YUROK TRIBE

2019 FALL HARVEST MANAGEMENT PLAN

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PART 1. GENERAL PROVISIONS

SECTION 101. Authority

This 2019 Fall Harvest Management Plan is established by the Tribal Council pursuant to the Yurok Tribal Fishing Rights Ordinance and may be supplemented by pre-season and in-season adjustments as necessary for Tribal fishery resource conservation and harvest management purposes.

SECTION 102. Definitions

Those definitions used in the Tribal Fishing Rights Ordinance and the following definitions shall apply:

(a) DB means downstream boundary, a line in the estuary below which there may be additional regulations

(b) Chute means the narrow portion of the Klamath River estuary where the river passes through the sand spit to meet the ocean.

(c) Clip means the complete removal of the dorsal fin of a salmon or steelhead to within one-quarter inch of the fish’s back.

(d) Commercial Fish means any Chinook salmon caught within the commercial zone, during the commercial season, by a commercial fisher having a commercial buoy on the net, and handled according to the Quality Control Requirements and other commercial regulations laid out in this document.

(e) Commercial Fisher means an eligible fisher certified for commercial fishing.

(f) Commercial Zone is the part of the Estuary above the downstream boundary and below the Hwy. 101 Bridge, excluding all sloughs.

(g) Fishing Gear or Gear means any net, seine, hook and line, boat, trailer, vehicle, gun or other apparatus used for taking, attempting to take, or transporting fish.

(h) Fish Monitors means Yurok Tribal staff hired to monitor the Tribe’s fishery harvest.

(i) FRO means the Yurok Tribal Fishing Rights Ordinance.

(j) Guide means a Yurok Tribal member certified by the Yurok Tribe and authorized to act as a guide for the Tribal Guide Fishery.

(k) HMP means this 2019 Fall Harvest Management Plan

(l) Non-Tribal Member means non-Indians and Indians who are not a member of the Yurok Tribe.

(m) Transporting Fish means taking or carrying fish from one place to another by means of a vehicle, including a boat, and includes moving fish more than 40 feet from the wetted channel of the Klamath River, having fish on a road, or moving fish more than 200 feet from the fishing site.
SECTION 103. Harvest Quota

The Yurok Tribe will harvest 29,161 adult fall-run Chinook salmon on the Yurok Reservation in the year 2019. The harvest will be managed under the terms of the FRO and this HMP.

Harvest of Tribal fishery resources 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 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.

SECTION 104. Amended FRO

Many of the regulations that were not specific to a given year in past HMPs have been incorporated into the amended FRO, and will not be found listed in this HMP. Please consult the FRO for regulations that seem to be missing.

PART 2. FISHERIES MANAGEMENT

SECTION 201. Management Season

This HMP shall manage harvest of Tribal fishery resources from July 28 through November 30, 2019.

SECTION 202. Management Areas and Subquotas

This HMP establishes the following management areas and fall Chinook salmon subquotas, which may be altered by an adjustment as necessary:

(a) Estuary, Mainstem Klamath River from the river mouth to the Highway 101 Bridge shall have:
   (1) Subsistence subquota of 7,661 fish;
   (2) Commercial subquota of 15,000 fish.

(b) Middle Klamath. Mainstem Klamath River from the Highway 101 bridge upstream to Surpur Creek shall have a subsistence subquota of 2,500 fish that shall only be used for subsistence or smoked for commercial sale.

(c) Upper Klamath. Mainstem Klamath River from Surpur Creek to the upstream boundary of the Yurok Reservation shall have a subsistence subquota of 3,500 fish that shall only be used for subsistence or smoked for commercial sale.

(d) Elders’ Fishery. The number of fish that are donated to the Elders Program
is contingent upon how many commercial fishers are certified; therefore, it is uncertain how many fish will comprise the Elders Fishery. Elders fish will come from the Estuary subsistence allocation of 7,661 adult fish.

(c) **Tribal Guide Fishery.** 200 fish will be set aside to be available to the clients of Tribally-certified guides.

(f) **Subsistence Reserve Quota.** 300 fish to be held for distribution to areas that have harvested their sub-allocation, as allowed in section 208.

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.

**SECTION 203. Fishing Hours**

This section establishes fishing hours for the fishery management areas. All fishing hours will be superseded by the coho protection closure and stock protection closure.

(a) **Estuary.**

(1) From 9:00 a.m. on July 28 through 9:00 a.m. August 19, the Estuary will be open from 9:00 a.m. Friday through 9:00 a.m. on Wednesday of each week.

(2) From 9:00 a.m. on August 19 through 10:00 a.m. on August 23, the Estuary area will be closed.

(3) From 10:00 a.m. on August 23 through the close of the commercial season, the Estuary will be open from 10:00 a.m. through midnight on Friday through Tuesday.

Anchors cannot be set from 12:30 a.m. to 9:30 a.m. for boats, buoys, or other devices to save spots within the commercial zone on days that commercial fishing is allowed. Violations of this regulation will be penalized as outlined in Section 17.25.140 (b).

(4) After the close of the commercial season the Estuary will be open from 9:00 a.m. Friday through 9:00 a.m. on Wednesday of each week.

(b) **Middle Klamath.**

(1) From 9:00 a.m. on July 28 through 9:00 a.m. August 19, the Middle-Klamath will be open from 9:00 a.m. Friday through 9:00 a.m. on Wednesday of each week.
(2) From 9:00 a.m. on August 19 through 10:00 a.m. on August 23, the Middle Klamath will be closed.

