

**HOOPA VALLEY TRIBAL COMMENTS ON
D.4.a Identification of Management Objectives and Preliminary Definition of 2019
Management Alternatives**

The Hoopa Valley Tribe (HVT) thanks the Pacific Fishery Management Council (Council) for this opportunity to comment on prospective management alternatives for 2019 salmon fisheries. Abundance of Klamath River fall Chinook (KRFC) is forecast to be improved over recent levels and we anticipate moderate harvest opportunities for Tribal and non-Tribal fisheries.

The Tribe believes that targeting a natural spawning escapement of 40,700 represents an adequate conservation standard for KRFC in 2019. The Tribe's leadership believes that that recent fishing and water management in Klamath River coupled with a lack of conformity with commitments made by Klamath Basin Restoration Agreement signatories to reduce their harvest if problems emerged with its implementation, have resulted in significant declines in fish populations. Accordingly, our leadership maintains it is appropriate to begin accessing up to 50% of the Tribal share of the harvestable surplus in order to protect our interests.

The Council recalls that two years ago the Tribe exceeded the harvest expectation emerging from the Council process. The approximately equal exceedance seen in 2017 marine fisheries was likely related to the fact that the stock abundance was under-forecasted. Nonetheless, it was the Tribal exceedance that generated overwhelming concern by the Council and other co-managers. The Tribe's correspondences and proposals to the Department of the Interior and NMFS during the past year regarding these concerns have yet to be responded to.

Consistent with our historic engagement in the management of KRFC, the Tribe participated in several meetings with co-managers in 2018 as recommended by Chairman Anderson. We were open to continued discussions with Yurok Tribe and other co-

managers, but regrettably, the consistent management structure has yet to be developed to keep these processes going.

Four years ago, the Tribe alerted the Council that we had requested formal consultation with NMFS regarding our selective harvest management plan. While the consultation process has unfortunately stalled, permits for other actions affecting the same ESU by non-Tribal entities continue to be approved. The Tribe has nonetheless exercised discretion in deploying a selective harvest weir over the past three seasons. During this time, we have developed our capabilities and efficiency at intercepting target fish species to complement the harvest of our individual tribal member gill net fishery.

The original intent of the weir was to harvest surplus hatchery origin Coho spawners. However, in 2018, the weir captured more than half of the overall fall Chinook utilized by the Tribe. The selective weir offers a viable harvest tool for the Tribe in response to increasing challenges in our Basin including the effects of excessive moss which has adversely affected our gill net fishery for more than a decade. We note that similar practices have been permitted under ESA by NMFS in the Columbia Basin.

While the Tribe's harvest management plan for accessing surplus hatchery Coho salmon through selective harvest awaits permitting by the agency, NOAA's guidance in 2019 identifies a maximum marine exploitation of 13% on Rogue-Klamath Coho for marine fisheries. As the Council is aware, the Tribe has initiated legal proceedings against NMFS over the methods implemented in April 2018 and presumably in 2019 for calculating SONCC Coho impacts in directed Chinook fisheries. In 2018, the change in data input used for estimating impacts resulted in more liberalized ocean Chinook fisheries. The Tribe maintains that several issues point to a need for NMFS to re-consult on the 1999 Biological Opinion.

It will soon be a quarter century since the listing of SONCC and twenty years have elapsed since the consultation standard of 13% was established. In spite of the protections imposed by the jeopardy standard, protected populations of Coho continue to

struggle. The methodology used to project expected Rogue-Klamath hatchery Coho stock impacts in 2018 was novel in the sense that revised abundance scaling of Rogue-Klamath hatchery Coho was used. The Tribe is not opposed to advancing best science. In this case however, we are concerned that new information, such as abundance scaling, would benefit a retrospective review of the 13% jeopardy standard itself.

The Tribe continues to advocate strongly for a unified Basin-wide management forum to address needed habitat improvements including flow management of multiple dams affecting our fishery. All too often, decisions have been made by federal and state co-managers that have led to solutions for other interests at the expense of our future. Our only interest is for the restoration and preservation of meaningful fisheries upon which our ancestors have depended since time immemorial.

In summary, the Tribe intends to install and operate a selective harvest weir to complement our net fishery in 2019. Our objectives will include accessing up to 50% of the inter-tribal reserve of KRFC assuming a 40,700 natural area escapement conservation standard. Our objectives will also be to harvest hatchery marked Coho salmon consistent with our harvest management plan provided to NMFS in 2014. The purpose of our plan is to reduce hatchery origin Coho spawners in natural areas while maximizing exploitation of surplus mitigation fish.

The HVT awaits a meaningful consultation with NOAA regarding its management plan and shall continue to innovate management strategies to cope with challenges imposed by inconsistent and decoupled Basin-wide management. We look forward to discussing constructive alternatives for full utilization of surplus mitigation Coho with state and Tribal co-managers.