

**HOOPA VALLEY TRIBAL COMMENTS ON
E.6.a Recommendations for 2020 Management Alternative Analysis**

The Hoopa Valley Tribe (HVT) thanks the Pacific Fishery Management Council (Council) for this opportunity to comment on prospective management alternatives for 2020 salmon fisheries. Abundance of Klamath River fall Chinook (KRFC) is forecast to be similar to the record lows as seen in recent years and we anticipate very restrictive harvest opportunities for our Tribal fishery.

The National Marine Fisheries Service (NMFS) and other management entities have expressed an interest in developing a fishery alternative which would increase the natural area escapement objective for Klamath River Fall Chinook (KRFC) beyond what would be prescribed by the control rule. While the HVT is not necessarily opposed to modeling such an alternative for analysis, we are concerned about the disproportionate impact it could have on our fishery if it were adopted.

While KRFC continue to endure anomalous ocean conditions affecting size at age, maturation and likely marine survival, there are factors influencing freshwater survival of out-migrating salmon which are under the control of federal regulators. The HVT's leadership believes that water management in Klamath River coupled with a lack of commitment made by Klamath Basin Restoration Agreement (KBRA) signatories to reduce their harvest if problems emerged with its implementation will continue to affect our Tribe's access to this precious resource. The HVT cautioned against setting aside the peer reviewed Hardy Phase II science in favor of the NMFS and USFWS "new science" that was adopted by KBRA parties. As HVT predicted, the new KBRA science was a complete failure for managing Klamath fishery and water resources.

Many will recall that three years ago the HVT exceeded the harvest expectation pursuant the Council process. Whereas the approximately equal exceedance seen in 2017 marine fisheries was likely related to the fact that the stock abundance was under-forecasted, it was the exceedance in the HVT fishery that generated overwhelming concern by the Council and other co-managers. Several management entities were motivated to meet with HVT regarding the conduct of our fishery in 2017. Unfortunately, outside of initial discussions in the spring of

2018, there has been little progress made by the Department of the Interior and NMFS in response to our proposals.

Since 2017, the Department of the Interior has been spearheading a new effort to frame solutions among state, federal and tribal governments for the future sustainability of the Klamath Basin. In this forum the HVT has spoken to the significance of hatchery mitigation, innovative fisheries management and a run-by-run/river-by-river concept. There has been no progress in the new year with DOI's process forward much less any response to HVT's proposals.

In 2014, the HVT began a process of Coho program assumption at Trinity River Hatchery (TRH) under agreement with the U.S. Bureau of Reclamation (BOR). In addition to Chinook and steelhead production, his program had been implemented by the state of California under a federal contract since 1964. Fundamental concerns expressed by HVT over the past decade regarding TRH management motivated this innovative approach to include the Tribe in TRH operations. Unfortunately, last August the progress HVT had made in assuming the Coho salmon production effort at TRH was abruptly suspended in the interest of expedience by the U.S. Bureau of Reclamation in consultation with the State of California.

The Council is aware that the Tribe has been working with NMFS to permit its selective harvest weir intended to complement the HVT's individual gill net fishery and to selectively access surplus hatchery Coho salmon. The Hoopa weir is designed to remove excess hatchery Coho salmon, provide for Hoopa's subsistence needs and improve knowledge on Coho salmon distribution within the Trinity Basin. While NMFS has reengaged with us in this effort, we are entering the sixth year since the HVT first requested formal consultation on its Tribal Resource Management Plan.

The HVT maintains that creative solutions such as selective weir harvest are a necessary response to accessing hatchery fish while extending protection to listed or depressed natural populations of fish. Further, the individual gill-net fishery prosecuted by HVT members for a century is facing challenges dealing with increased moss loading which is likely related to water quality in our watershed. The harvest weir offers a means to complement our gill-net fishery and provide fish to our membership.

With regard to access to hatchery Coho salmon, the HVT challenged NOAA Fisheries adoption of 2017 ocean fisheries affecting Rogue-Klamath Coho as referenced in the NMFS' supplemental report E.1.a at this Council meeting. The HVT elevated several concerns in the proceedings under this challenge. Unfortunately, the case has been narrowly construed and may ultimately resolve only a single issue regarding the dated 1999 Biological Opinion regarding ocean fishery effects on persistence of SONCC Coho. Here, NMFS is again proposing to develop a new Coho salmon control rule to replace existing science, which is lagging far behind federal proposed timeframes. Without a commitment by federal agencies managing Klamath Basin fish and water resources, the new control rule will follow the failed KBRA process.

Our proposal for run-by-run/river-by-river management first discussed with management entities in 2018 is an attempt to anticipate challenges in reserving our access to the Trinity River salmon stocks. The HVT Reservation is located forty miles upstream on Klamath River. Hence, our access is dependent upon fish which escape Yurok Tribal and recreational fisheries in the lower Klamath River. The HVT is looking to develop a management approach to ensure sustained access to the Trinity stock during times of stock depression and in anticipation of Klamath dams removal slated for 2022.

The Tribe has regularly advocated for conservatism in times of depressed stock abundance. In the early 1990's HVT worked on developing an amendment to the FMP addressing spawner deficit accounting. Contrary to our pleading, the approach was considered ineffective in rebuilding KRFC. The innovation of the *de minimis* fisheries under amendment 15 to the Salmon FMP followed by the implementation of the KRFC control rule under amendment 16 has demonstrated a commitment by the Council to instead enable fisheries in times of scarcity.

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 is presently unopposed to modeling an alternative which would commit more KRFC to escapement than otherwise required under the KRFC control rule. While this has been proposed by several co-managers this week, the HVT will need to carefully consider the consequences of such an alternative. We would need to weigh the benefits of conservation against our recognized priority to a reserved right to a meaningful fishery. Meaningful engagement with our co-managers in the coming weeks regarding our aforementioned concerns would further inform our alternative of choice in April.