



# YUROK TRIBE

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February 11, 2019

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

RE: Commercial Fishery Disaster Declaration for the 2018 Yurok Klamath River Commercial Fishery

Aiy-ye-kwee':

The importance of the Klamath 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."<sup>1</sup>

Due to natural and man-made factors beyond the Tribe's control, the 2018 Klamath River fall Chinook run was not large enough for the Yurok Tribe to conduct a commercial fishery. The entire Yurok fall Chinook allocation during the 2018 fall Chinook season was dedicated toward meeting our subsistence and ceremonial needs. This is the third consecutive year our people have been unable to receive economic opportunity from our fishery. The impacts from having no fishery related commerce available for our tribal members for the past three years has been severe. Tribal fishermen, who rely solely on the income from the commercial season to provide for their families, have suffered a complete loss of annual income. Tribal businesses supporting the fishery have also lost annual income made on the fishery. This loss of economic opportunity has resulted in substantial financial hardship for our people, which has exacerbated the existing poor economic climate of the community, a significant portion of which already live 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 failure 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 failure is needed for our fishing community to receive economic disaster relief

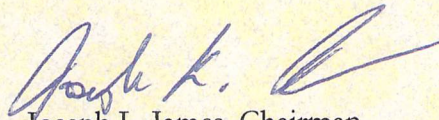
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<sup>1</sup> *Mattz v. Arnett*, 633 F.2d 906, 909 (9<sup>th</sup> Cir. 1981), 412 U.S. 481 (quoting *United States v. Winans*, 198 U.S. 371, 381 (1905)).

under the MSA. You are the key to ensuring that the Tribe's fishermen, who support the conservation of our fishery resource for future generations, are not forced further into financial destitution as a result of their inability to commercially fish during 2018.

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

Wok-hlew'



Joseph L. James, Chairman.

cc: Chris Oliver, Assistant Administrator for Fisheries, NOAA Fisheries  
Barry Thom, Regional Administrator, NOAA Fisheries, West Coast Region  
California Delegation