



YUROK TRIBE 2012 FALL HARVEST MANAGEMENT PLAN

The Yurok Tribe will harvest 127,991 adult fall-run Chinook salmon on the Yurok Indian Reservation (YIR) in the year 2012. The harvest will be managed under the terms of this Harvest Management Plan (HMP) and the authority of the Yurok Tribal Fishing Rights Ordinance (FRO). 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 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 29 through Nov. 30, 2012.

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 – 10,000; Commercial Quota – 105,500 with an additional 2,000 to be purchased by the Tribe for distribution to elders.

Area 2: Mainstem Klamath River from the Hwy 101 Bridge upstream to Surpur Creek (Middle Klamath). Subsistence Quota – 4,500. 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 - 5,500. These fish may be used for subsistence or smoked for commercial sale.

The “Reserve Quota” (see below) for the entire reservation is 491 fish.

Should any area’s subsistence subquota run out before the commercial subquota, an



inseason adjustment may 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 10:00 a.m. through midnight on Friday through Tuesday of each week through August 14. The fishery will be closed August 15 through August 18. From August 19 through the end of the commercial season, the fishery will be open from 10:00 a.m. through midnight on Friday through Tuesday of each week. After Labor Day, the fishery will be open from 10:00 a.m. through midnight on Friday through Wednesday of each week. After the commercial season closes, fishing will be allowed from 9:00 a.m. on Wednesday through 9:00 a.m. on Monday. These hours will be superseded by the coho protection closure and the stock protection closure mentioned below.

Middle and Upper Klamath

The Middle Klamath area will have the same open hours as the Estuary. The Upper Klamath area will be open from 9:00 a.m. on Friday through 9:00 a.m. on Wednesday of each week. 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 completely removed to within ½ inch of fish's back beginning July 29, 2012. Fins must be clipped within fifteen minutes of first handling of the fish, and prior to gutting/cleaning the fish or transporting the fish¹. Failure to clip the dorsal fin on a Chinook defined as subsistence will be penalized as outlined in Section V paragraph E of this HMP.

Coho protection: (2-day closures) Beginning September 23 through November 30, fishing will 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: Dip net fishing will not be permitted during closures. Angling will be permitted throughout the reservation at all times for subsistence purposes. Chinook caught by angling during closures must have the dorsal fin clipped as required for subsistence fish. 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

¹ For the purpose of this HMP, "transporting the fish" includes moving the fish more than 40 feet from the wetted channel of the river, having the fish on a road, or moving more than 200 feet from the fishing site.



to clients during closures; their clients may harvest fish from the Yurok allocation during Yurok Fishery closures.

Bartering: All fish to be bartered are subsistence fish and must have the dorsal fin clipped as described for subsistence fish. Fish may be bartered to anyone with the following restrictions: (1) no eligible fisher may barter more than 10 fish to any one individual within a 30 day period, (2) no eligible fisher may barter more than 30 fish in a 30 day period, (3) bartered fish remain subsistence fish and cannot be sold by the recipient, (4) barter is for goods or services only. Money and checks, prepaid credit cards, gift cards, gas cards, and other instruments that can be used to purchase goods and services are not valid for barter under this Harvest Management Plan.

Downstream boundary for net fishing: Special regulations will apply to fishing in the lower end of the Estuary. Buoys and/or other markers will be located along the downstream boundary (DB) for net fishing, 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. If an anchor rope of a set net is more than ten feet below the DB, the net will be considered to be set below the line. Illegal fishing below the DB will be penalized as outlined in Section V paragraph B of this HMP

From the beginning of the commercial season (July 29) until the end of all commercial fishing for the season, drift and dip net fishing below the DB will not be allowed. After the commercial season closes, drift net fishing below the DB will only be allowed with a maximum of 45' "throw nets". Motorized vehicles and boats, jet skis, or other floating objects cannot be used to assist with "throw nets." After commercial fishing ends, dip nets will also be allowed below the DB. Set net fishing will be allowed below the DB and above the chute with 100' nets during and after the commercial season.

