

**HOOPA VALLEY TRIBAL COMMENTS ON
E.3.a Review of 2020 Fisheries and Summary of 2021 Stock Forecasts--Reports and
Comments of Management Entities and Advisory Bodies**

The Hoopa Valley Tribe (Tribe) thanks the Pacific Fishery Management Council (Council) for this opportunity to comment regarding the review of 2020 fisheries and the 2021 stock forecasts. The Tribe has prosecuted its fishery for Klamath River Fall Chinook (KRFC) on lower Trinity River and mid-Klamath River since time immemorial. Today's status of KRFC saddens the Tribe particularly in light of the historic assaults upon fish dependent habitat. Many of these alterations to fish habitat will take generations to heal including legacy issues of gold and timber extraction as well as water development. While the Tribe has not benefited measurably from the extraction activities of early European settlers, we continue to work collaboratively with our federal, state and tribal co-managers to redress much of the harm caused and to restore viable salmonid populations to our region. Exercise of our reserved fishing right and ensuring the health of the KRFC are fundamental foundations of our existence.

The Council may recall the attention paid to the conduct of the Hoopa Tribal fishery in 2017, a year in which the run-size of KRFC returned in numbers more than twice of what was forecasted in the Council's preseason management process. In the aftermath, the Tribe endured rebuke and great scrutiny from all of our co-managers for harvesting in excess of the smallest harvest guideline ever to emerge from this Council process. While tribal, state and federal co-managers sought resolution of this seemingly untenable situation, the Tribe demonstrated that excursions beyond KRFC harvest allocations to non-Tribal fisheries had often far exceeded that demonstrated by the Tribe in 2017.

And so it is today, as we reflect on the conduct of 2020 fisheries affecting KRFC. The STT's Review of 2020 Fisheries observes that the Klamath River recreational fishery "far exceed[ed]" the preseason harvest expectation. The nearly four-fold harvest exceedance coincided with a river run forecast which was over-predicted by approximately 25%. Hence, the conduct of the State's managed river recreational fishery served to further exacerbate an already compromised natural area spawning escapement objective in 2020.

The Tribe understands the challenges of managing fisheries to achieve conservation objectives, particularly when the objective for “adult” spawners may be confounded by lack of perfect knowledge of the legal size of true adult fish. Risk adversity should be the guiding principal. However, in the case of California, their action in 2020 was anything but risk averse. The State’s Fish and Game Commission (Commission) decision to increase the legal definition of a “jack” salmon (presumed age-two Chinook) in Klamath River from the historic ≤ 22 ” total length (TL) legal standard to ≤ 23 ” TL served to classify more age-three “adult” Chinook as jacks during the prosecution of the fishery. Meanwhile, the duration of “adult” salmon harvest was extended over what might have occurred had the jack length definition not been altered as this terminal fishery was quota managed.

In its deliberations regarding this change in regulations affecting the KRFC river recreational fishery, the Commission heard from State scientists who reported that “the current size limit of 22” TL has protected the vast majority of age-three fall Chinook Salmon for the past 10 years.” In response to the potential for increasing the minimum size of an adult KRFC, the Commission was also informed that while the potential impacts to age-three (adult Chinook) would increase only slightly based upon the most recent decade of data, those impacts were shown to “have increased in recent years (emphasis added), which is particularly evident at Iron Gate hatchery.” Further, the report concluded that “Increasing the size limit increases conservation risk due to the potential for harvest of adults less than the grilse size during grilse fisheries.” As predicted by their own scientists, this Commission action contributed to mis-classifying many adult KRFC as jacks (“grilse”) during the course of the 2020 State regulated KRFC river harvest. It was only after the close of the fishery that age structure analyses revealed the true age composition of harvest and revealed that many age-three adults were retained as presumed jacks measuring below the ≤ 23 ” jack cut off.

The Tribe seeks urgent support by its state, tribal and federal co-managers to reverse this imprudent Commission action by reinstating a ≤ 22 ” TL definition for KRFC to lessen the impact of such mis-guided management into the future.

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Supplemental Tribal Comments of Hoopa Valley Tribe
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In closing, the Tribe also wishes to thank the Council for its indulgence and looks forward to the day when KRFC abundance is improved to benefit of all harvest sectors. The Tribe renews its call for consolidation of Klamath Basin management into a Joint Directorate to correct the disjointed management occurring today across multiple agencies and jurisdictions. This approach was recommended by the 2004 NRC report, following the 2002 fish kill in lower Klamath. We seek the PFMC support in joining with HVT in encouraging NOAA Fisheries, USBOR and USFWS to embrace this initiative so as to ensure the future survival of the Klamath Basin.