

# 2008 Fall Harvest Management Plan

The Yurok Tribe will harvest 24,952 of adult fall-run Chinook salmon on the Yurok Indian Reservation (YIR) in the year 2008. The harvest will be managed under the terms of this Harvest Management Plan (HMP) and the authority of the Yurok Tribal Fishing Rights Ordinance. This plan may be supplemented by pre-season and in-season adjustments as necessary.

An important premise of this HMP is that the fishery is based upon a predetermined quota for adult fall Chinook. This allocation is intended to provide adequate natural spawning escapement (35,000 adults) in the Klamath River. The Yurok Tribe therefore assumes that all requirements for escapement have been met and are reflected in the Yurok Tribal quota. Accordingly, no mention of escapement requirements will be made in this plan except to address the run timing of Blue Creek fall Chinook and of coho salmon.

**I. MANAGEMENT SEASON FOR THIS HMP:** July 27 through Nov. 30, 2008.

## **II. MANAGEMENT AREAS AND SUB-QUOTAS:**

The following management area sub-quotas may be altered by In-Season Adjustment as necessary.

Area 1: Mainstem Klamath River from the river mouth to the Highway 101 Bridge (Estuary). Subsistence Quota - 8,900; Commercial Quota - 10,952.

Area 2: Mainstem Klamath River from the Hwy 101 Bridge upstream to Surpur Creek (Middle Klamath). Subsistence Quota - 1,400. These fish may be used for subsistence or smoked for commercial sale.

Area 3: Mainstem Klamath River from Surpur Creek to the upstream boundary of the YIR (Upper Klamath). Subsistence Quota - 3,400. These fish may be used for subsistence or smoked for commercial sale.

The "Reserve Quota" (see below) for the entire reservation is 300 fish.

Should any area's subsistence subquota run out before the commercial subquota, an inseason adjustment will be made to transfer fish into the subsistence fishery.

## **III. SUBSISTENCE AND COMMERCIAL FISHING/ALL MANAGEMENT AREAS**

### **Fishing Hours:**

#### ***Estuary***

The fishery will be open from 8:00 a.m. through 10:00 p.m. on Friday through Tuesday of each week. These hours will be superseded by the coho protection closure and the stock protection closure mentioned below.

#### ***Middle and Upper Klamath***

The fishery will be open from 9:00 a.m. on Friday through 9:00 a.m. on Wednesday. These hours will be superseded by the coho protection closure and the stock protection closure mentioned below.

**Dorsal Fin Clips of Subsistence fish:** All subsistence fish harvested in all management areas must have the dorsal fin removed beginning July 25, 2008 through the end of the commercial fishery to ensure that only commercial quality fish are sold. This requirement includes Chinook and steelhead. Failure to clip the dorsal fin on a Chinook or steelhead defined as subsistence will be penalized as outlined in Section V paragraph A of this HMP.

**Coho protection:** (2-day closures) From September 25 to November 30, fishing will only be allowed from Wednesday at 9:00 a.m. to Monday at 9:00 a.m. of each week. The purpose of this restriction is to protect coho stocks, which have been listed as "threatened" under the Endangered Species Act.

**Angling and dip net fishing:** Angling and dip net fishing will not be permitted during closures. After attainment of a management area's fall Chinook quota, hook-and-line angling and dip net fishing will be governed pursuant to the Reserve Quota provisions below. Yurok Tribal guides will be permitted to provide

guide service to clients during closures; however the guides and their clients may not harvest fish from the Yurok allocation during Yurok Fishery closures.

**Fishing at the confluence of the river with the ocean:** Special regulations will apply to fishing near and within the “chute” of the river, which is the narrow portion of the estuary where the river meets the ocean. Buoys and/or other markers will be located upstream of upper end of the “chute”, however due to unforeseen circumstances, these markers may not be in place at all times. At such times, this location will be at the discretion of the enforcement officers.

\_In the area below the chute boundary mentioned above (marked as indicated above), no Tribal fishing will be permitted at any time. The penalty for fishing in this area during the commercial season will be as described under Section V paragraph B of this HMP.

**Reserve Quota to allow fishing with dip nets and angling:** After the quota or sub-quota for a management area has been harvested, dip net fishing and angling will be permitted at all times in that management area until the “reserve quota” has been harvested, except as prohibited by the “coho protection” closures mentioned above. After attainment of the reserve quota, all angling and dip net fishing will be prohibited.

**Eel fishing:** Lamprey (eel) fishing with eel hooks will be permitted at all times.

**Blue Creek:** From September 21 to November 30, fishing will be prohibited within and around the mouth of Blue Creek (500 feet upstream to 1/2 mile downstream).

