



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548

February 5, 2015

California Fish and Game Commission
1416 Ninth St.
Room 1320
Sacramento CA, 95814

Re: Lower Klamath River fishing regulations

Dear Commissioners:

This letter is to make recommendations on behalf of the Yurok Tribe regarding regulations for the Lower Klamath River recreational fishery. As you may recall, we have participated in your regulatory process over the past year in an effort to address two conservation concerns associated with catch and release fishing in the Lower Klamath River, within the boundaries of the Yurok Reservation. Our recommendations have included the following: 1) there should be no catch and release fishing allowed in the spit area, where the Klamath River flows through the sand bar to meet the ocean, due to high levels of pinniped predation upon released fish, and 2) adoption of a conservation closure at the confluence and immediately downstream of Blue Creek (approximately river mile 17) to minimize catch and release fishing for fish that are seeking thermal respite and to protect late fall-run Chinook that are holding prior to entering Blue Creek. Rather than reiterate all the points we've made in previous letters to you, we have attached them for your reference.

We appreciate that you have published our recommendations as options in the proposed regulatory language that is undergoing public review. We also appreciate the discussions we've had regarding these issues with California Department of Fish and Wildlife (CDFW) staff since the last Commission meeting; however it seems we are still not in agreement in regard to the most appropriate regulations for 2015.

Catch and Release Fishing in the Spit Area

We continue to support our proposed regulation that requires that ALL Chinook salmon caught in this area be retained, whether they are legally hooked or not. We agree that CDFW's proposed regulation which requires all "legally" caught fish in the area to be retained is an improvement over past regulations, however it doesn't go far enough given that many fish caught in this area are lined and may be foul hooked outside the mouth. We appreciate the reluctance the Commission may have with requiring the retention of foul hooked Chinook, due to the perceived precedent it may have for other areas, however we ask you to consider the following:

- it is better than the alternative of releasing exhausted fish as easy prey
- this fishery is very unique relative to fisheries in the rest of the state, given that the “lining/flossing” technique is used in the presence of seals and sea lions
- this fishery occurs in a very small area, ranging from a couple hundred yards to approximately a mile, depending upon the configuration of the spit
- this fishery occurs within the boundaries of the Yurok Reservation, a sovereign nation and Co-Manager of the resource, whose culture and Fishing Rights Ordinance prohibit the wasting of fish.

Blue Creek Conservation Closure

We continue to support our recommendation that no fishing be allowed from June 15 through September 14 in the Klamath River from 500 ft. upstream to ½ mile downstream of the mouth of Blue Creek. We seriously considered as a compromise, supporting a smaller conservation closure, while a study is conducted to quantify the magnitude of catch and release fishing in the open portion of the thermal refuge. However, the Council ultimately decided unanimously that we cannot support any catch and release fishing under such adverse conditions for the fish.

We also request that a conservation closure extend through the fall months for 500 ft. upstream and downstream of Blue Creek, similar to closures that exist at the mouths of the Salmon, Scott, and Shasta Rivers, to protect fish that are returning to spawn in Blue Creek.

In summary, we request that our recommendations be adopted for the 2015 season to: 1) minimize the loss of fish being caught and released to waiting pinnipeds, and 2) minimize the loss of fish that are caught in cool thermal refugia, pulled through extremely warm ambient river conditions, and then ultimately released in warm water. It should be noted that both of these concerns are related to catch and release fishing in environmental conditions that result in excessive, unaccounted for, mortality.

We are pleased to hear that at your December meeting the Commission expressed interest in accepting our invitation to visit with us on the Yurok Reservation. We welcome the opportunity to meet with you and discuss the issues that affect our resources; it would also give you the opportunity to experience the beauty of our homeland. If you are able to make this trip, please contact Taralyn Ipina (707-482-1350 or at the address in the letterhead) in regard to making arrangements to meet with us.

