



**UNITED STATES DEPARTMENT OF COMMERCE**  
**The Secretary of Commerce**  
Washington, D.C. 20230

January 18, 2017

Mr. Brian Cladoosby  
Chairman  
Swinomish Indian Tribal Community  
11404 Moorage Way  
LaConner, WA 98257

Dear Mr. Cladoosby:

Thank you for your letter requesting a determination of a commercial fishery failure due to a fishery resource disaster. Your request relates to the impacts to the 2014 Fraser River sockeye salmon fishery as a result of an abnormally high northern diversion rate for migrating sockeye salmon into Canada that severely limited the number of sockeye available for harvest in U.S. fishing areas.

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) evaluated whether a commercial fishery failure occurred due to a fisheries resource disaster. After reviewing the information provided by the Northwest Indian Fisheries Commission and the Swinomish Indian Tribal Community, I have found that, while the request for a determination of commercial fishery failure due to a fishery resource disaster meets the criteria for a fishery disaster and allowable causes, the data provided by the Northwest Indian Fisheries Commission and confirmed by the Swinomish Tribal biologist do not support a positive determination based on a commercial fishery failure. The recent five-year average revenue from the Fraser sockeye salmon fishery for the Swinomish Tribe was \$2,352,767. For the 2014 fishing year, Swinomish tribal revenue from the sockeye fishery was \$4,290,223. The 2014 estimated gain in revenue from the fishery relative to the five-year average was \$1,937,456, representing an 82% increase in revenue. This percent gain rather than loss in revenue relative to the five-year average does not meet the 35% revenue loss minimum called for in the NMFS Policy Guidance to justify a commercial fishery failure.

If you have any further questions, please contact Jim Schufreider at (202) 482-3663.

Sincerely,

Penny Pritzker