**Stock Protection:** The purpose of this closure is to spread harvest impacts between Klamath and Trinity Basin stocks, while still ensuring that fishing will be allowed over Labor Day Weekend.

After 70% of an area’s suballocation (in the estuary this includes commercial and subsistence fish) has been harvested prior to August 29, that area will be closed to all fishing, except tribal guides, until 8:00 a.m. on August 29.

**Selling of Roe:** As stated in the Yurok Tribal Fishing Rights Ordinance, eligible Tribal Fishers will be allowed to sell roe from fall Chinook. The selling of roe from any other species is prohibited.

**Attendance of Nets in the Estuary:** Nets in the estuary must be attended at all times from July 27 – November 30. If an unattended net has a commercial buoy attached, the penalty will be as listed under Section V paragraph A of this HMP, otherwise the penalty will be as specified in Section 7, paragraph m of the Yurok Tribal Fishing Rights Ordinance (FRO). Fishers must be 12 years old to fish alone in the estuary.

**Assistance with Attendance of Nets:** Yurok Tribal members may assist other Tribal members with tending their net(s) as long as the owner of the net is within 500 feet of the fishing location. The intent of this regulation is to expedite proper handling of fish during times of abundant harvest.

**Cleaning Fish at Requa:** Gutting and filleting of fish is not permitted in the Requa Resort, Dock, or Boat Launching areas except at designated cleaning stations. Fish parts may not be placed in dumpster. Violation is punishable pursuant to Section 9k of the Yurok Tribal Fishing Rights Ordinance.

**Collection of Coded Wire Tags:** The snouts of Chinook with an adipose fin clip must be given to Yurok Tribal Fisheries Program staff upon request. The information obtained from the coded wire tags recovered from such fish is critical to the successful management of Klamath River fall Chinook. Sampling must be allowed even if the fish have been packed in ice.

**Cooperation with Public Safety:** Fishers are required to cooperate with Yurok Public Safety personnel. The penalty for failure to cooperate will be as outlined in Section V paragraph F of this HMP.

#### **IV. COMMERCIAL FISHING**

Definition of Commercial Fishing – during a commercial season, fishing while displaying the commercial buoy or possessing Chinook salmon or ad-clipped steelhead with intact dorsal fin.

The commercial fishing will begin August 1. All dorsal fins must be removed from Chinook salmon and ad-clipped steelhead for one week prior to August 1. Possession of Chinook or ad-clipped steelhead with intact dorsal fins during this period will be penalized as outlined in Section V paragraph A of this HMP.

Any Yurok Fisher found in violation of any portion of Tribal regulations while commercial fishing shall be subject to penalties double those specified for violation of that regulation, in addition to any penalties listed in this HMP.

The Yurok Tribal Council (Council) will allow commercial fishing during the 2008 fall Chinook season. Concerns, issues or problems associated with commercial fishery operations will be addressed by the Council as needed.

Two separate commercial fisheries are planned for 2008, fresh/value added sales and the Tribal Guide fishery. The "Find Own Market" fishery allows Tribal members who have acquired a permit from the Tribe to sell fish to markets they find themselves. This includes those who wish to add value to the fish, such as by smoking it. Fishers may also sell to buyers authorized to purchase at Requa Resort. The Tribal Guide fishery allows non-tribal anglers to obtain a permit to fish with a Tribally certified fishing guide, and to harvest Tribal fish.

**Duration of Commercial Season:**

Commercial fishing will begin August 1. Commercial fishing will not be allowed after September 25, 2008, to protect coho stocks that have been listed under the Endangered Species Act.

**Species Eligible for Sale:**

Chinook salmon and steelhead with a healed adipose fin clip may be sold during this commercial fishery. Wild steelhead (with intact adipose fin) and any other species may not be sold.

**Location of Commercial Fishing:**

Commercial fishing for sale of fresh fish will be allowed only in the Estuary below Paul's Cannery. Commercial fishing for fish to be smoked and sold will be allowed throughout the Yurok Reservation.

**Marking of non-Commercial Fish:** Fish that have not been handled according to the Commercial Fish Quality Control Regulations (CFQCR) must be marked by removal of the dorsal fin. All subsistence fish, reservation wide, must also have the dorsal fin removed. This includes all fish caught above Paul's Cannery, as well as all fish harvested below Paul's Cannery that (1) have not been handled according to the CFQCR, or (2) have been harvested in a net not marked by a commercial buoy, or (3) have not had a permit issued for selling prior to leaving the river. Failure to follow the CFQCR while leaving the dorsal fin intact or leaving the dorsal fin intact on a Chinook or ad-clipped steelhead defined as subsistence above will be penalized as outlined in Section V paragraph A of this HMP. Selling a subsistence fish, with or without an intact dorsal fin will be penalized as outlined in Section V paragraph E of this HMP.