Sincerely,



Thomas O'Rourke, Chairman

Cc: Chuck Bonham, CDFW Director
Stafford Lehr, CDFW Chief Fisheries Branch



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548

November 19, 2014

California Fish and Game Commission
1416 Ninth St.
Room 1320
Sacramento CA, 95814

Re: Lower Klamath River fishing regulations

Dear Commissioners:

The Yurok Tribe formally recommends modifications to the Lower Klamath River recreational fishery regulations. Yurok typically does not become involved with the management of State fisheries unless we consider an issue to be a conservation concern that affects the health of our fishery resource. We propose two modifications to the lower Klamath River regulations within the boundaries of the Yurok Reservation: 1) there should be no catch-and-release fishing allowed in the spit area, where the Klamath River flows through the sand bar to meet the ocean, due to high levels of pinniped predation upon released fish, and 2) we recommend adoption of a conservation closure at the confluence and immediately downstream of Blue Creek (approximately river mile 17) to minimize catch and release fishing for fish that are seeking thermal respite, and to protect late fall-run Chinook that are holding prior to entering Blue Creek.

As you may recall, we provided comments to the Commission during the February and April meetings last year (see attachments) regarding these proposed regulatory modifications, but learned that we were too late to affect change for the 2014 regulation process. Per recommendation of your staff, we are providing recommendations for consideration at your December 2014 meeting, with the hope that these proposed regulations will comprise at least one of the options for public consideration/comment as you move through your 2015 regulatory process.

Recommendation 1 *Catch and Release fishing in the spit-area*

Previous regulations have allowed catch-and-release fishing in the spit area that has resulted in unquantified, but substantial predation upon released fish by the numerous pinnipeds occupying this area. During some previous years, the most successful anglers have released dozens of fish within a given day.

We recommend the Commission adopt regulations requiring all fall Chinook caught within this area be retained, and that there be no catch and release fishing of fall Chinook. Once an

from the mouth of Blue Creek to approximately half mile downstream. During many low flow years, such as we just experienced in 2014, this area holds up to several thousand adult salmonids (steelhead and Chinook), that are escaping the intolerably warm Klamath River. Video footage of a 100 meter stretch of the 2,000 meters these fish in during August 2014 is available at: <https://www.youtube.com/watch?v=jpX6lCJZeuA>

We believe fish that make it to the thermal refugia should be allowed respite. It is inappropriate to harass (via hook and line) these fish at a time when they are so physiologically vulnerable. Furthermore, often these fish (steelhead and/or salmon) will be hooked while holding in the thermal refugia, then played for an extended period of time in the ambient river conditions that are several degrees warmer (sometimes at lethal levels), and then eventually released. Forcing fish to go through such dramatic temperature changes, while putting them through excessive stress, is contrary to fish culture practices associated with rearing and/or releasing fish, and undoubtedly results in excessive stress and mortality. We recommend that this thermal conservation closure extend from the mouth of Blue Creek to half mile downstream of the wetted channel of Blue Creek.

The second reason for the conservation closure at the mouth of Blue Creek is to protect the genetically unique adult late-fall run Chinook salmon that return to spawn from mid-October through December. These fish are known to hold in the confluence pool in the Klamath River until substantial rains stimulate their migration up Blue Creek. Blue Creek late-fall run Chinook are the stronghold of the Lower Klamath and likely the source population for other Lower Klamath Tributaries. We request that fish holding in this area be given protection from harvest pressure similar to what is given to Chinook returning to the Salmon, Scott, and Shasta Rivers. California regulations currently provide the protection for these stocks:

“No fishing is allowed from September 15 through December 31 in the Klamath River within 500 feet of the mouths of the Salmon, the Shasta and the Scott rivers.” We recommend adding Blue Creek to this provision.

In summary, we recommend the Commission allow the above-mentioned regulatory changes be considered during the upcoming public hearing process for Klamath River sport fishing regulations, and we hope this process results in the adoption of such regulations to conserve the resource that is so important to our people. If you have any questions regarding this letter, or would like to schedule a meeting with our Council, please don't hesitate to contact myself or Dave Hillemeier (Fisheries Program Manager) at the address in the letterhead.

