

17-055239



YUROK TRIBE

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April 25, 2017

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

2017 MAY 17 PM 3:21
U.S. EXECUTIVE SECRETARIAT

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

Aiy-ye-kwee' Secretary Ross:

The importance of the Klamath River and the fishery it supports to the Yurok Tribe of Northern California cannot be overstated. Yurok people have lived along 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 2017 Klamath River fall Chitook run is expected to be the lowest on record. I respectfully request 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 Tribe's salmon allocation is not sufficient to accommodate the Tribe's subsistence needs, let alone sustain a commercial fishery. For example, the Tribe, the largest in California, has over 6100 members. Our 2017 allocation of 650 fish is not sufficient to provide each member 1/10 of a salmon which is devastating to a people who are used to salmon being a primary dietary staple. Further, the low returning stocks are potentially too small to support species reproduction. Therefore, the 2017 Yurok Klamath River Commercial and Subsistence Fisheries 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.

The causes of poor recruitment are associated with bad ocean conditions, drought, degraded Klamath River water quality and fish disease, all of which are beyond the control of the Tribe to

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)).

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 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. Should you have any questions, please contact General Counsel Amy Cordalis at acordalis@yuroktribe.nsn.us or 707-482-1350 ext. 1397.

Wok-hlew'



Thomas P. O'Rourke, Sr.
Chairperson

cc: Benjamin Friedman, performing the duties of Under Secretary of Commerce for Oceans & Atmosphere and NOAA Administrator
Samuel D. Rauch III, Acting Assistant Administrator, NOAA Fisheries
Barry Thom, Regional Administrator, NOAA Fisheries, West Coast Region
California Congressional Delegation