**Certification Requirements:**

Fishers who want to sell commercially, whether to a passing tourist, a major fish buyer, or a Tribal member who will be selling the fish, will be required to undergo training in how to maintain the quality of harvested fish, and to sign an agreement to use the required handling procedures. All sellers must be recertified to sell in 2008. Fishers must be 12 years old to certify and to fish alone in the estuary. Certified fishers will be required to sign for a copy of the CFQCR, this HMP, and a summary of offenses and penalties. Certified fishers are required to be familiar with all relevant regulations.

Sellers who will be selling fish harvested by other Tribal members will also be required to undergo the training and may purchase fish for sale only from certified commercial fishers. Selling fish harvested by non-certified fishers or fishers whose certification has been suspended will be penalized as outlined in Section V paragraph C of this HMP.

Fishers intending to sell their fish commercially must mark their nets by clipping or tying a 'commercial fishing buoy' to the net. The commercial fishing buoy must be a bright yellow in color and must have the fisher's Tribal ID number and their Commercial Fisher's Number marked on it in such a way that they can be read at a distance of 10 feet. Fish caught in a net with no commercial fishing buoy attached are subsistence fish and must have the dorsal fin clipped. Failure to clip the dorsal fin will be penalized as outlined in Section V paragraph A of this HMP.

Fishers may only use their own commercial buoy. Using a buoy with another fisher's numbers on it will be penalized as outlined in Section V paragraph A of this HMP.

**Find Own Market**

**Marketing Aspects:**

Fresh fish may be sold in any market, on or off the Reservation. The seller is responsible for finding his/her own market and for all expenses related to the marketing of the fish. Except for those selling to tribally

authorized buyers at Requa, sellers must have a permit issued by the Yurok Tribal Fisheries Department. Fresh fish sales of fish harvested above the commercial fishing zone (the upper extent of which is Paul's Cannery) are not permitted. Separate permits for sales of smoked fish or holding frozen fish for later sale are available as described below. Sales receipts for smoked fish harvested in Areas 2 or 3 must state that the fish were harvested above the Estuary.

Commercial Permits:

Tribal fishers may always sell fish to Yurok Tribal members. Obtaining a "Temporary Commercial Permit" will authorize selling of fresh fish to non-Tribal members. A Tribal member is not required to harvest fish to be eligible to obtain a Temporary Commercial Permit; however, the Tribal member must have taken the commercial fisher training. These permits may be obtained at "Yurok Tribal Commercial Fishing Checkpoint", which will be located at Requa, hours to be posted. Temporary Commercial Permits will be valid for five days following the date they are issued.

A use fee of \$2.00 per fish will be charged at the time the Temporary Commercial Permit is issued. Council will determine how the fees are to be used at a later date. The number of fish paid for will be noted on the Temporary Commercial Permit, and the permit holder will be authorized to sell only that number of fish.

Information to be contained on the Temporary Commercial Permit includes the following:

**Expiration date**

**Number of fish to be sold**

**Location of harvest**

**Tribal identification number of the permit holder**

**Permit holder's name**

**Product to be sold:**

The Temporary Commercial Permit is valid for the sale of fresh fish only. Fishers wishing to freeze and hold fish for later sale must take the fish through the Commercial Check Point Station before leaving the reservation. No Commercial Permit or sales tickets will be issued at this time, however the \$2.00 per fish use fee will be collected and a receipt for the use fee issued. A holding permit will be issued for the number of fish to be frozen for later sale. Before sale of the fish, a seller's permit and sales receipts must be obtained from the Yurok Tribal Fisheries Department. Fish must be stored at a commercially approved facility and sold by March 31, 2009.

**Fish Sales Receipts:**

Fish sales receipt books, consisting of three copies for each receipt, will be issued along with the Temporary Commercial Permits. Whenever a transaction of fish is made, a receipt must be filled out and a copy given to the buyer, one retained by the seller, and one returned or mailed within three days of sale to the Yurok Tribal Fisheries Program. The receipts (used and unused) must also be returned within three days after expiration of the Temporary Commercial Permit and prior to the issuance of another Temporary Commercial Permit or more receipts. Failure to turn in tickets will be penalized as outlined in Section V paragraph D of this HMP. The receipt books and sales receipts should be returned to the Commercial Check Point where they were obtained or to the Yurok Tribal Fisheries Office at the following address:

Yurok Tribal Fisheries Program

Attn: Commercial Fishery

15900 Hwy 101 N.

Klamath, CA 95548.

