



# YUROK TRIBE

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



March 22, 2023

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

RE: Commercial Fishery Disaster Declaration for the 2021 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 2021 Klamath River fall Chinook run was not large enough for the Yurok Tribe to conduct a commercial fishery. During 2021, the Yurok Tribe's Fall Chinook allocation was 6,508 adult fish, far below what is needed to meet our subsistence and ceremonial needs, with no fish available for commercial harvest. Furthermore, the run did not materialize as projected during 2021; 62,413 adult Chinook were projected to return to the basin, however only 53,377 fish returned to the river. Therefore, our total adult harvest in 2021 was only 5,440 adult fish.

This was the sixth consecutive year our people have either been unable to receive, or received extremely low, economic opportunity from our fishery. The impacts from having extremely low fishery related commerce available for our tribal members during the past six years has been severe. Tribal fishers, who rely on the income from the commercial season to provide for their families, have suffered a substantial loss of their 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 the failed commercial fishery during 2021 and its devastating impacts, I am requesting that you use your authority under Section 312(a) of the Magnuson-Stevens Fishery

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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)).

Conservation and Management Act (MSA) to declare a commercial fishery failure for the Yurok Klamath River fishery. The ongoing 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 under the MSA. You are the key to ensuring that the Tribe's fishers, 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 harvest a profitable number of commercial fish during 2021. We have attached a resolution by the Yurok Tribal Council declaring the 2021 fall fishery a disaster on the Yurok Reservation.

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

Wok-hlew'

A handwritten signature in black ink, appearing to read "Joseph L. James". The signature is fluid and cursive, with a large initial "J" and "L".

Joseph L. James, Chairman.

cc: Janet Coit, Assistant Administrator for National Marine Fisheries Service, NOAA Fisheries  
Scott Rumsey, Regional Administrator (Acting), NOAA Fisheries, West Coast Region



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## RESOLUTION

of the

### YUROK TRIBAL COUNCIL

**RESOLUTION NO:** 23-021

**DATE APPROVED:** 2/9/2023

**SUBJECT:** **Klamath River Commercial Fisheries Disaster Declaration 2021 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 substantial 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 2021 Klamath River fall chinook salmon run was extremely small. The return of adult fall Chinook to the river in 2021 was approximately 86% of what had been projected. Due to the low projected stock size in 2021, Klamath fall Chinook fishery allocations were based upon de minimis fisheries, far below the estimated Maximum Sustainable Yield level for

natural spawning escapement, and far below what is needed to sustain Yurok People.

**WHEREAS:** Klamath Fall Chinook were managed to have a Klamath Basin escapement during 2021 of 62,413 adult fish, however only an estimated 53,377 adult fish returned to the Klamath Basin.

**WHEREAS:** Yurok Tribal members suffered a significant loss in income due to the closure. Tribal fisherman did not receive the annual benefit of income from the fishery. Tribal businesses supporting the fishing industry did not receive the benefit of annual income made on the fishery. This caused 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 23-021 was approved at a duly called meeting of the Yurok Tribal Council on 2/9/23, at which a quorum was present and that this Resolution Number 23-021 was adopted by a vote of 8 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 23-021 has not been rescinded or amended in any way.

**DATED THIS 9th DAY OF February, 2023**



Joseph L. James, Chairman  
Yurok Tribal Council

**ATTEST:**



Sherry K. Provolt, Secretary  
Yurok Tribal Council