Finally, I would like to reiterate my invitation to the Commission We would welcome the Commission to visit the Yurok Reservation and meet with our Tribal Council. Such a meeting would allow us to discuss issues of mutual concern in regard to the management of the Klamath River fishery and provide you an opportunity to visit the Lower Klamath River via a boat ride if your schedules allow.



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548

November 7, 2014

Chuck Bonham
Director
California Department of Fish and Wildlife
1416 Ninth Street, 12th Floor
Sacramento, CA 95814

Neil Manji
Regional Manager, Northern Region
California Department of Fish and Wildlife
601 Locust St
Redding, CA 96001

Re: Lower Klamath River Proposed Sport Fishing Regulations

Gentlemen:

This letter is in response to the letter Mr. Manji sent to Dave Hillemeier, our Fisheries Program Manager, in regard to Lower Klamath River sport fishing regulations that the Department (CDFW) plans to propose to the California Fish and Game Commission at their December 3, 2014 meeting. I appreciate the opportunity to review this proposal prior to the December Commission meeting. I hope that our governments can jointly come to agreement on a regulation that provides opportunity for shore-based anglers in the Lower Klamath while protecting the fishery resource. We consider the proposal you plan to submit as a step in the right direction, however we are concerned that it falls short of providing the protection necessary to minimize pinniped predation upon fish that are caught and released in the "spit area".

It is our understanding that CDFW plans to propose a "no catch and release" regulation for fall Chinook that are legally caught in the "spit area" of the Klamath River mouth. The problem with this regulation is that most fish are illegally caught in this area. Therefore, per the regulation you intend to propose, most fish caught in the "spit area" would continue to be released in an exhausted condition in the presence of numerous pinnipeds (sea lions and seals) waiting to prey upon them. Such an obvious wastage of fish is unacceptable from our perspective, especially within the boundaries of our reservation.

23C, and then released. Needless to say, such an experience is extremely unhealthy for fish that are already thermally stressed during the summer months in the Lower Klamath River.

In summary, I hope we are able to work together to prevent catch and release fishing in the spit area, as well as protect the Blue Creek thermal refugia that is depended upon by spring and fall-run Chinook as well as summer-run steelhead. If you would like to discuss these recommendations, please don't hesitate to contact myself or Dave Hillemeier (Fisheries Program Manager) at the address in the letterhead.

Sincerely,

A handwritten signature in cursive script, appearing to read "Th. P. O'Rourke". The signature is written in black ink and is positioned below the word "Sincerely,".

Thomas O'Rourke, Chairman



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548

April 8, 2014

California Fish and Game Commission
1416 Ninth St.
Room 1320
Sacramento CA. 95814

Re: Klamath River fishing regulations

Dear Commissioners:

I am writing to express concern with proposed sport fishing regulations for the "spit area" in the Lower Klamath River, which is located within the boundaries of the Yurok Reservation. While we support the continuation of the spit fishery (i.e. we oppose the closure of the spit fishery, as proposed in Option #3 that is being considered by the Commission), we believe it is essential that catch and release fishing in this area be prohibited, to minimize the excessive predation upon released fish by marine mammals. We request that the Commission adopt regulations prohibiting catch and release fishing in this area for the upcoming 2014 season.

We typically do not comment on the management of other fisheries, unless we consider an issue to be a conservation concern. The unquantified, but obviously excessive loss of caught and released fish to marine mammal predation in the spit area is a conservation concern. This problem was most pronounced last year, when fish spent an unusual amount of time within the spit area, resulting in some anglers catching and releasing several dozen fish per day. While catch and release fishing in the presence of marine mammals has been a concern of the Tribe for the past couple decades, as noted in a white paper we presented to the Commission in 1996¹, the problem escalated far beyond acceptable levels during 2013.

