



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548



July 20, 2016

The Honorable Penny Pritzker
Secretary of Commerce
United States Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

RE: Commercial Fishery Disaster Declaration for the Yurok Klamath River Commercial Fishery

Aiy-ye-kwee':

The importance of the River and the fishery it supports to the Yurok People cannot be overstated. Yurok people have lived along the Klamath River and relied on the Klamath River salmon fishery for survival since time immemorial. The courts have acknowledged that the Klamath River Indian fishery is "not much less necessary to the existence of the [Yurok] Indians than the atmosphere they breathed."¹

Due to natural and man-made factors beyond the Tribe's control, the 2016 Klamath River fall Chinook run is expected to be one of the lowest on record. The Tribe's allocation is not sufficient to accommodate the Tribe's subsistence needs, let alone sustain a commercial fishery. Therefore, the 2016 Yurok Klamath River Commercial Fishery will be closed. The impacts of this closure on our tribal members will be severe. Tribal fishermen, who rely solely on the income from the commercial season to provide for their families, will suffer a complete loss of annual income. Tribal businesses supporting the fishery will also lose annual income made on the fishery. These financial hardships will exacerbate the existing poor economic climate of the community, a significant portion of which is already living below the poverty level.

In light of this commercial fishery closure and its devastating impacts, I am requesting that you use your authority under Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to declare a commercial fishery disaster for the Yurok Klamath River fishery. The causes of poor recruitment are associated with poor ocean conditions, drought, Klamath River water quality and fish disease, all of which are beyond the control of the Tribe to mitigate through our diligent conservation and management efforts. It is our understanding your determination of a commercial fisheries disaster is needed for our fishing community to receive economic disaster relief under the MSA. You are the key to ensuring that the Tribe's fishermen, who

¹ *Mattz v. Arnett*, 633 F.2d 906, 909 (9th Cir. 1981), 412 U.S. 481 (quoting *United States v. Winans*, 198 U.S. 371, 381 (1905)).

support the Tribe's decision to protect the fishery, are not forced further into financial destitution as a result of their sacrifice.

We appreciate your consideration of the Tribe's request and look forward to hearing from you.

Wok-hlew'



Thomas P. O'Rourke, Sr.
Chairperson

cc: Dr. Kathryn Sullivan, Under Secretary of Commerce for Oceans & Atmosphere and NOAA Administrator
Eileen Sobeck, Assistant Administrator, NOAA Fisheries
William Stelle, Regional Administrator, NOAA Fisheries, West Coast Region
California Congressional Delegation



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548



RESOLUTION

of the

YUROK TRIBAL COUNCIL

RESOLUTION NO: 16-15

DATE APPROVED: April 26, 2016

SUBJECT: Klamath River Commercial Fisheries Disaster Declaration 2016 and Request for Federal Fisheries Disaster Relief Funding

WHEREAS: The Yurok Tribe is a federally recognized Tribe; and

WHEREAS: The Yurok Tribal Council is the governing body of the Yurok Tribe under the authority of the Yurok Constitution of 1993; and

WHEREAS: The Yurok Tribe is eligible for all rights and privileges afforded to federally recognized Tribes; and

WHEREAS: The Yurok People have lived along the Klamath River since time immemorial, surviving from its plentiful runs of salmon and other species. The Yurok Tribe has federally reserved fishing and water rights confirmed in various court cases; and

WHEREAS: The Klamath River Indian fishery is a primary source of income and economy for the Yurok people; and

WHEREAS: The Yurok Tribe has dedicated the majority of its resources to protecting, conserving, and restoring the Klamath River fishery. The Tribe participates in an annual tribal commercial and subsistence harvest of fall Chinook salmon. The Tribe's Fisheries Department and the Tribal Council set sustainable harvest allocations each year in conjunction with the offshore fisheries; and

WHEREAS: Despite the Yurok Tribe's diligent efforts to conserve the Klamath River fishery and due to natural and man-made factors beyond the Tribe's control, the 2016 Klamath River fall chinook salmon run is expected to be one of the lowest on record. The Tribe's allocation is the second lowest in history. The allocation is not sufficient to sustain a commercial fishery. As a result, the 2016 Yurok Klamath River Commercial Fishery will be closed; and

WHEREAS: Yurok Tribal members will suffer a significant loss in income due to the closure. Tribal fisherman will not receive the annual benefit of income from the fishery. Tribal businesses supporting the fishing industry will not receive

the benefit of annual income made on the fishery. This will cause significant economic hardship to the Yurok Tribe, its members, and businesses; and

WHEREAS: This hardship constitutes a commercial fishery disaster warranting disaster relief funding pursuant to the Magnuson Stevens Act, 16 U.S.C. § 1861a.

NOW THEREFORE BE IT RESOLVED: That the Yurok Tribal Council hereby declares a Klamath River Yurok Commercial Fishery disaster, and

BE IT FURTHER RESOLVED: The Yurok Tribal Council hereby requests Federal funding for commercial fisheries disaster relief, and

BE IT FURTHER RESOLVED: That nothing in this resolution shall be construed as a waiver of the Yurok Tribe's sovereign immunity, and

BE IT FURTHER RESOLVED: That the Chairperson is hereby authorized to sign this resolution and to negotiate all matters pertaining hereto and that the Council Secretary is authorized to attest.

C*E*R*T*I*F*I*C*A*T*I*O*N

This is to certify that this Resolution Number 16-15 was approved at a duly called meeting of the Yurok Tribal Council on April 26, 2016, at which a quorum was present and that this Resolution Number 16-15 was adopted by a vote of 6 for and 0 opposed and 0 abstentions in accordance with Article IV, Section 5(j) of the Constitution of the Yurok Tribe. This Resolution Number 16-15 has not been rescinded or amended in any way.

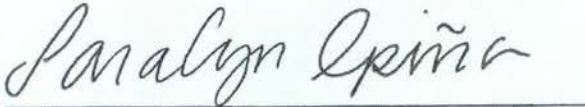
DATED THIS 26th DAY OF APRIL, 2016



Thomas P. O'Rourke, Sr., Chairman

Yurok Tribal Council

ATTEST:



for Mindy Natt, Secretary

Yurok Tribal Council