(3) From 10:00 a.m. on August 23 through the close of the commercial season, the Middle Klamath will be open from 10:00 a.m. through midnight on Friday through Tuesday.

(4) After the close of the commercial season the Middle Klamath will be open from 9:00 a.m. Friday through 9:00 a.m. on Wednesday of each week.

(c) Upper Klamath.

(1) From 9:00 a.m. on July 28 through 9:00 a.m. August 15, the Upper Klamath will be open from 9:00 a.m. Friday through 9:00 a.m. on Wednesday of each week.

(2) From 9:00 a.m. on August 15 through 10:00 a.m. on August 23, the Upper Klamath will be closed.

(3) From 10:00 a.m. August 23, the Upper Klamath will be open from 10:00 a.m. on Friday through 9:00 a.m. on Wednesday.

(4) After the close of the commercial season the Upper Klamath will be open from 9:00 a.m. Friday through 9:00 a.m. on Wednesday of each week.

SECTION 204. Stock Protection Closure

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 30, that area will be closed to all fishing, except for the clients of tribal guides, until 10:00 a.m. on August 30.

SECTION 205. Fish Kill Closure

The Yurok fishery will be closed immediately if there is a determination by the YITFP that a fish kill has begun.

SECTION 206. Coho Protection Closure

(2-day closures) Beginning Wednesday, September 25 through November 30, all fishing is prohibited from 9:00 a.m. Wednesday through 9:00 a.m. Friday (closed to fishing Wednesday and Thursday) and is allowed from 9:00 a.m. Friday through 9:00 a.m. on Wednesday of each week. The purpose of this restriction is to protect coho stocks, which have been listed as "threatened" under the Endangered Species Act.
SECTION 207. Reserve Quota for Fishing after Area Closure

After the subquota 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 subquota has been harvested, except as prohibited by the coho protection closure. After attainment of the reserve quota, all angling and dip net fishing will be prohibited in any closed area.

SECTION 208. Drift Net Fishing in the Chute

Drift net fishing is allowed in the chute prior to the start of the commercial season and after the commercial season closes. However, all gill net fishing in the chute is prohibited after the beginning of the coho protection closure (see section 206).

PART 3. NON-COMMERCIAL, SUBSISTENCE FISHERY

SECTION 301. Elders' Fishery

The Tribe shall hold an Elders Fishery during the fall harvest management season that begins July 28, 2019, for the harvest of subsistence fish for elders. The Elders Fishery will be comprised of donations which are a requirement prior to selling fish commercially. To participate in the Elders Fishery, an eligible fisher must meet the requirements as given in the FRO Section 17.20.110.

PART 4. COMMERCIAL FISHERIES

SECTION 401. Commercial Fishing Permitted

Commercial fishing is permitted for fall 2019 Chinook salmon in accordance with the FRO, this FMP, and any in-season adjustment. Commercial fishing for fish to be smoked and sold will be allowed throughout the Yurok Reservation, except for below the DB during the commercial season. Concerns, issues or problems associated with commercial fishery operations will be addressed by the Council as needed and may result in an adjustment.

SECTION 402. Elders Fishery Donation Requirement

Commercial fishers will be required to donate three fish to the Elders Program before they can sell fish commercially. Fishers that donate more than three fish will receive “Elders Fishery Credits” and they can sell/barter/give these credits to another fisher so that the second fisher’s donation is fulfilled and (he) can sell commercial fish. Fishers can begin fishing for Elders Fishery Credits on July 28. An eligible fisher whose donation requirement is filled shall be certified for selling commercial fish.

SECTION 403. Commercial Season

Commercial fishing begins August 23. Commercial fishing after September 25, 2019, is
prohibited in order to protect coho stocks that have been listed under the Endangered Species Act. Council may close the commercial season before September 25 by an in-season adjustment.

SECTION 404. Use Fee
A use fee of $3 per fish must be paid on all fish sold commercially. This includes fish sold to an authorized buyer or fish used in the find your own market, fishery fresh or value added.

SECTION 405. Double Penalties for Commercial Violations
Any person who violates the FRO, this HMP, or an adjustment while commercial fishing shall be subject to penalties double those specified in the Yurok Tribal Fishing Rights Ordinance (FRO), in addition to any penalties listed in this HMP.

PART 5. TRIBAL GUIDE FISHERY
The Tribal Guide Fishery has been authorized in 2019 under the provisions of the FRO. 200 fish have been allocated to the fishery, which will be counted as commercial fish, but are in addition to the commercial allocation.

SECTION 501. Non-Tribal Member Fishing License and Bag Limit
Tribal Guide clients who have purchased a non-Tribal member fishing license will be permitted to harvest two Yurok fall Chinook per day. Licenses will be sold to the clients by the guide for a fee of $20 for a one day license.

C*E*R*T*I*F*I*C*A*T*I*Ô*N

This is to certify that this 2019 Fall Harvest Management Plan was approved at a duly called meeting of the Yurok Tribal Council on June 6, 2019, at which a quorum was present, and that this 2019 Fall Harvest Management Plan was adopted by a vote of all Council members present in accordance with the Yurok Tribal Fishing Rights Ordinance section 17.40.010.

DATED THIS 6 DAY OF June, 2019

[Signature]
Joe James, Chairperson
Yurok Tribal Council

[Signature]
Mindy Natt
Council Secretary