

**HOOPA VALLEY TRIBAL COMMENTS ON
E.2.a Review of 2017 Fisheries and Summary of 2018 Stock Forecasts--Reports and
Comments of Management Entities and Advisory Bodies**

The Hoopa Valley Tribe (Tribe) thanks the PFMC for this opportunity to comment regarding the review of 2017 fisheries and the 2018 stock forecasts. It is regrettable that the status of the Klamath River Fall Chinook (KRFC) is at its low point. Even more regrettable is the fact that the Tribe had predicted this precipitous decline several years ago when signatory parties of the Klamath Basin Restoration Agreement (KBRA) forged a compromise that placed our fishery in jeopardy. In the hearing of 3 June 2014, before the Senate and Energy and Natural Resources Committee, the Department of the Interior representative stated that the KBRA had been scientifically analyzed and supported by the federal government. Later, even after significant technical flaws were found with the KBRA, NOAA Fisheries, US Bureau of Reclamation and US Fish and Wildlife Service, failed to address these and instead adopted KBRA flows in their 2013 joint Biological Opinion for protection of listed Coho salmon.

The health of the Klamath Basin has been vital to the existence of our Tribe since time immemorial. We have consistently strived to ensure the wellbeing of our fisheries through a long established technical capacity and by expending our limited financial resources in defense of fishery habitat. Unfortunately, actions of the past have led to the dewatering of the second largest Basin in California followed by a significant decline in the abundance of our fish. These actions have benefitted the wealthy while further impoverishing our Tribe.

The 2017 return of KRFC was forecasted to be at near record lows. While our monitoring tells us today that the actual Klamath run size was nearly double the forecasted abundance, the post-season estimated total adult run of KRFC was still the third lowest since 1981. The Tribe understands that the PFMC will be closely examining the causes leading to the failure of this stock to meet its minimum stock size threshold (MSST) for three consecutive years. However, no analysis will be complete without due consideration for the status of juvenile Chinook health during the outmigration years of 2014 and 2015.

Last year, the Tribe was in the unfortunate position of suing our Trustee for failing to comply with ESA. Indeed, by adapting the essence of KBRA flow scenarios into the 2012 Biological Opinion, the federal agencies set the stage for managing the Klamath Project to the detriment of our fishery. While being narrowly aimed at protecting ESA listed Coho salmon from jeopardy, the Biological Opinion fell short of a broader protection standard for non-listed, yet culturally significant KRFC. This stock endured 81% and 91% parasitic infection rates during their outmigration in 2014 and 2015 respectively. Court ordered injunctive relief now promises a hopeful future for rehabilitating stronger broods of KRFC.

The Tribe acknowledges the support offered by PFMC in securing flow augmentation in Klamath River to ensure KRFC adult fish passage through the lower Klamath River during the late- summer and early-fall periods in recent years. These efforts have undoubtedly prevented another major adult fish kill in the Lower Klamath River as witnessed in 2002. However, we all recognize the importance of adequate spring flows as well, to ensure the health of our juvenile out-migrants. We expect to collaborate further with PFMC in the advocacy for new strategies based on water management to ensure the well being of juvenile KRFC this spring.

In its deliberative process of 2017, and in response to the forecasted lowest stock size on record, the PFMC identified a conservation objective of 11,379 KRFC natural area adult spawners. Early last fall, our Fisheries Scientists pointed to evidence in Trinity River, the largest Klamath tributary, that the run appeared stronger than anticipated. That evidence and the fact that in 2017 we observed our most sacred World Renewal ceremony led our Tribal Council to allow our membership to continue to fish to provide salmon for our ceremonies. In total, the Klamath Basin tribal fisheries harvested 1,876 adult KRFC exceeding the tribal reserve by just over 1,000 fish. Irrespective of this fact, today, we confirm with the PFMC that last year's conservation threshold for natural spawners was exceeded by 63% with last year's return of 18,502 adult natural spawners. Further, at Trinity River Hatchery, located above our fishery, sufficient spawners returned to achieve full mitigation of 2.9 million fall Chinook out-plants.

The premise for Federal Treaty obligations, reiterated in Secretary Leshy's Opinion of 1993, and more recently, in Secretarial Order 3206, is that the conservation burden should not be

disproportionately borne by tribes. However, the conduct of the 2017 Klamath fishery must be premised by the fact that signatory parties to the KBRA made pre-enactment and permanent concessions to this, the most fundamental of Federal obligations. As stated earlier, the disastrous outcome was predictable, given the nature of the KBRA and Biological Opinion that followed. The fact that tens if not hundreds of thousands of juvenile KRFC likely died prior to ocean entry during their outmigration in 2014 and 2015 set the stage for the depressed abundance of KRFC witnessed in 2017 and has profoundly affected our culture. The Tribe shall continue to fight for the health of our fish as it is equivalent to our very essence of being.

The Tribe has been a party to the PFMC process since its inception and advocated strongly for a coordinated management process for KRFC. Many will recall the Klamath River Fishery Management Council (KFMC) authorized under the Klamath Act of 1986 (P.L 99-552). The KFMC for the first time offered a forum for consensus building around harvest conflicts among tribal and non-tribal fisheries. While authority for KFMC expired in 2006, the momentum of collaborative management and collective data sharing has carried forward into today's PFMC process. Our Fisheries Department annually participates with other Klamath basin co-managers in assembling detailed records regarding the conduct of our fishery and those under other jurisdictions. It is through continuation of these deliberative processes that we can ensure that "harvest" is never the problem. It is also through this alliance that we may focus together on true challenges to our future by influencing those that would trade sustainable fisheries for other purposes.

In closing, the Tribe thanks the PFMC for its indulgence and looks forward to exploring fully the reasons for the decline in KRFC and identifying approaches to supporting the rehabilitation of this stock to the benefit of all. The Tribe also seeks broad support for consolidation of Klamath Basin management into a Joint Directorate to reverse the trend of disjointed management 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.