates the reduction indefinitely. The Tribe has strenuously objected to the HGMP because it ignores selective harvest as a tool to address surplus hatchery Coho in the Basin. As a result, our concept to protect a listed stock while preserving harvest opportunities has been greatly diminished. Moreover, mitigation for construction of the TRD is a federal responsibility owed to our Tribe and must not be reduced as a response to ESA concerns. Production of brood year 2017 Coho at TRH will total approximately 100,000 yearlings, much less than historic mitigation and only a third of the stated objectives in the draft HGMP. The Tribe looks to NOAA Fisheries to expedite review and issuance of a permit for our selective harvest weir and to restore full mitigation at TRH to enable a meaningful fishery for Coho among our membership.

The PFMC operates under constraints for Rogue-Klamath (R-K) Coho established by the 1999 Biological Opinion resulting from Section 7 consultation on Amendment 13 to the FMP. The unexpected rise in marine exploitation seen across all three alternatives to at or near the threshold of 13% is particularly concerning. Given that the Tribe has yet to receive an allowance for its selective harvest weir for removal of hatchery Coho, it seems inappropriate for non-tribal fisheries to access increasing shares of this resource. We understand that the Council may act to accept a recommendation from the STT regarding use of additional data which would significantly reduce the preseason expected exploitation of R-K Coho. In any case, that rate applies equally to hatchery and natural fish whereas the Tribe's selective weir operates to target only hatchery fish.

Last, we take this opportunity to reflect on the conduct of the 2017 fishery affecting KRFC. Many have heard that the level of harvest in our Tribal fishery exceeded expectations. Some, have even gone so as far as to state that the 2017 harvest by the Tribe results in the overfished condition of the KRFC. We take great exception to these criticisms. In 2017 with only 814 fish to share among Hoopa Valley and Yurok Tribes with a combined membership exceeding 10,000 enrolled members, the tragedy was upon us well before our fishery commenced. The status of the KRFC began to plummet three years earlier and was affected by flow management decisions endorsed by federal agencies and others made over our objections. Noted also in discussions this week with NOAA Fisheries was the potential for identifying a minimum emergency subsistence need for Klamath tribes similar to what was developed in the initial harvest sharing agreement of the Klamath Fishery Management Council in 1986.

With regard to tribal/non-tribal sharing, we observe that since 1991, the non-tribal share has been exceeded in 7 of 26 years with total exceedance of 121,800 adult KRFC. Meanwhile, since 1991, the combined tribal fisheries in Klamath Basin exceeded the PFMC guideline in 4 of 26 years with total exceedance of only 2,600 adult KRFC (Figure below).