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Ex. 280-US-415

Will Hatcher
Director, Department of Natural Resources

Update of Klamath Tribes' Fish Management Policy

The purpose of this document is to bring up to date the Tribes' principles of fishery management, specifically where questions of emphasis on species and life stages are involved. This is to reinforce and bring current the 1991 Klamath Tribe Fish Management Policy set forth by the Water Policy Committee.

Much of the policy guidance set out in the 1991 Policy remains valid today. For example, it remains true that adult rainbow trout are the leading harvestable fishery resource, given that c'wam and kupto fisheries remain closed, and salmon and steelhead remain excluded from the Upper Basin. The Tribes continue to emphasize management that will maximize harvestable adult rainbows.

Where salmon and steelhead are involved, the earlier Policy anticipated restoration of anadromous species to the Upper Basin, and made provision for management in the interim. Our knowledge and policies have evolved since 1991. It now seems quite likely that these fish will be reintroduced to the Upper Basin, probably through removal of the Klamath River dams, or at least by the addition of volitional passage facilities to those dams. The Tribes' are very strongly committed to reintroduction and have worked exceedingly hard toward this goal. This progress has been accompanied by closer examination of the habitat needs, including water needs, of these species. We now better understand that the water needs of anadromous fish might

differ from the needs of resident fish including rainbow trout. Water management should reflect these differences.

These principles should be added to the 1991 Policy as part of the Tribes' overall policy for fishery and water management.

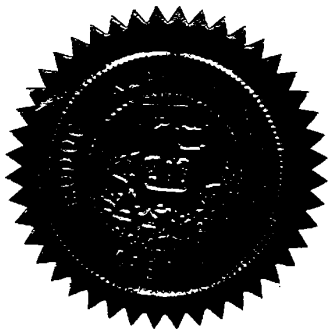
Will Hatcher, Director
Department of Natural Resources

CERTIFICATION

We, the undersigned, Tribal Council Chairman and Secretary of The Klamath Tribes do hereby certify that the Tribal Council approved this Policy Update on the 28 day of MAY, 2009, by a vote of 5 for 0 opposed, and ___ abstention/s.

Joseph Kirk, Chairman
The Klamath Tribes

Torina Case, Secretary
The Klamath Tribes



KLAMATH TRIBE FISH MANAGEMENT POLICY

1991

This policy is promulgated by the Klamath Tribe to direct staff and tribal management of fisheries pursuant to the Tribe's treaty rights protected by the Treaty of 1864. This policy is intended to reflect the Tribe's cultural and spiritual relationship with anadromous and resident fisheries.

This policy is adopted with the awareness that all fishery management expresses societal preferences and that management policy therefore evolves with the society that it serves. The Tribe is also aware that it differs from other societal groups. The Tribe's cultural ties are more closely interwoven with the natural environment and with indigenous species than are the management concerns of other groups. Fisheries have been an integral part of the Tribe's existence for thousands of years and the Tribe intends that they continue to be so forever.

The Tribe's management policy will focus attention on rainbow trout, three species of suckers, and bull trout.

While this policy selects particular species for specific management attention, it is not intended to diminish or ignore the importance of any other species, either aquatic or terrestrial, or the habitat requirements of other species. The species are selected here because a management plan meeting their needs is expected to also meet the needs of other species. In any situation where this assumption is incorrect, additional management policies and strategies will be developed and implemented.

The rainbow trout adult is the species and life stage of primary importance. Tribal culture evolved around the use of both resident species and anadromous fish. Industrial and agricultural development has temporarily extirpated anadromous fish from the drainage. Until such a time as anadromous fish are restored, the closest representative of anadromous populations in the Klamath drainage is the rainbow trout. The Tribe considers the rainbow trout a benchmark species. Protection and maximization of its habitat will protect and preserve aquatic habitat for other species.

Rainbow trout in the Klamath Basin have demonstrated great adaptability. While rainbow trout are ubiquitous, they also maintain unique and localized genetic stocks such as the red band trout. Even today in the degraded state of the aquatic environment this species persists in all behavioral strategies except anadromy.

It is desirable to maximize the biomass yield and abundance of mature rainbow trout because this is the stage that provides fishery harvest and recruitment, and it assures perpetuation of unique and valuable genetic material. Therefore the Tribe identifies this life stage as its principal product of interest. Habitat of adequate quantity and high quality must be provided to maximize the quantity and viability of this valuable life stage.

The Tribe has a strong cultural and dietary interest in suckers, including the shortnose, Lost River, and Klamath largescale species. These suckers, like rainbow trout in the Klamath system, spawn in the spring and migrate long distances.

The Tribe believes that the needs of these suckers for habitat quality and quantity can be met by supplying the needs of rainbow trout where both species coexist in the system.

The bull trout is important in upstream and higher elevation habitats. As with the suckers the Tribe believes that the ecological needs of bull trout can be met if the requirements of rainbow trout are met. Because bull trout use higher elevation environments and spawn in the fall, it may be necessary to take specific and separate management steps to protect and enhance populations of these fish. This policy is intended to be sufficiently flexible to meet any such unique needs.

The Tribe also uses exotic fish species. However, some such species negatively interact with native stocks. The Tribe's primary goal is to protect and enhance native stocks.

Day to day activities of tribal staff may be allocated to critical resource issues including water quality habitat or maintenance of precious genetic resource material. This fishery policy anticipates and approves of such activity and views it as consistent with the overall strategy and goals described herein.

ADOPTED by the Klamath Tribe Water Policy Committee, June, 1991.

Charles E. Kimbol, Sr.

Elwood Miller, Jr.

Cheryl Tupper