As noted in the testimony and handout (attached) that was submitted to you on behalf of the Tribe on February 5, 2014, we are concerned that excessive mortality from marine mammal predation is associated with catch and release fishing in this area. Therefore, we recommend that all fish caught in this area be retained, and that catch and release fishing be prohibited. When our Fisheries Program Manager, Dave Hillemeier, recommended such a regulation at

¹ The following quote is from an issues paper the Yurok Tribe submitted to the Fish and Game Commission on March 6, 1996: "In addition to hooking mortality, a major concern the Yurok Tribe has with the catch and release fishery in the lower river is the mortality associated with sea lion and seal predation after fish are released. Over 300 seals and several sea lions were seen by Yurok Tribal net harvest monitors in the estuary while fish were being caught and released by sport fishermen."

Yurok Tribal Comments to the California Fish and Game Commission regarding Lower Klamath River Recreational Fishing Regulations

February 5, 2014

The following recommendations are submitted on behalf of the Yurok Tribe in regard recreational fishing regulations for the Lower Klamath River. We normally do not make recommendations regarding the management of other fisheries, unless there is a conservation concern, which is the basis for these recommendations. We recommend that catch and release fishing in the estuary of the Klamath River be prohibited due to the excessive predation by marine mammals on released fish. We also request that a conservation closure be implemented within the cold water refugia at the confluence and immediately downstream of Blue Creek (river mile 17), to provide thermal refuge for adult salmon and steelhead migrating up the Klamath River when ambient river temperatures are inhospitable; we also recommend a closure during late-September through November, when late-fall chinook are staging to enter Blue Creek, similar to the closures you currently have in place at the mouths of the Salmon, Scott, and Shasta Rivers.

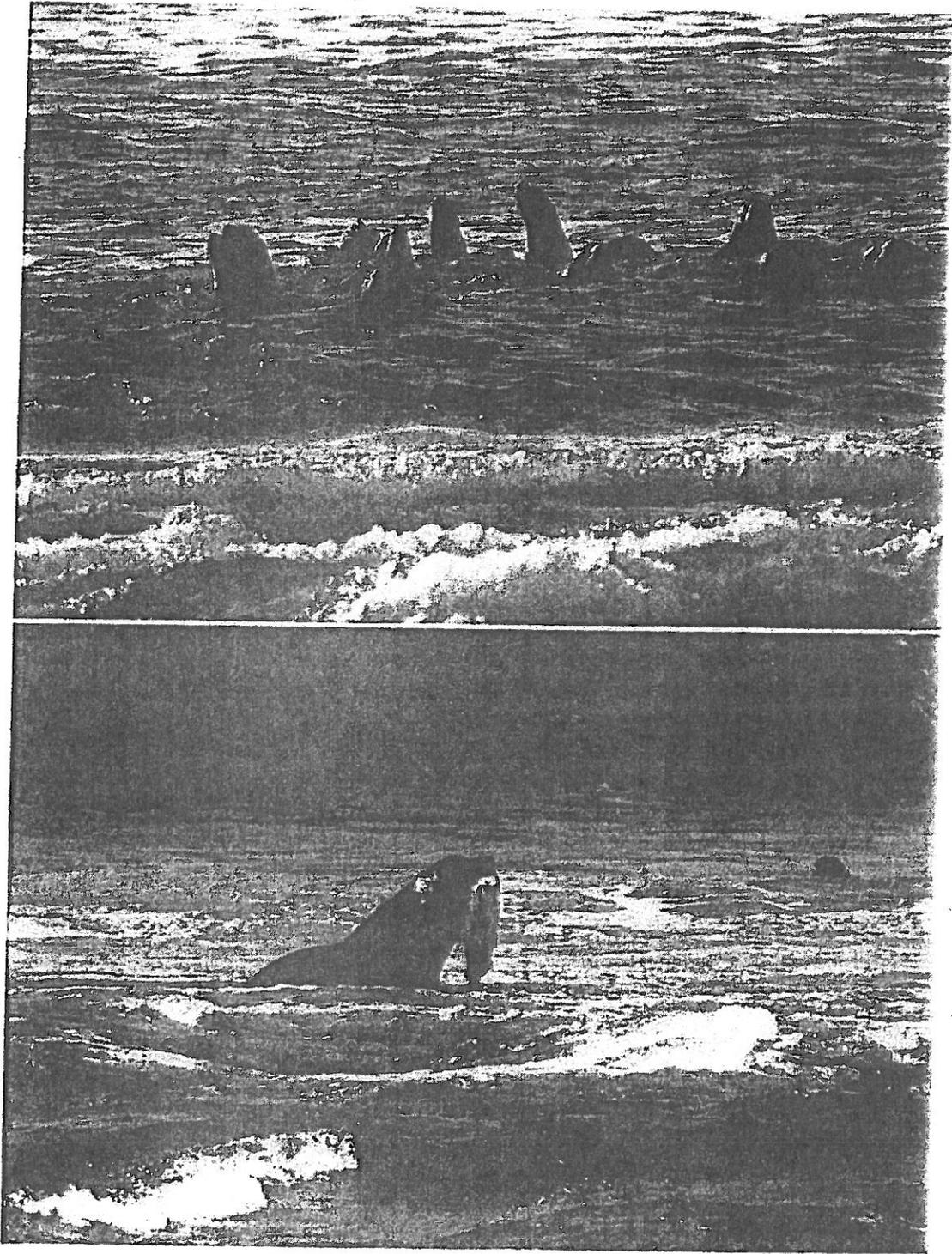
The Yurok reservation is located on the Lower 44 miles of the Klamath River. The fishery resource of the Klamath River is integral to the Yurok way of life for subsistence, cultural, and economic purposes. We go to great lengths to manage our fishery for future generations and request that you do the same when managing Klamath fisheries. Both of these proposed conservation measures we are recommending are for in-river sport fishing that occurs within the boundaries of the Yurok Reservation and is managed under the authority of the California Fish and Wildlife Service.

