



LUMMI INDIAN BUSINESS COUNCIL

2665 KWINA ROAD • BELLINGHAM, WASHINGTON 98226 • (360) 312-2000

June 9, 2020

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

SUBJECT: 2015, 2016, 2017 and 2019 Fishery Disasters for the Lummi Nation

Dear Mr. Secretary Ross,

In a previous communication I requested that, pursuant to Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, you declare an economic fishery disaster for the 2019 Fraser River sockeye return. At this time, I would like to formally request that fishery disasters similarly be declared for the following salmon fisheries: the 2016 and 2017 Fraser River sockeye fisheries, the 2015, 2017 and 2019 Fraser River pink fisheries, the 2019 chum fishery in salmon management areas 7 & 7A, the 2015 coho fishery in salmon management areas 7B, 7C, 7D and 7E (collectively known as the Nooksack/Samish terminal fishing area), and the 2019 terminal area Chinook and chum fisheries. In each case, returns of salmon were extremely low, resulting in no, or greatly reduced, commercial fishing opportunities for the Lummi Nation bringing economic hardship to more than 350 Lummi tribal fishers and the families they support. The Lummi Nation is urging your office to act quickly to mitigate this situation. Prompt efforts by your Department are critical in helping Lummi fishers get the disaster relief, funds and assistance they are entitled to in a timely manner.

Many factors contributed to the dismal Fraser River sockeye returns of 2016, 2017 and 2019 and the Fraser pink salmon returns of 2015, 2017 and 2019, including very low marine survival due to unusually warm ocean conditions. Ocean temperatures in the Northeast Pacific of 3-4°C above average enabled less nutritious zooplankton (an important salmon food source) from southern latitudes to thrive in northern waters, negatively impacting the fitness and survival of sockeye salmon. During this time, the Fraser River also experienced above average water temperatures during the summer months, negatively impacting sockeye health and spawning success. A major factor driving the low returns in 2016 was the historically low number of female sockeye that successfully spawned in 2012.

Chinook and chum salmon returns in 2019 were negatively impacted by river conditions experienced during the fall of 2015 and winter of 2016. Migrating salmon experienced high river water temperatures and low flows, while eggs were exposed to significant flooding as well as low flows and freezing temperatures. These adverse conditions reduced spawning success and diminished egg-to-smolt survival, contributing to the low returns experienced in 2019.

Due to these fishery disasters, the Lummi fishing community has lost approximately \$9.1 million dollars in commercial fishing-based revenue. These fishing disasters have had negative and irreversible impacts to the Lummi Nation's cultural, spiritual and traditional ways of life. The financial impact that fishers have endured is equally important and threatens their ability to earn a modest living.

The ability to harvest fish and shellfish in our usual and accustomed fishing grounds and stations is an integral part of the Lummi Nation's identity and way of life. Prior to contact with Europeans, the Lummi Nation had survived and prospered by exercising these inherent rights. The 1974 federal court decision in *United States v. Washington* affirmed the treaty tribes' right to half of the harvestable salmon and established the tribes as co-managers of Washington state fisheries. As a sovereign nation and federally-recognized tribe, the Lummi Nation has the right to request and receive disaster relief funding appropriated by Congress and administered through your office. With no Fraser sockeye fisheries in 2016, 2017 and 2019, significantly diminished Fraser pink salmon fisheries in 2015, 2017 and 2019, no Fraser chum salmon fisheries in 2019, and significantly reduced Chinook, coho and chum fishing opportunities in the terminal fishing area in 2015 and 2019, the Lummi Nation's fishing community is in despair and in need of expedited financial assistance and relief.

If you have any questions, please don't hesitate to contact my Chief of Staff, Anthony Hillaire, at anthonyh@lummi-nsn.gov or (360)-312-2100.

Sincerely,



Lawrence Solomon, Chairman
Lummi Nation

CC: The Honorable Patty Murray, US Senator
The Honorable Maria Cantwell, US Senator
The Honorable Suzan DelBene, Congresswoman



LUMMI INDIAN BUSINESS COUNCIL

2616 KWINA ROAD · BELLINGHAM, WASHINGTON 98226 · (360)384-1489

DEPARTMENT _____

DIRECT NO. _____

March 5, 2020

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

SUBJECT: 2019 Fraser River Sockeye Fishery Disaster for the Lummi Nation

Dear Mr. Secretary Ross,

I formally request you declare an economic fishery disaster, pursuant to Section 312(a) of the Magnuson-Stevens Fishery and Conservation and Management Act (Act), so disaster relief assistance can be provided to fishermen who were adversely impacted by the lack of a 2019 Fraser River sockeye run. The Lummi Nation is urging your office to act quickly to mitigate this situation. Prompt efforts by your Department are critical in helping the fishermen get the disaster relief, funds and assistance to which they are entitled.

It is estimated that the Lummi Nation fishing fleet of over 350 fishers lost approximately \$1.7 million. The health and existence of the salmon is undeniably bound to the health and wellbeing of the Lummi people. The lack of a Lummi harvest opportunity for Fraser River sockeye has had irreversible negative impacts to the Lummi way of life, cultural, spiritual and traditional practices. The financial impact that the fishermen have endured due to the lack of harvest threatens the ability of the fishermen to earn a modest living.

The importance of subsistence, ceremonial and commercial fisheries is an integral part of the way of life and identity to the Lummi Nation. Prior to European contact, the Lummi Nation survived, prospered and thrived by exercising these inherent rights. The 1974 federal court decision in *United States v. Washington* affirmed the Stevens Treaty tribes the treaty right to half of the harvestable salmon and established these tribes as co-managers of Washington state fisheries. As a sovereign nation and federally-recognized tribe, the Lummi Nation has the right to request and receive disaster administered under your office and Congress may appropriate these funds. With no sockeye salmon to harvest, no sockeye fish for families and no income for fishing families, the Lummi Nation's fishing community is in despair and in need of expedited financial assistance and relief.

For questions, please contact Tony Hillaire, Chief of Staff, by email at AnthonyH@Lummi-nsn.gov or by phone at (360)393-0890.

Sincerely,

Lawrence Solomon, Chairman
Lummi Indian Business Council

Enclosures:

2019 Lummi Declaration of Natural Disaster and an Economic Fisheries Disaster

CC: The Honorable Patty Murray, US Senator
The Honorable Maria Cantwell, US Senator
The Honorable Suzan DelBene, Congresswoman