The Fish Sales Receipts will contain the following information:

Date fish were sold.

Total number of fish sold.

Price of fish sold (per pound or per fish)

Tribal I.D. number of seller

Name of seller

**Authorized Requa Buyers:**

A Temporary Commercial Permit is not required for selling to tribally authorized buyers at Requa. A use fee of \$2.00 per fish will be charged for each fish sold to an authorized buyer. The buyers will issue receipts for fish purchased and will pay the use fee to the Tribe. Receipts from an authorized buyer do not need to be returned to fisheries by the seller.

**Tribal Guide Fishery**

Permitting Requirements:

Tribal members wishing to act as fishing guides under the authority of this HMP will be required to obtain certification. Criteria and certifying agency are identified in the Yurok Tribal Guide Regulations.

**Marketing Aspects:**

Pursuant to the Yurok Tribal Guide Regulations, the Tribe may issue to non-tribal fishers a license allowing them to harvest Yurok fall Chinook. The fish must be harvested while fishing with a Tribal guide. Other than harvest of permitted fall Chinook, non-tribal clients of Tribal guides will be required to follow all California Department of Fish and Game regulations regarding gear type and bag limits.

**Duration of Guiding Season:**

Tribal Guides are permitted to operate throughout the year; however harvest of Yurok fall Chinook will only be permitted during the fall season (July 27 through November 30). No coho may be retained by any person participating in the Tribal guide fishery. This restriction is to protect coho stocks that have been listed under the Endangered Species Act.

**Location of Guiding Fishing:**

The Tribal guide services will be allowed throughout the Yurok Reservation.

**Product to be sold**

The product for sale under the Tribal guide option is the opportunity to fish with a Tribal guide for fall Chinook from the Tribal allocation.

**Fish Sales Receipts**

The ticket issued to the non-tribal client by the Tribal guide will be similar to the sales receipt for the "find own market" fishery and will be used in the same manner.

The Tribal guide tickets will contain the following information:

Date fish were harvested.

Total number of fish harvested.

Tribal I.D. number of guide.

Name of guide.

Fish sales receipts must be turned into fisheries with one week of use. Failure to turn in tickets will be penalized as outlined in Section V paragraph D of this HMP.

In addition to turning in the fish sales receipts, the Tribal Guides will be required to maintain records as specified in the Tribal Guide Regulations.

**Tribal Liability:**

All expenses incurred by commercial fishers or certified Tribal guides operating under the authority of this HMP are the responsibility of the individuals. The Yurok Tribe, its representatives, and/or Tribal Departments are not liable for any expenses incurred by Tribal members participating in any commercial fishery.

**V. Penalty Section**

A. Quality Control: First offense penalty - loss of fish and gear. Second offense - loss of gear, fish, and fishing rights for a minimum of two weeks during the commercial season. Third offense - loss of gear, fish, and fishing rights for a minimum of two months during a commercial season. This penalty will be continued into subsequent commercial seasons if insufficient time remains in the current season.

B. Fishing in the Chute: First offense - loss of vessel, gear, fish, and fishing rights for a minimum of

two weeks during the commercial season. Second offense - loss of vessel, gear, fish, and fishing rights for two months during a commercial season. These penalties will be continued into subsequent commercial seasons if insufficient time remains in the current season.

C. Selling Fish Caught by Uncertified Fishers: First offense penalty - loss of certification for a period of two weeks during the commercial season. Second offense – loss of certification for two months during the commercial season. This penalty will be continued into subsequent commercial seasons if insufficient time remains in the current season.

D. Failure to turn in fish tickets in required time period: Loss of certification until all tickets returned.

If tickets lost:

First offense - fine of \$15 per ticket lost

Second offense – fine of \$50 per ticket lost

Third offense – loss of all fishing rights for two months during commercial season and fine of \$50 per ticket lost, unless the tickets are from the Tribal Guide fishery, in which case the third offense penalty will be loss of Tribal Guide privileges for the period of one year and fine of \$50 per ticket lost.

If tickets turned in after October 31, 2008: Fine of \$15 per ticket turned in late.

E. Selling subsistence fish: First offense – loss of fishing rights for six months. Second offense – loss of fishing rights for one year.

F. Noncooperation with Public Safety – loss of fishing rights for one month.