All fish caught below the DB by Tribal members are subsistence fish and must have the dorsal fin clipped within 10 minutes of harvesting the fish, prior to being more than 25 feet from the net, and prior to having the boat land on the shore. Failure to clip the dorsal fin as specified on a Chinook caught below the DB will be penalized as outlined in Section V paragraph E 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 in any closed area.

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 31, that area will be closed to all fishing, except for the clients of tribal guides, until 10:00 a.m. on August 31.

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 29 – 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 set a net with their own number or 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. Violation of this requirement will be penalized as outlined in Section 12a of the FRO.

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

The Yurok Tribal Council (Council) will allow commercial fishing during the 2012 fall Chinook season. Concerns, issues or problems associated with commercial fishery operations will be addressed by the Council as needed.



Definition of Commercial Fishing –possessing a Chinook salmon with intact dorsal fin.

The commercial fisheries will begin July 29 with sales directly to the Tribe for distribution to elders and disabled Tribal members. The elders fishery will continue through August 14. No fishing, including angling, will be allowed August 15 - 18. Sales to non-Tribal buyers will begin on August 19. All dorsal fins must be removed from all subsistence Chinook salmon starting July 29. Any subsistence fish caught prior to July 29 must also have their dorsal fin removed as specified by Inseason Adjustment 2012-01. Fish for sale to the elders program are commercial fish and do not need to be clipped. Only fish harvested in the Estuary are eligible for sale as elders' fish. Possession of subsistence Chinook with intact dorsal fins during this period will be penalized as outlined in Section V paragraph E 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 the Yurok Tribal Fishing Rights Ordinance (FRO), in addition to any penalties listed in this HMP.

Two separate commercial fisheries are planned for 2012, fresh/value added sales and the Tribal Guide fishery. The "Find Own Market" (FOM) 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 July 29. Commercial fishing will not be allowed after September 23, 2012, to protect coho stocks that have been listed under the Endangered Species Act.

Species Eligible for Sale:

Chinook salmon may be sold during this commercial fishery. 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 the Highway 101 Bridge and above the Downstream Boundary as described in Section III. Commercial fishing for fish to be smoked and sold will be allowed throughout the Yurok Reservation, except for below the DB. Angling and set net fishing is allowed below the DB, but the fish harvested there are for subsistence only and must have the dorsal fin clipped.

No commercial fish shall be transported outside the commercial zone. Such fish become





subsistence fish and must have the dorsal fin clipped. Failure to clip the dorsal fin on a Chinook located outside the commercial zone will be penalized as outlined in Section V paragraph E of this HMP.

Marking of non-Commercial Fish: Fish that have not been handled according to the Commercial Fish Quality Control Requirements (CFQCR) as defined below 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 the Highway 101 Bridge, as well as all fish harvested below the bridge 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, or (4) were caught below the DB, or (5) were harvested by or are in the possession of a fisher not certified for commercial fishing. Failure to follow the CFQCR while leaving the dorsal fin intact will be penalized as outlined in Section V paragraph A of this HMP. Selling a subsistence fish, with or without an intact dorsal fin, or leaving the dorsal fin intact on a Chinook defined as subsistence above will be penalized as outlined in Section V paragraph E of this HMP.

Commercial Fish Quality Control Requirements:

- **At the time they begin fishing**, fishers must have with them adequate ice to chill and pack all fish to be harvested. Adequate ice must be maintained to cover fish.
- Fishers must have adequate containers (e.g. ice chests or totes) in which to pack fish. Fish are never to be placed on the ground.
- Containers must be of a material that can be readily cleaned/sterilized and must be maintained in a sanitized condition.
- Harvested fish are to be immediately bled (for example, by pulling a gill).
- Fish are to be gutted and iced immediately. Ice must surround the fish and is also to be placed in the belly, or fish must be packed in slush.
- Do not cut into the belly wall when cleaning the fish. Remove the kidney (backbone blood) using a spoon, with special care for the pockets near the head and tail.
- If visible blood remains in the veins of the belly, press it out by stroking toward the backbone.
- Fish must be handled gently, held by the head. Never handle fish by the tail.
- If fish cannot be immediately gutted (within 10 minutes), fish must be placed in a slush tank or ice to chill them while waiting. No fish should be held more than one hour before gutting.
- If the fisher and crew cannot keep up with the rate of harvest, part of the net is to be tied up so that it is not fishing. “Keeping Up” includes both removing fish from net promptly and gutting/icing in a reasonable length of time. **Fish must be alive when removed from net.**



