

**HOOPA VALLEY TRIBAL COMMENTS ON
E.1.e Salmon Management--Tentative Adoption of 2020 Management Measures for
Analysis --Reports and Comments of Management Entities and Advisory Bodies**

The Hoopa Valley Tribe (Tribe) thanks the PFMC (Council) for this opportunity to comment regarding the tentative adoption of 2020 salmon management measures.

The Tribe is in support of Alternative 1 which optimizes access to Klamath River Fall Chinook (KRFC) for our Tribal membership in these unprecedented times. This alternative also offers slightly more protection for Rogue-Klamath Coho salmon over Alternative 2. In March, the Council moved to scope three alternatives including Alternative 3 which would have aimed at an escapement objective of 40,700 natural area adult spawners. The other two alternatives accommodated *de minimis* fisheries at the expense of spawners. While the Tribe has often advocated for increased conservatism at times of stock depression, we believe more must be done with regard to habitat and hatchery management before imposing further restrictions upon our membership. While the Tribal membership will suffer under any alternative, the few fish our people shall access will represent a very significant part of their spiritual, cultural, and nutritional needs in the seasons ahead.

The tragic consequences of COVID-19 will no doubt leave an indelible memory among the human race. While the Tribe struggles to keep its membership safe, the future remains uncertain. As mobility, employment and availability of goods become increasingly uncertain, the Tribe will need to rely more upon what nature provides including the fish that migrate through our reservation. Dependence on the natural resources of our region has sustained our people since time immemorial.

Despite these uncertainties, the Tribe has continued its efforts to restore and maintain the fishery of our region. Our efforts have been tireless against the seemingly unsurmountable challenges and adverse actions posed by federal and state jurisdictions affecting adequate stream flows and responsible mitigation.

Last week the Tribe informed the leadership at NOAA Fisheries that we shall seek maximum flexibility in meeting the needs of our membership. Instead of proposed reductions to *de minimis* fisheries, we urge risk aversity in regards to river flow management and disease issues plaguing KRFC and Federally Endangered Species Act (ESA) listed Coho salmon (Klamath Coho are part of the Southern Oregon and Northern California Coastal Coho ESU, SONCC). The fish migrating to sea this summer will contribute to rebuilding these stocks in subsequent years. And yet ESA protections for outmigrants are placed on a different scale than that used in regulating adult fish harvest. We have asked for more comprehensive analyses of ALL impacts to more equitably distribute the conservation burden. However, such an approach is not yet to be. Hence, we may never know the true consequence of dams and diversions in the Klamath-Trinity basin upon our fishery. Nonetheless, the declines in fish abundance and diversity have been strongly correlated to the operation of dams, and most notably the Trinity River Division (TRD) of the Central Valley Project.

Creation of the TRD by the 1955 TRD Act was premised upon the condition that there would be no harm to the fishery upon which our Tribe had always depended. The TRD Act had two provisos to help insure this outcome. Yet, by the early 2000's, after four decades of water export ranging from 80%-90% of inflow, fish populations declined at a commensurate rate. Under the first proviso, the Tribe leveraged discretionary actions by the Secretary to preserve and propagate the fishery. These actions included a critical flow evaluation study in the late 1990's and creation of the Trinity River Restoration Program (TRRP) in 2000. More recently, fall flow augmentation to avert adult fish kills in the lower Klamath River was implemented under this statute's first proviso.

The Tribe also continues to seek confirmation and utilization of water reserved under the second proviso of the 1955 TRD Act for not less than 50,000-acre-feet of water annually for the beneficial uses of "Humboldt County and downstream users." The contract for this volume of water has never been honored by U.S. Bureau of Reclamation (BOR). Our confirmation for usage of the authorized TRD water represents what might well be the last volume of water to be retained in basin rather than being exported to the Central Valley as it is has since 1964.

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 ESA consultation with NOAA Fisheries regarding a selective harvest weir on Trinity River in the Hoopa Valley Reservation. The primary objective of the weir was to address concerns that Trinity River Hatchery (TRH) origin Coho were reducing the viability of natural origin Coho salmon. Under our proposal, surplus TRH adult Coho are selectively removed from the adult population.

Unfortunately, the historic abundance of hatchery Coho has also declined in partial response to the settlement decree in *EPIC v Lehr* (2014) which reduced hatchery production by 40%. 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 Fisheries in December 2017 may perpetuate this reduction indefinitely. The Tribe has strenuously objected to the draft HGMP because it downplays 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 in response to ESA concerns. 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.

In summary, the Tribe cannot support a strategy of targeting the KRFC natural spawner objective of 40,700 in 2020. Doing so would impose further restrictions upon our fishery and resulting consequences to our membership during these uncertain times. We urge the Council agencies and NOAA Fisheries to work collaboratively towards an understanding of the cumulative effects upon managed fish stocks arising from habitat loss and declining mitigation when weighing the impacts associated with the exercise of our federally reserved fishing rights.