Catch and Release Fishing in the Estuary of the Klamath River

As you may be aware, hook and line fishing at the mouth of the Klamath river, in what is known as the "chute" (where the river meets the ocean), was extraordinary during the late summer of 2013. Due to apparent water quality conditions in the estuary, and the long chute that formed along the spit, the sand bar that separates the river from the ocean, adult salmon spent extended periods of time migrating up and down the chute, rather than entering the estuary. As a result, extremely large numbers of fish were caught by angling (typically by "lining" - a type of "snagging"). There were several problems that arose from this relatively unique situation, such as fish being buried and left in the sand, non-tribal anglers selling fish to Tribal members so they could then be sold in our commercial fishery (against the regulations for both fisheries); however, the worst problem from our perspective was one that has been around for years, fish being caught and released to the waiting sea lions and seals.

While fishermen are notorious for "fish stories", embellishments weren't necessary during the 2013 chute fishery, as catches were off the charts. Some anglers literally caught dozens of fish/day (some more than 60), for many days/weeks during the season. While such fishing is typically considered good, the chute fishery last year was a major conservation concern because most of these fish were released, in an exhausted condition, to a gauntlet of predatory seals and sea lions. Often times sport Fishers would catch their limit of three adults, and then continue fishing under the pretense of fishing for a jack

Figures 3 and 4. Pinnipeds at the lower end of the Klamath River "chute" during the 2013 fishery (photos courtesy of Thomas Dunklin).



the confluence of the Klamath and Trinity Rivers is part of the Upper Klamath-Trinity ESU, while the Lower Klamath River Chinook population, comprised primarily of fish from Blue Creek, is part of the California Coastal Chinook Salmon ESU. We request that fish holding in this area be given protection from harvest pressure similar to what is given to Chinook returning to the Salmon, Scott, and Shasta Rivers. California regulations currently provide the following protection for these stocks:

“No fishing is allowed from September 15 through December 31 in the Klamath River within 500 feet of the mouths of the Salmon, the Shasta and the Scott rivers.”

Figure 5. Water temperature in the mainstem Klamath River above Blue Creek, June 1 – September 30, 2013.