- Persons fishing commercially must mark their nets with a “commercial fishing” buoy to be clipped to the net. Fish caught in a net without the commercial buoy are for subsistence purposes only.

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, must have completed training in how to maintain the quality of harvested fish, and have signed an agreement to use the required handling procedures. Fishers who have not certified since 2008 must watch the training video in 2012. All commercial fishers must watch a video summarizing the 2012 regulations. All commercial fishers must sign a new contract agreeing to use the required quality control procedures before they are permitted to fish commercially in 2012. Fishers must be at least 12 years old to certify and to fish alone in the estuary. Certified fishers will be required to sign for a copy of this HMP and a summary of offenses and penalties. All 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 bright yellow 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 E 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. Fish for sales as fresh must be brought by boat to the boat dock for examination by the Checkpoint Clerk. Removing these fish from the river prior to obtaining a FOM permit is strictly forbidden. Fresh fish sales of fish harvested above the commercial fishing zone (the upper extent of which is the Highway 101 Bridge) 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. Fish to be smoked must have the dorsal fin removed if they were not harvested





and presented as required for fresh fish sales.

Commercial Permits:

Tribal fishers may always sell fish to Yurok Tribal members unless prohibited by an inseason adjustment. Obtaining a “Temporary Commercial Permit” (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” (Checkpoint), which will be located at Requa, hours to be posted. Fish for fresh sale must be transported to the Checkpoint by boat and displayed to the clerk before a Permit will be issued. Fish with intact dorsal fins brought in by land are subsistence fish and the person transporting the fish will be subject to penalties as outlined in Section V, paragraph E. Permits will be valid for five days following the date they are issued.

A use fee of \$3.00 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. Fish must be stored at a commercially approved facility and sold by April 15, 2013– there will be no exceptions. A holding permit will similarly be issued for fish to be commercially smoked for sale. Fish to be smoked must have the dorsal fin removed, and must be smoked by April 15, 2013.

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 \$3.00 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. Fish must be transported to the buying station by boat. Fish with intact dorsal fins brought in by land are subsistence fish and the person transporting the fish will be subject to penalties as outlined in Section V, paragraph E.

Tribal Guide Fishery:

Permitting Requirements:

Tribal members wishing to be 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 certified guide. Up to two adult Yurok fall Chinook may be harvested per client per day. 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 31 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 Guide Fishery:

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 within 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.

Enforcement:

Yurok Tribe Public Safety shall enforce all provisions of this properly adopted Harvest Management Plan pursuant to Section 11.a of the Yurok Tribal Fishing Rights Ordinance.

V. Penalty Section

As per Sections 9(a) and 11(d) of the Yurok Tribal Fishing Rights Ordinance, penalties for violations of this HMP are set forth below. These penalties are mandatory for convictions of violations of this HMP.

The following are mandatory minimum penalties to be imposed upon conviction of offenses listed in this HMP. The court has the discretion to impose up to the maximum penalty for any infraction, if in the court’s assessment such penalty is warranted.



- 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 with a net below the DB during the commercial season: 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 are 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 are not turned in by October 31, 2012, tickets will be declared lost and penalized as above.

- E. Failing to clip dorsal fin of subsistence fish or selling subsistence fish: First offense - loss of fish and gear, and loss of fishing rights for one year. Second offense - loss of fish and gear, and loss of fishing rights for two years.
- F. Noncooperation with Public Safety - loss of fishing rights for one month.

Thomas O'Rourke, Chairperson
Yurok Tribal Council

6-29-12

Date

